ADMINISTRATIVE REGISTER OF KENTUCKY

LEGISLATIVE RESEARCH COMMISSION
FRANKFORT, KENTUCKY

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THURSDAY, JUNE 1, 1995

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MEETING NOTICE

The Administrative Regulation Review Subcommittee is scheduled to meet on the first Monday of each month. See **tentative agenda** on pages 2897-2899 of this Administrative Register for the next meeting.

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

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

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ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
TENTATIVE AGENDA - June 5, 1995, 10 a.m.
Room 149, Capitol Annex

(& E) - means that the emergency administrative regulation has previously been reviewed by the subcommittee

EXECUTIVE BRANCH ETHICS COMMISSION

Ethics Commission

9 KAR 1:015. Adjudicatory proceedings. (Deferred from May)
9 KAR 1:020. Complaints. (Deferred from May)
9 KAR 1:030. Adjudicatory hearings. (Deferred from May)
9 KAR 1:035. Posthearing procedure. (Deferred from May)

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

Kentucky Educational Savings Plan Trust

11 KAR 12:060. Cancellation and payment of refund.
11 KAR 12:070. Benefits payable from the Kentucky educational savings plan trust program fund.

DEPARTMENT OF STATE
Registry of Election Finance

Reports and Forms

32 KAR 1:150E. Maximum contributions to be received by gubernatorial slates.

FINANCE AND ADMINISTRATION CABINET

Health Insurance Coverage for Non-State Employees

200 KAR 20:010. Health insurance coverage for non-state employees.

Personnel Pilot Programs

200 KAR 22:020 (& E). Guideline for comprehensive employment manuals required by pilot agencies under KRS 18A.430.
200 KAR 22:030E. Comprehensive Employment Manual of Department of Vocational Rehabilitation for Use in the Pilot Personnel Program.

GENERAL GOVERNMENT CABINET

Kentucky Real Estate Appraisers Board

201 KAR 30:050. Examination, education, and experience requirement.
201 KAR 30:120. Temporary appraisal licenses and certificates.
201 KAR 30:140. Transitional licensed real property appraiser.

TOURISM CABINET
Department of Fish and Wildlife Resources

Game

301 KAR 2:050. Land Between the Lakes hunting requirements.
301 KAR 2:125. Small game and furbearer hunting on federal areas.

Water Patrol

301 KAR 6:001E. Definitions for 301 KAR Chapter 6.
301 KAR 6:010E. Vessel numbering and registration.
301 KAR 6:020E. Boating safety equipment.
301 KAR 6:030E. Water safety requirements.
301 KAR 6:040E. Zoning or marking of waterways.

ECONOMIC DEVELOPMENT CABINET
Department of Agriculture

Fairs and Shows

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

Pesticides

302 KAR 31:015. Certification. (Deferred from April)

ECONOMIC DEVELOPMENT CABINET

Kentucky Jobs Development Authority

307 KAR 2:010. Kentucky Jobs Development Act Program.

Kentucky Industrial Revitalization Authority

307 KAR 3:010. Kentucky Industrial Revitalization Act Tax Credit Program.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET

Department for Environmental Protection

Water Quality

401 KAR 5:001. Definitions of terms used in 401 KAR Chapter 5.
401 KAR 5:026. Designation of uses and classification of surface waters.
401 KAR 5:029. General provisions.
401 KAR 5:030. Antidegradation policy implementation methodology.
401 KAR 5:031. Surface water standards.

Soil and Water Conservation Commission

416 KAR 1:010E. Administration of Kentucky Soil Erosion and Water Quality Cost-Share Fund.

Kentucky Heritage Land Conservation Fund Board

418 KAR 1:010. Definitions for 418 KAR Chapter 1, repeal of 301 KAR 10:010.
418 KAR 1:020. Administrative procedures of the board.
418 KAR 1:030. State agency projects.
418 KAR 1:040. Competitive grants.
418 KAR 1:050. Procedures for acquisition of land.
418 KAR 1:060. Management.
418 KAR 1:070. Remedies.

JUSTICE CABINET

Charitable Gaming

500 KAR 11:001E. Definitions. (Deferred from May)
500 KAR 11:030E. Charity game ticket standards. (Deferred from May)
500 KAR 11:040E. Bingo standards. (Deferred from May)
500 KAR 11:050E. Raffle standards. (Deferred from May)
500 KAR 11:060E. Tipping prohibited. (Deferred from May)
500 KAR 11:070E. Exempt activities. (Deferred from May)
500 KAR 11:080E. Special charity fundraising event. (Deferred from May)
500 KAR 11:090E. Special limited charitable games. (Deferred from May)
500 KAR 11:100E. Division employees prohibited from playing charitable games. (Deferred from May)

Department of Corrections

Office of the Secretary

501 KAR 6:120. Blackburn Correctional Complex.
501 KAR 6:140. Bell County Forestry Camp.

EDUCATION, ARTS AND HUMANITIES CABINET

Department of Education

Office of District Support Services

General Administration

702 KAR 1:140. Student records; hearing procedures.

School Administration and Finance

702 KAR 3:245. School council allocation formula; Kentucky uniform school financial accounting system.
702 KAR 3:246. School council allocation formula; KETS district administrative system chart of accounts.
702 KAR 3:280. School district Medicaid providers.

School Terms, Attendance and Operation

702 KAR 7:010. Terms and months.
702 KAR 7:020. Calendar.
702 KAR 7:031. Repeal of 702 KAR 7:030.
702 KAR 7:041. Repeal of 702 KAR 7:040, experimental schools.
702 KAR 7:050. Attendance; resident, nonresident.

Commission of the Deaf and Hard of Hearing

Telecommunications Devices for the Deaf

735 KAR 1:010 & E. Eligibility requirements, application and certification procedures to receive telecommunications devices for the deaf.

735 KAR 1:020 & E. Processing system including vendor participation, security and maintenance and repair for specialized telecommunications equipment.

LABOR CABINET

Department of Workers' Claims

803 KAR 25:010. Procedure for adjustments of claims. (Repeals 803 KAR 25:011) (Public Hearing in April)
803 KAR 25:021. Individual self-insurers. (Repeals 803 KAR 25:020) (Public Hearing in April)
803 KAR 25:026. Group self-insurers. (Repeals 803 KAR 25:025) (Public Hearing in April)

PUBLIC PROTECTION AND REGULATION CABINET

Department of Insurance

Agents, Consultants,Solicitors and Adjusters

806 KAR 9:220. Agent continuing education.

806 KAR 9:230. Licensing requirements for administrators.

Public Service Commission

Utilities

807 KAR 5:058. Integrated resource planning by electric utilities.

CABINET FOR HUMAN RESOURCES

Department for Health Services

Emergency Medical Services and Ambulance Service Providers

902 KAR 14:060E. Nonemergency health care transportation services. (Deferred from April)

902 KAR 14:070E. License procedures and fee schedule for ambulance service providers and tiered response emergency medical services. (Deferred from May)

902 KAR 14:080E. Ground ambulance service providers. (Repeals 902 KAR 20:117) (Deferred from May)

902 KAR 14:090E. Air ambulance service providers. (Repeals 902 KAR 20:155) (Deferred from May)

Controlled Substances

902 KAR 55:095. Prescription for Schedule II controlled substance facsimile transmission or partial filling. (Public Hearing in April)

Department for Employment Services

Unemployment Insurance

903 KAR 5:290E. Employer contribution rates. (Deferred from May)

Department for Social Insurance

Public Assistance

904 KAR 2:015 & E. Supplemental programs for persons who are aged, blind, or have a disability.

904 KAR 2:017 & E. Job opportunities and basic skills (JOBS) child care and supportive services.

904 KAR 2:035 & E. Right to apply and reapply.

904 KAR 2:400. Establishment, review, and modification of child support. (Deferred from May)

904 KAR 2:410. Child support collection and distribution. (Public Hearing in April) (Extended deadline for filing Statement of Consideration)

Food Stamp Program

904 KAR 3:025. Technical requirements.

904 KAR 3:030 & E. Application process.

904 KAR 3:035. Certification process.

904 KAR 3:050E. Claims and additional administrative provisions. (Deferred from May)

904 KAR 3:060E. Administrative disqualification hearings and penalties. (Deferred from May)

Department for Social Services

Day Care

905 KAR 2:140 (& E). Child day care programs.

Children's Residential Services

905 KAR 7:250E. Kentucky educational collaborative for state agency children. (Deferred from May)

Department for Medicaid Services

Medicaid Services

907 KAR 1:013E. Payments for hospital inpatient services. (Deferred from May)

907 KAR 1:016 & E. Psychiatric hospital services.

907 KAR 1:560. Medicaid hearings and appeals for recipients.

907 KAR 1:585E. Estate recovery.

907 KAR 1:600. Medicaid adverse action and conditions for recipients.

907 KAR 1:605. Medicaid procedures for determining initial and continuing eligibility. (Deferred from May)

907 KAR 1:610. Medicaid right to apply and reapply. (Deferred from May)

907 KAR 1:640. Income standards for Medicaid.

907 KAR 1:650. Trust and transferred resource requirements for Medicaid.

907 KAR 1:660. Relative responsibility requirements for Medicaid.

907 KAR 1:671 (& E). Conditions of Medicaid Provider Participation; enrollment, documentation of services, disclosure, claims processing, withholding overpayments, appeals process, and sanctions. (Public Hearing in March) (Extended deadline for filing Statement of Consideration)

HEALTH POLICY BOARD

Administration

909 KAR 1:040. Certificate of Need process. (Repeals 902 KAR 20:004) (Public Hearing in April)

909 KAR 1:050. Certificate of Need application fee schedule. (Public Hearing in April)

909 KAR 1:060. Licensure hearings. (Repeals 902 KAR 20:126) (Public Hearing in April)

909 KAR 1:080E. Accountable health plan.

ADMINISTRATIVE REGULATION REVIEW PROCEDURE
(Also see KRS Chapter 13A)

Notice of Intent

Administrative bodies shall file with the Regulations Compiler a Notice of Intent to promulgate an administrative regulation, including date, time and place of a public hearing on the subject matter to which the administrative regulation applies. This Notice of Intent, along with the public hearing information, shall be published in the Administrative Register. This Notice has to be filed and published in the Administrative Register, and the public hearing held or cancelled, prior to the filing of an administrative regulation.

After the scheduled hearing date, if held, the administrative body shall file with the Regulations Compiler a Statement of Consideration, setting forth a summary of the comments made at the public hearing, and the responses by the administrative body. This Statement shall not be published in the Administrative Register.

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.

NOTICES OF INTENT TO PROMULGATE ADMINISTRATIVE REGULATIONS

Board of Hhairdressers and Ccosmetologists

Date: May 10, 1995
General Government Cabinet
Board of Hairdressers and Cosmetologists

(1) Regulation Number and Title: **201 KAR 12:082**, School's course of instruction.

(2) The Kentucky State Board of Hairdressers and Cosmetologists intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 30, 1995, at 10 a.m. at the Office of the Board, 314 West Second Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if it is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and a minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If five (5) persons, or an administrative body or association, request this public hearing, and agree in writing to be present at this public hearing, it will be held as scheduled.

(c) If a request for a public hearing is not received from the required number of people at least 20 days prior to June 30, 1995 the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Carroll Roberts, Administrator, Kentucky State Board of Hairdressers and Cosmetologists, 314 West Second Street, Frankfort, Kentucky 40601.

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Kentucky State Board of Hairdressers and Cosmetologists at the address listed above.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to schools of cosmetology is KRS 317A.060.

(b) The administrative regulation that the board intends to promulgate will amend 201 KAR 12:082, Section 7, as follows: Section 7 will be amended to allow schools of cosmetology to have two cosmetology related lectures and demonstrations per month.

(c) The necessity and function of the proposed administrative regulation is: The board believes students enrolled in schools of cosmetology should be aware of the variety of products, procedures and purposes and effects of the application of chemicals, different methods of practice; and health and safety precautions. With the increasing number of manufacturers of hair color, permanent waves, artificial nails, and makeup, it is not feasible for schools to maintain an inventory of all available products.

(d) The benefits expected from administrative regulation are: Provide additional knowledge to and better prepare students for the job market.

(e) The administrative regulation will be implemented as follows: Schools will contact manufacturers and schedule lectures or demonstrations. The lectures or demonstrations are provided to the schools at no charge to the school or the students.

KENTUCKY BOARD OF NURSING

Date: May 1, 1995
Kentuckt Board of Nursing

(1) **201 KAR 20:057**, Scope and standards of practice of advanced registered nurse practitioners.

(2) The Board of Nursing intends to amend the administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 30, 1995 at 9 a.m. (EDT) in the Boardroom, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222.

(4)(a) The public hearing will be held if:

1. It is requested in writing by at least five (5) persons, or an administrative body, or an association having at least five (5) members; and
2. A minimum of five (5) persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing and agreement to attend the public hearing are not received at least twenty (20) days prior to June 30, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Nathan Goldman, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222.

(b) On a request for public hearing, a person should state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to the regulation of nursing is KRS 314.131.

(b) The administrative regulation that the Board of Nursing intends to promulgate will amend 201 KAR 20:057 by adopting a more recent ANA scope and standards of practice for psychiatric-mental health nursing.

(c) The necessity and function of the proposed administrative regulation is as follows: To maintain current ARNP scope and standards of practice.

(d) The benefits expected from the administrative regulation are: To maintain current ARNP scope and standards of practice.

KENTUCKY BOARD OF CERTIFICATION OF MARRIAGE AND FAMILY THERAPISTS

Date: April 20, 1995
Kentucky Board of Certification of Marriage and Family Therapists

(1) The subject matter of the proposed administrative regulation, **201 KAR 32:010**, is the establishment of definitions which will assist the board in evaluating the experiential qualifications of candidates for certification.

(2) The Kentucky Board of Certification of Marriage and Family Therapists intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 28, 1995, at 9 a.m., at the Division of Occupations and Professions, Berry Hill Annex, 700 Louisville Road, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if it is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and a minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If 5 persons, or an administrative body or association, request this public hearing, and agree in writing to be present at this public hearing, it will be held as scheduled.

(c) If a request for a public hearing is not received from the required number of people at least 20 days prior to June 28, 1995, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Division of Occupations and Professions, P.O. Box 456, Frankfort, Kentucky 40602, (502) 564-3296.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Kentucky Board of Certification of Marriage and Family Therapists at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating is KRS 335.320.

(b) The administrative regulation that the board intends to promulgate will not amend an existing administrative regulation. It will establish the definitions necessary for the evaluation of experience under supervision.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 335.330 sets forth the requirements for certification as a marriage and family therapist. The board is required to review the applications of applicants for certification. In addition to other requirements, KRS 335.330 requires applicants to have experience under supervision. This regulation establishes definitions necessary for the evaluation of experience under supervision.

(d) The benefits expected from administrative regulation are: Persons not holding certification from the American Association of Marriage and Family Therapists may qualify for certification by being able to show experience under supervision.

(e) The administrative regulation will be implemented as follows: The proposed administrative regulation will establish a definition of the terms "the practice of marriage and family therapy", "two years' experience in the practice of marriage and family therapy", "approved supervisor", and "clinical supervision." The regulation will also indicate that possession of clinical membership in the American Association for Marriage and Family Therapy will be accepted as evidence of successful completion of supervised experience.

Date: April 20, 1995
Kentucky Board of Certification of Marriage and Family Therapists

(1) The subject matter of the proposed administrative regulation, **201 KAR 32:020**, is the establishment of equivalency standards to determine the educational qualifications of candidates for certification.

(2) The Kentucky Board of Certification of Marriage and Family Therapists intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 28, 1995, at 9 a.m., at the Division of Occupations and Professions, Berry Hill Annex, 700 Louisville Road, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if it is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and a minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If 5 persons, or an administrative body or association, request this public hearing, and agree in writing to be present at this public hearing, it will be held as scheduled.

(c) If a request for a public hearing is not received from the required number of people at least 20 days prior to June 28, 1995, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Division of Occupations and Professions, P.O. Box 456, Frankfort, Kentucky 40602, (502) 564-3296.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Kentucky Board of Certification of Marriage and Family Therapists at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to an equivalent course of study is KRS 335.320 and 335.330.

(b) The administrative regulation that the board intends to promulgate will not amend an existing administrative regulation. It will establish

the requirements for the granting of equivalency to a person not holding a masters or doctoral degree in marriage and family therapy.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 335.330(3) states that the board shall define a course of study equivalent to a master's degree in marriage and family therapy and promulgate the equivalency standard by administrative regulations. This regulation will clarify the criteria for marriage and family therapy education and clinical training as approved by the United States Department of Education.

(d) The benefits expected from administrative regulation are: Persons not holding a degree in marriage and family therapy or not holding certification from the American Association of Marriage and Family Therapists may qualify for certification through this equivalency standard.

(e) The administrative regulation will be implemented as follows: The proposed administrative regulation will establish a definition of the term "an equivalent course of study" as set forth in the statute. It will also set out the five core areas for an appropriate degree and give the number of credit hours necessary in each core area. Persons receiving their qualifying degree prior to 1985 will be allowed to substitute conferences, seminars, or workshops for a portion of the outlined coursework.

Date: April 20, 1995

Kentucky Board of Certification of Marriage and Family Therapists

(1) The subject matter of the proposed administrative regulation, **201 KAR 32:030**, is the establishment of fees for application for candidates for certification.

(2) The Kentucky Board of Certification of Marriage and Family Therapists intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 28, 1995, at 9 a.m., at the Division of Occupations and Professions, Berry Hill Annex, 700 Louisville Road, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if it is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and a minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If 5 persons, or an administrative body or association, request this public hearing, and agree in writing to be present at this public hearing, it will be held as scheduled.

(c) If a request for a public hearing is not received from the required number of people at least 20 days prior to June 28, 1995, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Division of Occupations and Professions, P.O. Box 456, Frankfort, Kentucky 40602, (502) 564-3296.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Kentucky Board of Certification of Marriage and Family Therapists at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to fees is KRS 335.320(7).

(b) The administrative regulation that the board intends to promulgate will not amend an existing administrative regulation. It will establish the fees application as a marriage and family therapist.

(c) The necessity and function of the proposed administrative regulation is as follows: This regulation is necessitated by KRS 335.330 and sets forth in detail all fees charged by the board.

(d) The benefits expected from administrative regulation are: Application fees will provide funding for the board to carry out its administrative tasks until such time as a renewal procedure is established.

(e) The administrative regulation will be implemented as follows: The proposed administrative regulation will establish an application fee to be paid by the applicant for certification as a marriage and family therapist. It will also enable the board to refund a major portion of that fee to the applicant in the event the application is denied.

DEPARTMENT OF AGRICULTURE

Date: May 12, 1995

Department of Agriculture

(1) The regulation to be amended is **302 KAR 20:076**, Identification of "farm fresh" cattle.

(2) The Department of Agriculture intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 27, 1995, at 10 a.m. at Capital Plaza Tower, 7th floor, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 27, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Capital Plaza Tower, 7th floor, 500 Mero Street, Frankfort, Kentucky 40601.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Department of Agriculture at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to 302 KAR 20:075, is KRS 257.030.

(b) The administrative regulation that the Department of Agriculture intends to promulgate will not amend 302 KAR 20:075 and is a new administrative regulation. This regulation provides sellers of cattle mechanism for identifying cattle as "farm fresh" if the cattle is under eighteen (18) months of age and has not been delivered or sold at any stockyard within the previous twenty-seven (27) days.

(c) The necessity and function of the proposed administrative regulation is as follows: To provide sellers of cattle a mechanism for identifying cattle as "farm fresh".

(d) The benefits expected from administrative regulation are: This regulation furthers Kentucky health and disease control initiatives for cattle.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Surface Mining Reclamation and Enforcement

Date: May 9, 1995
Natural Resources and Environmental Protection Cabinet
Department for Surface Mining Reclamation and Enforcement

(1) Numbers and titles of administrative regulations:

(a) **405 KAR 8:001** Definitions for 405 KAR Chapter 8;
(b) **405 KAR 8:010** General provisions for permits;
(c) **405 KAR 8:030** Surface coal mining permits;
(d) **405 KAR 8:040** Underground coal mining permits;
(e) **405 KAR 16:001** Definitions for 405 KAR Chapter 16 (surface mines);
(f) **405 KAR 16:090** Sedimentation ponds (surface mines);
(g) **405 KAR 16:100** Permanent and temporary impoundments (surface mines);
(h) **405 KAR 16:160** Coal processing waste dams and embankments (surface mines);
(i) **405 KAR 16:220** Roads (surface mines);
(j) **405 KAR 18:001** Definitions for 405 KAR Chapter 18 (underground mines);
(k) **405 KAR 18:090** Sedimentation ponds (underground mines);
(l) **405 KAR 18:100** Permanent and temporary impoundments (underground mines);
(m) **405 KAR 18:160** Coal processing waste dams and embankments (underground mines);
(n) **405 KAR 18:230** Roads (underground mines).

(2) The Natural Resources and Environmental Protection Cabinet intends to promulgate amendments to the existing administrative regulations listed in item (1) above. For copies of draft documents (if any) related to these administrative regulations, contact: Teri Welch, Technical Services Branch, Department for Surface Mining Reclamation and Enforcement, #2 Hudson Hollow, Frankfort, Kentucky 40601-4321, (502) 564-2377, ext. 417.

(3) A public hearing to receive oral and written comments on the proposed administrative regulations has been scheduled for June 29, 1995, at 9 a.m. EDT, in Room D-31 (Training Room) of the Department for Surface Mining Reclamation and Enforcement at #2 Hudson Hollow, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 29, 1995, the public hearing will be cancelled.

(c) Written comments may be submitted to the address listed in item (5)(a) below, until 4:30 p.m. EDT on June 29, 1995, regardless of whether a public hearing is requested or held.

(5)(a) Persons wishing to request a public hearing, or to submit written comments, should mail their written request or written comments to the following address: Jim Villines, Technical Services Branch, Department for Surface Mining Reclamation and Enforcement, #2 Hudson Hollow, Frankfort, Kentucky 40601-4321, 502) 564-2377 ext. 436.

(b) On a request for a public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request for notices pertaining to surface mining administrative regulations may obtain a request form by contacting the Department at the address listed in item (2) above.

(7) Information relating to 405 KAR 8:001. Definitions for 405 KAR Chapter 8.

(a) The statutory authority for 405 KAR 8:001 is: KRS 350.028, 350.465; 7 CFR Part 657, 30 CFR Parts 700.5, 701.5, 707.5, 730-733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917; 30 USC 1253, 1255, 1291.

(b) This administrative regulation defines certain essential terms used in 405 KAR Chapter 8.

(c) Amendments to this administrative regulation will include, but not necessarily be limited to, new definitions for the terms "ancillary road," "impounding structure," "other treatment facility," and "primary road," and amendment of the existing definition of "impoundment." A draft of these amendments is available.

(d) The expected benefits of these amendments are clarity and conformity to corresponding federal definitions.

(e) These amendments will modify existing requirements and procedures of the cabinet's regulatory program for coal mining operations. After

adoption, these modifications will be implemented through the existing regulatory program.

(8) Information relating to 405 KAR 8:010. General provisions for permits.

(a) The statutory authority for 405 KAR 8:010 is: KRS 350.020, 350.028, 350.060, 350.135, 350.450, 350.465; 30 CFR Parts 730-733, 735, 773-775, 777, 778.17, 917; 16 USC 470 et seq., 661 et seq., 668a, 703 et seq., 1531 et seq.; 30 USC 1253, 1255-1261, 1263-1266, 1272.

(b) This administrative regulation establishes general requirements and procedures for permits to conduct surface coal mining and reclamation operations. The regulation specifies when permits are required, application deadlines, requirements for applications for permanent program permits, fees, verification of applications, public notice requirements, submission of comments on permit applications, the right to file objections, informal conferences, review of the permit applications, criteria for application approval or denial and relevant actions, term of the permits, conditions of permits, review of outstanding permits, revisions of permits, amendments, renewals, transfers, assignments, and sales of permit rights, administrative and judicial review, and procedures relating to improvidently issued permits.

(c)1. The amendments to 405 KAR 8:010 will incorporate by reference a document called a "Reclamation Advisory Memorandum" (RAM) that will modify and explain requirements and procedures that apply to overlapping permits and will supersede an existing RAM on the same subject. These amendments will include adoption of a form titled "Statement for Overlap Areas" that applicants and permittees will use to describe their mutual arrangements regarding liability for reclamation of the areas where their permit areas overlap. A draft of this RAM is available.

2. 405 KAR 8:010 Section 5(1)(c), regarding incorporation by reference of several application forms, will be amended. An application form for disposal of coal combustion by-products will be incorporated by reference. One or more existing application forms will be amended. Forms to be amended will include, but will not necessarily be limited to: MPA-01, "Permittee Information for a Mining Permit"; MPA-02, "Operator Information for a Mining Permit"; and MPA-03, "Technical Information for a Mining Permit."

3. 405 KAR 8:010 Section 8, regarding the applicant's newspaper advertisement of his "Notice of Intention to Mine," will be amended by inserting language to clarify that the advertisement must identify the surface owners in the permit area.

(d) The expected benefits of the amendments described in item (c)1 above are that they will provide procedures that will ensure proper notice to affected applicants and permittees, will ensure that each permittee will understand its rights and responsibilities with respect to the overlap area, will minimize instances of overlapping permits that contain conflicting requirements and create compliance difficulties for one or more permittees, and thus ultimately will ensure more timely and effective reclamation of overlap areas. The expected benefits of the amendments described in item (c)2 above are improved clarity and consistency with applicable administrative regulations and statutes. The expected benefit of the amendment described in item (c)3 above is clarification, since this information is required by KRS 350.055 and its absence from this administrative regulation is misleading to applicants.

(e) These amendments will modify existing requirements and procedures of the cabinet's regulatory program for coal mining operations. After adoption, these modifications will be implemented through the existing regulatory program.

(9) Information relating to 405 KAR 8:030. Surface coal mining permits.

(a) The statutory authority for 405 KAR 8:030 is: KRS 350.020, 350.028, 350.060, 350.465; 7 CFR Part 657, 30 CFR Parts 77.216-1, 77.216-2, 730-733, 735, 773.13(a), 778-780, 785.17(b), (d), 917, 40 CFR Parts 136, 434; 16 USC 1276(a), 1531 et seq., 30 USC 1253, 1255, 1257, 1258, 1267.

(b) For surface mining activities, this administrative regulation specifies certain information to be shown by the applicant related to legal and compliance status, environmental resources, and its mining and reclamation plan. This administrative regulation further specifies certain showings to be made by the applicant to obtain a permit.

(c) A draft of the following amendments to this administrative regulation is available.

1. Section 34(3) will be amended to require that plans for impoundments that must be submitted to the District Manager of the US Mine Safety and Health Administration under 30 CFR 77.216, shall also be submitted to the cabinet as part of the permit application.

2. Section 34(6) will be amended to require a stability analysis and associated information for Class B (moderate hazard) and Class C (high hazard) impoundments.

(d) The expected benefits of these amendments are clarity and conformity to corresponding federal requirements at 30 CFR 780.25.

(e) These amendments will modify existing requirements and procedures of the cabinet's regulatory program for coal mining operations. After adoption, these modifications will be implemented through the existing regulatory program.

(10) Information relating to 405 KAR 8:040. Underground coal mining permits.

(a) The statutory authority for 405 KAR 8:040 is: KRS 350.020, 350.028, 350.060, 350.151, 350.465; 7 CFR Part 657, 30 CFR Parts 77.216-1, 77.216-2, 730-733, 735, 773.13(a), 778, 783, 784, 785.17(b), (d), 917, 40 CFR Parts 136, 434; 16 USC 1276(a), 1531 et seq., 30 USC 1253, 1255, 1257, 1258, 1266, 1267.

(b) For underground mining activities, this administrative regulation specifies certain information to be shown by the applicant related to legal and compliance status, environmental resources, and its mining and reclamation plan. This administrative regulation further specifies certain showings to be made by the applicant to obtain a permit.

(c) A draft of the following amendments to this administrative regulation is available.

1. Section 34(3) will be amended to require that plans for impoundments that must be submitted to the District Manager of the US Mine Safety and Health Administration under 30 CFR 77.216, shall also be submitted to the cabinet as part of the permit application.

2. Section 34(6) will be amended to require a stability analysis and associated information for Class B (moderate hazard) and Class C (high hazard) impoundments.

(d) The expected benefits of these amendments are clarity and conformity to corresponding federal requirements at 30 CFR 780.25.

(e) These amendments will modify existing requirements and procedures of the cabinet's regulatory program for coal mining operations. After adoption, these modifications will be implemented through the existing regulatory program.

(11) Information relating to 405 KAR 16:001. Definitions for 405 KAR Chapter 16.

(a) The statutory authority for 405 KAR 16:001 is: KRS 350.028, 350.465; 30 CFR Parts 700.5, 701.5, 707.5, 730-733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917; 30 USC 1253, 1255, 1291.

(b) This administrative regulation defines certain essential terms used in 405 KAR Chapter 16.

(c) Amendments to this administrative regulation will include, but not necessarily be limited to, new definitions for the terms "ancillary road," "impounding structure," "other treatment facility," and "primary road," and amendment of the existing definition of "impoundment." A draft of these amendments is available.

(d) The expected benefits of these amendments are clarity and conformity to corresponding federal definitions.

(e) These amendments will modify existing requirements and procedures of the cabinet's regulatory program for coal mining operations. After adoption, these modifications will be implemented through the existing regulatory program.

(12) Information relating to 405 KAR 16:090. Sedimentation ponds.

(a) The statutory authority for 405 KAR 16:090 is: KRS 350.020, 350.028, 350.100, 350.420, 350.465; 30 CFR Parts 77.216, 730-733, 735, 816.46, 816.49, 816.56, 917; 30 USC 1253, 1255, 1265.

(b) This administrative regulation sets forth specific requirements for the location, design, construction, and removal or retention of sedimentation ponds.

(c) This administrative regulation will be amended regarding certification of design and construction by a registered professional engineer; plans for periodic removal of accumulated sediment; design, construction and maintenance of sedimentation ponds to contain or treat the runoff from the 10-year, 24-hour precipitation event; and dewatering. Several requirements will be deleted from this administrative regulation because they are redundant to requirements applicable to all impoundments under 405 KAR 16:100 as amended in December 1988. A draft of these amendments is available.

(d) The expected benefits of these amendments are simplification, clarification, and conformity to corresponding federal requirements at 30 CFR 816.46.

(e) These amendments will modify existing requirements and procedures of the cabinet's regulatory program for coal mining operations. After adoption, these modifications will be implemented through the existing regulatory program.

(13) Information relating to 405 KAR 16:100. Permanent and temporary impoundments.

(a) The statutory authority for 405 KAR 16:100 is: KRS 350.020, 350.028, 350.465; 30 CFR Parts 77.216, 730-733, 735, 816.49, 917; 30 USC 1253, 1255, 1265.

(b) This administrative regulation sets forth requirements for inspection and maintenance of temporary and permanent impoundments, and specific criteria for impoundments which are to be retained as permanent facilities after mining and reclamation.

(c) A draft of the following amendments to this administrative regulation is available.

1. Section 1(3)(a) will be amended to add all Class B and C impoundments to the list of impoundments for which a minimum static safety factor of 1.5 and a minimum seismic safety factor of 1.2 are required. Section 1(3)(a) will also be amended to require a minimum static safety factor of 1.3 for small nonhazardous impoundments other than coal waste impoundments.

2. Section 1(5)(a)2 will be amended to add all Class B and C impoundments to the list of impoundments for which a foundation investigation is required.

3. Section 1(6) will be amended to reduce the minimum precipitation event required for design of spillways from a twenty-four (24) hour duration to a six (6) hour duration, while allowing the permittee the option to use the twenty-four (24) hour duration in lieu of the six (6) hour duration.

4. Section 1(9) will be amended to exempt impoundments without embankments from the requirement for engineering inspections and certifications during and upon completion of construction and annually thereafter, unless the cabinet determines on a case-by-case basis that inspections and certifications are necessary and establishes appropriate inspection and certification requirements for the impoundment.

5. Section 1(10)(a) will be amended to add all Class B and C impoundments to the list of impoundments that must be examined in accordance with 30 CFR 77.216-3.

6. Section 1(10)(b) will be amended to exempt impoundments without embankments from the quarterly inspections that are required for other small nonhazardous impoundments.

(d) The expected benefit of the amendments described in items (c)1, 2, 3, 5 above is conformity to corresponding federal requirements at 30 CFR 816.49. The amendments discussed in items (c)4, 6 above will provide a more cost-effective approach to inspections and certifications of impoundments by eliminating safety-based inspections and certifications of nonembankment impoundments that, because of their physical configuration, cannot create a safety hazard from potential embankment failure.

(e) These amendments will modify existing requirements and procedures of the cabinet's regulatory program for coal mining operations. After adoption, these modifications will be implemented through the existing regulatory program.

(14) Information relating to 405 KAR 16:160. Coal processing waste dams and impoundments.

(a) The statutory authority for 405 KAR 16:160 is: KRS 350.020, 350.028, 350.465; 30 CFR Parts 730-733, 735, 816.84, 917; 30 USC 1253, 1255, 1265.

(b) This administrative regulation sets forth specific design and construction requirements for existing and new dams or embankments which are constructed of coal processing waste or will impound coal processing waste.

(c) A draft of the following amendments to this administrative regulation is available.

1. The administrative regulation will be amended at appropriate locations to refer to "impounding structures" rather than "impoundments," and amended to refer to "coal mine waste" rather than "coal processing waste."

2. Section 1(3) will be amended to require that coal mine waste impounding structures cannot be retained permanently as part of the approved postmining land use.

3. Section 2(2) will be amended to reduce the duration of the 100-year precipitation event required for design of diversion ditches from a twenty-four (24) hour duration to a six (6) hour duration, while allowing the permittee the option to use the twenty-four (24) hour duration in lieu of the six (6) hour duration.

4. Section 3(1) will be amended to require that impounding structures that meet the MSHA criteria of 30 CFR 77.216(a) shall have sufficient spillway capacity to safely pass, adequate storage capacity to safely contain, or a combination of storage capacity and spillway capacity to safely control, the probable maximum precipitation of a six (6) hour precipitation event, or longer duration event if required by the cabinet on a case-by-case basis.

5. A new section will require that at least ninety (90) percent of the water stored during the design precipitation event shall be removed within the ten (10) day period following the design precipitation event.

(d) The expected benefit of these amendments is conformity to corresponding federal requirements at 30 CFR 816.84.

(e) These amendments will modify existing requirements and procedures of the cabinet's regulatory program for coal mining operations. After adoption, these modifications will be implemented through the existing regulatory program.

(15) Information relating to 405 KAR 16:220. Roads.

(a) The statutory authority for 405 KAR 16:220 is: KRS 350.020, 350.028, 350.465; 30 CFR Parts 730-733, 735, 816.150-151, 917; 30 USC 1253, 1255, 1265.

(b) This administrative regulation sets forth requirements for the location, design, construction, maintenance, and removal or permanent retention of roads and associated drainage structures.

(c) The amendments to this administrative regulation will include adoption of the federal road classification system, in which each road will be classified as either a "primary" road or an "ancillary" road, based upon the nature and duration of its use, and modification of the environmental protection performance standards to reflect the two road classifications.

(d) The expected benefit of these amendments is conformity to corresponding federal requirements at 30 CFR 816.150-151.

(e) These amendments will modify existing requirements and procedures of the cabinet's regulatory program for coal mining operations. After adoption, these modifications will be implemented through the existing regulatory program.

(16) Information relating to 405 KAR 18:001. Definitions for 405 KAR Chapter 18.

(a) The statutory authority for 405 KAR 18:001 is: KRS 350.028, 350.465; 30 CFR Parts 700.5, 701.5, 707.5, 730-733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917; 30 USC 1253, 1255, 1291.

(b) This administrative regulation defines certain essential terms used in 405 KAR Chapter 18.

(c) Amendments to this administrative regulation will include, but not necessarily be limited to, new definitions for the terms "ancillary road," "impounding structure," "other treatment facility," and "primary road," and amendment of the existing definition of "impoundment." A draft of these amendments is available.

(d) The expected benefits of these amendments are clarity and conformity to corresponding federal definitions.

(e) These amendments will modify existing requirements and procedures of the cabinet's regulatory program for coal mining operations. After adoption, these modifications will be implemented through the existing regulatory program.

(17) Information relating to 405 KAR 18:090. Sedimentation ponds.

(a) The statutory authority for 405 KAR 18:090 is: KRS 350.020, 350.028, 350.100, 350.151, 350.420, 350.465; 30 CFR Parts 77.216, 730-733, 735, 817.46, 817.49, 817.56, 917; 30 USC 1253, 1255, 1266.

(b) This regulation sets forth specific requirements for the location, design, construction, and removal or retention of sedimentation ponds used for treatment of discharges from areas affected by surface operations and discharges from underground workings.

(c) This administrative regulation will be amended regarding certification of design and construction by a registered professional engineer; plans for periodic removal of accumulated sediment; design, construction and maintenance of sedimentation ponds to contain or treat the runoff from the 10-year, 24-hour precipitation event; and dewatering. Several requirements will be deleted from this administrative regulation because they are redundant to requirements applicable to all impoundments under 405 KAR 18:100 as amended in December 1988. A draft of these amendments is available.

(d) The expected benefits of these amendments are clarification and conformity to corresponding federal requirements at 30 CFR 817.46.

(e) These amendments will modify existing requirements and procedures of the cabinet's regulatory program for coal mining operations. After adoption, these modifications will be implemented through the existing regulatory program.

(18) Information relating to 405 KAR 18:100. Permanent and temporary impoundments.

(a) The statutory authority for 405 KAR 18:100 is: KRS 350.020, 350.028, 350.151, 350.465; 30 CFR Parts 77.216, 730-733, 735, 817.49, 917; 30 USC 1253, 1255, 1266.

(b) This administrative regulation sets forth requirements for inspection and maintenance of temporary and permanent impoundments, and specific criteria for impoundments which are to be retained as permanent facilities after completion of underground mining activities.

(c) A draft of the following amendments to this administrative regulation is available.

1. Section 1(3)(a) will be amended to add all Class B and C impoundments to the list of impoundments for which a minimum static safety factor of 1.5 and a minimum seismic safety factor of 1.2 are required. Section 1(3)(a) will also be amended to require a minimum static safety factor of 1.3 for small nonhazardous impoundments other than coal waste impoundments.

2. Section 1(5)(a)2 will be amended to add all Class B and C impoundments to the list of impoundments for which a foundation investigation is required.

3. Section 1(6) will be amended to reduce the minimum precipitation event required for design of spillways from a twenty-four (24) hour duration to a six (6) hour duration, while allowing the permittee the option to use the twenty-four (24) hour duration in lieu of the six (6) hour duration.

4. Section 1(9) will be amended to exempt impoundments without embankments from the requirement for engineering inspections and certifications during and upon completion of construction and annually thereafter, unless the cabinet determines on a case-by-case basis that inspections and certifications are necessary and establishes appropriate inspection and certification requirements for the impoundment.

5. Section 1(10)(a) will be amended to add all Class B and C impoundments to the list of impoundments that must be examined in accordance with 30 CFR 77.216-3.

6. Section 1(10)(b) will be amended to exempt impoundments without embankments from the quarterly inspections that are required for other small nonhazardous impoundments.

(d) The expected benefit of the amendments described in items (c)1, 2, 3, 5 above is conformity to corresponding federal requirements at 30 CFR 817.49. The amendments discussed in items (c)4, 6 above will provide a more cost-effective approach to inspections and certifications of impoundments by eliminating safety-based inspections and certifications of nonembankment impoundments that, because of their physical configuration, cannot create a safety hazard from potential embankment failure.

(e) These amendments will modify existing requirements and procedures of the cabinet's regulatory program for coal mining operations. After adoption, these modifications will be implemented through the existing regulatory program.

(19) Information relating to 405 KAR 18:160. Coal processing waste dams and impoundments.

(a) The statutory authority for 405 KAR 18:160 is: KRS 350.020, 350.028, 350.151, 350.465; 30 CFR Parts 730-733, 735, 817.84, 917; 30 USC 1253, 1255, 1266.

(b) This administrative regulation sets forth specific design and construction requirements for existing and new dams or embankments which are constructed of coal processing waste or will impound coal processing waste.

(c) A draft of the following amendments to this administrative regulation is available.

1. The administrative regulation will be amended at appropriate locations to refer to "impounding structures" rather than "impoundments,"

and amended to refer to "coal mine waste" rather than "coal processing waste."

2. Section 1(3) will be amended to require that coal mine waste impounding structures cannot be retained permanently as part of the approved postmining land use.

3. Section 2(2) will be amended to reduce the duration of the 100-year precipitation event required for design of diversion ditches from a twenty-four (24) hour duration to a six (6) hour duration, while allowing the permittee the option to use the twenty-four (24) hour duration in lieu of the six (6) hour duration.

4. Section 3(1) will be amended to require that impounding structures that meet the MSHA criteria of 30 CFR 77.216(a) shall have sufficient spillway capacity to safely pass, adequate storage capacity to safely contain, or a combination of storage capacity and spillway capacity to safely control, the probable maximum precipitation of a six (6) hour precipitation event, or longer duration event if required by the cabinet on a case-by-case basis.

5. A new section will require that at least ninety (90) percent of the water stored during the design precipitation event shall be removed within the ten (10) day period following the design precipitation event.

(d) The expected benefit of these amendments is conformity to corresponding federal requirements at 30 CFR 817.84.

(e) These amendments will modify existing requirements and procedures of the cabinet's regulatory program for coal mining operations. After adoption, these modifications will be implemented through the existing regulatory program.

(20) Information relating to 405 KAR 18:230. Roads.

(a) The statutory authority for 405 KAR 18:230 is: KRS 350.020, 350.028, 350.151, 350.465; 30 CFR Parts 730-733, 735, 817.150-151, 917; 30 USC 1253, 1255, 1266.

(b) This administrative regulation sets forth requirements for the location, design, construction, maintenance, and removal or permanent retention of roads and associated drainage structures.

(c) The amendments to this administrative regulation will include adoption of the federal road classification system, in which each road will be classified as either a "primary" road or an "ancillary" road, based upon the nature and duration of its use, and modification of the environmental protection performance standards to reflect the two road classifications.

(d) The expected benefit of these amendments is conformity to corresponding federal requirements at 30 CFR 817.150-151.

(e) These amendments will modify existing requirements and procedures of the cabinet's regulatory program for coal mining operations. After adoption, these modifications will be implemented through the existing regulatory program.

JUSTICE CABINET
Department of Corrections

Date: May 12, 1995
Justice Cabinet
Department of Corrections

(1) Regulation Number and Title: **501 KAR 6:020**, Department of Corrections: Special management inmates, meritorious good time, restoration of forfeited good time, assessment center operations, inmate conflicts, preparole progress reports, referral procedure for inmates adjudicated guilty but mentally ill, protective custody, inmate furloughs.

(2) The Justice Cabinet, Department of Corrections intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 30, 1995, at 9 a.m., in the Auditorium, in the State Office Building, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if it is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and a minimum of 5 persons, or the administrative body or association agree, in writing, to be present at the public hearing.

(b) If 5 persons, or an administrative body or association, request this public hearing, and agree in writing to be present at this public hearing, it will be held as scheduled.

(c) If a request for a public hearing is not received from the required number of people at least 20 days prior to June 30, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Justice Cabinet, Department of Corrections, Office of General Counsel, Room 200, State Office Building, Frankfort, Kentucky 40601.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Department of Corrections at the address listed.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of this administrative regulation is KRS 196.035 and 197.020.

(b) The administrative regulation that the Department of Corrections intends to promulgate will amend 501 KAR 6:020, as follows:

1. Special management inmates (10.2) shall be amended to reflect the procedure for placing inmates in temporary holding cells.
2. Meritorious good time (15.3) shall be amended to clarify the procedure for recommendations for awards of meritorious good time.
3. Restoration of forfeited good time (15-05-01) shall be amended to provide that inmates returned to the institution as parole violators shall not be immediately eligible for restoration of forfeited good time.
4. Assessment center operations (17.2) shall be amended to reflect the current practice of reporting operational matters to the Warden.
5. Inmate conflicts (18.3) shall be added to reflect the procedure for investigating and documenting conflicts between inmates.
6. Preparole progress reports (18.10) shall be amended to clarify the procedure for sending information to the Parole Board.
7. Referral procedure for inmates adjudicated guilty but mentally ill (18.12) shall be amended to reflect the procedure for referring inmates to the Kentucky Correctional Psychiatric Center for evaluation.
8. Protective custody (18.15) shall be amended to reflect current procedures for classification of inmates to protective custody.

9. Inmate furloughs (25.4) shall be amended to make this policy consistent with other policies.

(c) The necessity and function of the proposed administrative regulation is: To provide consistent policies among all Department of Corrections entities and compliance with state and federal statutes.

(d) The benefits expected from the administrative regulation are: To provide consistent policies among all Department of Corrections entities and to most efficiently use departmental resources.

(e) The administrative regulation will be implemented as follows: By promulgating and enforcing the components of the various policies to provide consistent policy for the department.

Date: May 12, 1995
Justice Cabinet
Department of Corrections

(1) Regulation Number and Title: **501 KAR 6:040**, Kentucky State Penitentiary: Inmate records; procedures for providing clothing, linens and other personal items; functions of the classification committee; unit classification committee, inmate work assignments; inmate furloughs.

(2) The Justice Cabinet, Department of Corrections intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 30, 1995, at 9 a.m., in the Auditorium, in the State Office Building, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if it is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and a minimum of 5 persons, or the administrative body or association agree, in writing, to be present at the public hearing.

(b) If 5 persons, or an administrative body or association, request this public hearing, and agree in writing to be present at this public hearing, it will be held as scheduled.

(c) If a request for a public hearing is not received from the required number of people at least 20 days prior to June 30, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Justice Cabinet, Department of Corrections, Office of General Counsel, Room 200, State Office Building, Frankfort, Kentucky 40601.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Department of Corrections at the address listed.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of this administrative regulation is KRS 196.035 and 197.020.

(b) The administrative regulation that the Department of Corrections intends to promulgate will amend 501 KAR 6:040, as follows:

1. Inmate records (06-01-01) shall be amended to comply with actual practice.
2. Procedures for providing clothing, linens and other personal items (17-01-03) shall be amended to comply with actual practice.
3. Functions of the classification committee (18-01-02) shall be amended to comply with Department of Correction's policy and procedure.
4. Unit classification committee, inmate work assignments (19-04-02) shall be amended to comply with actual practice.
5. Inmate furloughs (25-04-01) shall be amended to comply with Department of Corrections policy and procedure.

(c) The necessity and function of the proposed administrative regulation is: To update operating procedures at Kentucky State Penitentiary to comply with OSHA Standards, American Correctional Association Standards and Department of Corrections policies and procedures.

(d) The benefits expected from administrative regulation are: To comply with OSHA Standards, American Correctional Association Standards and Department of Corrections policies and procedures.

(e) The administrative regulation will be implemented as follows: It shall be implemented by having staff comply with operational procedures and standards noted in policy changes.

Date: May 12, 1995
Justice Cabinet
Department of Corrections

(1) Regulation Number and Title: **501 KAR 6:080**, Department of Corrections: Classification manual.

(2) The Justice Cabinet, Department of Corrections intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 30, 1995, at 9 a.m., in the Auditorium, in the State Office Building, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if it is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and a minimum of 5 persons, or the administrative body or association agree, in writing, to be present at the public hearing.

(b) If 5 persons, or an administrative body or association, request this public hearing, and agree in writing to be present at this public hearing, it will be held as scheduled.

(c) If a request for a public hearing is not received from the required number of people at least 20 days prior to June 30, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Justice Cabinet, Department of Corrections, Office of General Counsel, Room 200, State Office Building, Frankfort, Kentucky 40601.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Department of Corrections at the address listed.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of this administrative regulation is KRS 196.035 and 197.020.

(b) The administrative regulation that the Department of Corrections intends to promulgate will amend 501 KAR 6:080, as follows:

1. Classification manual shall be amended to clarify scoring of detainers and administrative factors.

(c) The necessity and function of the proposed administrative regulation is: To provide consistent policies among all Department of Corrections entities and compliance with state and federal statutes.

(d) The benefits expected from the administrative regulation are: To provide consistent policies among all Department of Corrections entities and to most efficiently use departmental resources.

(e) The administrative regulation will be implemented as follows: By promulgating and enforcing the components of the various policies to provide consistent policy for the department.

TRANSPORTATION CABINET

Date: June 1, 1995

Transportation Cabinet

(1) **600 KAR 3:010**. Relocation of assistance payments of the Transportation Cabinet.

(2) The Kentucky Transportation Cabinet intends to amend this administrative regulation to incorporate the provisions of KRS Chapter 13B relating to administrative hearings. The remaining policies and procedures will also be evaluated.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 29, 1995 at 1:30 p.m. local prevailing time, at 501 High Street, 4th Floor Hearing Room, Frankfort, Kentucky 40622.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Sandra G. Pullen, 501 High Street, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Transportation Cabinet at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to KRS 56.760, 174.080, 183.024, 49 CFR Part 24.

(b) The administrative regulation that the Transportation Cabinet intends to promulgate will amend an existing administrative regulation.

(c) The necessity and function of the proposed administrative regulation is as follows: The Transportation Cabinet is required to adopt administrative regulations and procedures to implement the provisions of KRS 56.610 to 56.760 with regard to providing for uniform relocation assistance services and compensation to persons displaced by the land acquisition programs of the Transportation Cabinet.

(d) The benefits expected are: Compliance with the Uniform Administrative Hearings Act found in KRS Chapter 13B.

(8) If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirements by June 15, 1995. This request does not have to be in writing.

Date: June 1, 1995

Transportation Cabinet

(1) **600 KAR 4:010**. Certification of disadvantaged minority and women business enterprises.

(2) The Kentucky Transportation Cabinet intends to amend this administrative regulation to incorporate the provisions of KRS Chapter 13B relating to administrative hearings, The remaining policies and procedures will be evaluated.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 29, 1995 at 1:30 p.m. local prevailing time, at 501 High Street, 4th Floor Hearing Room, Frankfort, Kentucky 40622.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Sandra G. Pullen, 501 High Street, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Transportation Cabinet at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to KRS 13A.120, 174.080, 49 CFR 23.

(b) The administrative regulation that the Transportation Cabinet intends to promulgate will amend an existing administrative regulation.

(c) The necessity and function of the proposed administrative regulation is as follows: Title 49 of the Code of Federal United States

Department of Transportation (USDOT) implement a business enterprises owned and controlled by minorities, women and socially and economically disadvantaged individuals in US DOT programs. The Kentucky Transportation Cabinet as a recipient of USDOT funds is required by the federal regulation to have a program of certification of disadvantaged, minority and women business enterprises. This administrative regulation establishes the procedures and criteria for the Transportation Cabinet's certification program. It also sets forth the requirement that certified and prequalified DBE firms attend an orientation program and management development course to increase the probability of the firm remaining certified.

(d) The benefits expected are: Compliance with the Uniform Administrative Hearings Act found in KRS Chapter 13B.

(8) If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirements by June 15, 1995. This request does not have to be in writing.

Date: June 1, 1995
Transportation Cabinet

(1) **601 KAR 1:030**. Hearings.

(2) The Kentucky Transportation Cabinet intends to amend this administrative regulation to incorporate the provisions of KRS Chapter 13B relating to administrative hearings. The remaining policies and procedures also will be evaluated.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 29, 1995 at 1:30 p.m. local prevailing time, at 501 High Street, 4th Floor Hearing Room, Frankfort, Kentucky 40622.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Sandra G. Pullen, 501 High Street, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Transportation Cabinet at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to KRS 281.600.

(b) The administrative regulation that the Transportation Cabinet intends to promulgate will amend an existing administrative regulation.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS Chapter 281 provides in part that hearings be held on applications for authority to operate motor carriers in the Commonwealth. This regulation establishes guidelines for conducting the required hearings.

(d) The benefits expected are: Compliance with the Uniform Administrative Hearings Act found in KRS Chapter 13B.

(8) If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirements by June 15, 1995. This request does not have to be in writing.

Date: June 1, 1995
Transportation Cabinet

(1) **601 KAR 1:040** and **601 KAR 1:041**. Relating to application for operating authority and registration for motor carriers authorized to operate by the Intrastate Commerce Commission.

(2) The Kentucky Transportation Cabinet intends to consider splitting the existing administrative regulation 601 KAR 1:040 into separate administrative regulations. The first, continued to be numbered 601 KAR 1:040, would relate to those motor carriers which are still economically governed by the Transportation Cabinet. The second, 601 KAR 1:041 would only relate to those motor carriers which are no longer economically governed by the Transportation Cabinet.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 29, 1995 at 10 a.m. local prevailing time, at 501 High Street, 4th Floor Hearing Room, Frankfort, Kentucky 40622.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Sandra G. Pullen, 501 High Street, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Transportation Cabinet at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to application for operating authority and registration of motor carriers authorized to operate by the Interstate Commerce Commission is KRS 281.600, 281.620, 281.752, 49 CFR Part 1023, and 49 USC 11501.

(b) The administrative regulation that the Transportation Cabinet intends to promulgate will amend an existing administrative regulation and create one new administrative regulation.

(c) The necessity and function of the proposed administrative regulation is as follows: This administrative regulation describes the procedure to follow in applying for intrastate operating authority in the Commonwealth and the registration of intrastate motor carriers operating in Kentucky pursuant to authority granted by the Interstate Commerce Commission. 601 KAR 1:040 relates only to motor carriers which are economically regulated by the Commonwealth while 601 KAR 1:041 will relate to the intrastate transporters of property which is no longer economically regulated by the Commonwealth of Kentucky.

(d) The benefits expected are: A greater ease and understanding of the regulatory process since the passage of 49 USC 11501.

(8) If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirements by June 15, 1995. This request does not have to be in writing.

Date: June 1, 1995
Transportation Cabinet

(1) **601 KAR 1:080**. Relating to household goods carriers.

(2) The Kentucky Transportation Cabinet intends to promulgate an administrative regulation amending the current household goods carriers administrative regulation as a result of the deregulation of most of the motor carrier of property industry by the United States Congress. This administrative regulation needs to be reexamined to determine what, if any changes, need to be made. For example, annual reports and other items of a regulatory nature need to be examined to determine if, since this is the only motor carrier of property still being economically regulated, other changes are needed.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 29, 1995 at 9 a.m. local prevailing time, at 501 High Street, 4th Floor Hearing Room, Frankfort, Kentucky 40622.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Sandra G. Pullen, 501 High Street, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Transportation Cabinet at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to the regulation of the transporters of household goods is found in KRS 281.600.

(b) The administrative regulation that the Transportation Cabinet intends to promulgate will amend an existing administrative regulation.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 281.600 requires the Transportation Cabinet to establish reasonable requirements with the regard to continuous and adequate service of transportation. This administrative regulation provides for the regulation of household goods carriers.

(d) The benefits expected are: Reevaluation of the entire household goods carrier regulatory program to insure that it is adequate for today's conditions.

(8) If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirements by June 15, 1995. This request does not have to be in writing.

Date: June 1, 1995
Transportation Cabinet

(1) **601 KAR 9:085**. Procedures of becoming a certified motor vehicle inspector.

(2) The Kentucky Transportation Cabinet intends to amend this administrative regulation to incorporate the provisions of KRS Chapter 13B relating to administrative hearings. The remaining policies and procedures also will be evaluated.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 29, 1995 at 1:30 p.m. local prevailing time, at 501 High Street, 4th Floor Hearing Room, Frankfort, Kentucky 40622.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Sandra G. Pullen, 501 High Street, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Transportation Cabinet at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to KRS 186A.115.

(b) The administrative regulation that the Transportation Cabinet intends to promulgate will amend an existing administrative regulation.

(c) The necessity and function of the proposed administrative regulation is as follows: This administrative regulation sets forth requirements by which a person shall become a certified motor vehicle inspector.

(d) The benefits expected are: Compliance with the Uniform Administrative Hearings Act found in KRS Chapter 13B.

(8) If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirements by June 15, 1995. This request does not have to be in writing.

Date: June 1, 1995
Transportation Cabinet

(1) **601 KAR 11:040**. Medical waivers for intrastate operators of commercial motor vehicles.

(2) The Kentucky Transportation Cabinet intends to amend this administrative regulation to incorporate the provisions of KRS Chapter 13B relating to administrative hearings. The remaining policies and procedures will also be evaluated.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 29, 1995 at 1:30 p.m. local prevailing time, at 501 High Street, 4th Floor Hearing Room, Frankfort, Kentucky 40622.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Sandra G. Pullen, 501 High Street, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Transportation Cabinet at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to KRS 281A.040, 281.600, 49 CFR 383 Subpart E, 49 CFR 391 Subpart E.

(b) The administrative regulation that the Transportation Cabinet intends to promulgate will amend an existing administrative regulation.

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

(d) The benefits expected are: Compliance with the Uniform Administrative Hearings Act found in KRS Chapter 13B.

(8) If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirements by June 15, 1995. This request does not have to be in writing.

Date: June 1, 1995
Transportation Cabinet

(1) **601 KAR 13:025**. Point system.

(2) The Kentucky Transportation Cabinet intends to amend this administrative regulation to incorporate the provisions of KRS Chapter 13B relating to administrative hearings. The remaining policies and procedures will also be evaluated.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 29, 1995 at 1:30 p.m. local prevailing time, at 501 High Street, 4th Floor Hearing Room, Frankfort, Kentucky 40622.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Sandra G. Pullen, 501 High Street, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Transportation Cabinet at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to KRS 186.400.

(b) The administrative regulation that the Transportation Cabinet intends to promulgate will amend an existing administrative regulation.

(c) The necessity and function of the proposed administrative regulation is as follows: This regulation specifies the driver licensing point

system in which traffic offense convictions are assigned a certain number of points, according to the seriousness of the offense as determined by either accident-cause statistics or be statute. Certain offenses have proven so dangerous that they are made cause for suspension periods rather than point accumulation. The purpose of the point system is to establish a criterion whereby the discretion allowed the Transportation Cabinet in determining the "habitually reckless or negligent driver" or the "serious violator" is not exercised arbitrarily and capriciously, but each licenseholder will be treated like every other one, and each will know or can determine his point status at any given time.

(d) The benefits expected are: Compliance with the Uniform Administrative Hearings Act found in KRS Chapter 13B.

(8) If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirements by June 15, 1995. This request does not have to be in writing.

Date: June 1, 1995
Transportation Cabinet

(1) **601 KAR 15:010**. Disciplinary actions relating to employees commission pursuant to the provisions of KRS 281.770.

(2) The Kentucky Transportation Cabinet intends to amend this administrative regulation to incorporate the provisions of KRS Chapter 13B relating to administrative hearings. The remaining policies and procedures also will be evaluated.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 29, 1995 at 1:30 p.m. local prevailing time, at 501 High Street, 4th Floor Hearing Room, Frankfort, Kentucky 40622.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Sandra G. Pullen, 501 High Street, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Transportation Cabinet at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to 1994 Ky. Acts ch. 317.

(b) The administrative regulation that the Transportation Cabinet intends to promulgate will amend an existing administrative regulation.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 18A.095 specifies that employees of the Transportation Cabinet, Department of Vehicle Regulation, Division of Motor Vehicle Enforcement commissioned pursuant to KRS 281.770 be disciplined under the provisions of KRS Chapter 281 rather than KRS 18A.095. This administrative regulation sets forth the administrative procedure to be followed by the Department of Vehicle Regulation in imposing disciplinary action against Motor Vehicle Enforcement commissioned employees and the procedures before the Trial Board.

(d) The benefits expected are: Compliance with the Uniform Administrative Hearings Act found in KRS Chapter 13B.

(8) If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirements by June 15, 1995. This request does not have to be in writing.

Date: June 1, 1995
Transportation Cabinet

(1) **603 KAR 2:015**. Prequalification for construction certificate of eligibility and contract claims dispute.

(2) The Kentucky Transportation Cabinet intends to amend this administrative regulations to incorporate the provisions of KRS Chapter 13B relating to administrative hearings. The remaining policies and procedures also will be evaluated.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 29, 1995 at 1:30 p.m. local prevailing time, at 501 High Street, 4th Floor Hearing Room, Frankfort, Kentucky 40622.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Sandra G. Pullen, 501 High Street, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Transportation Cabinet at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to KRS 13A.100, 61.878, 174.080, 176.140.

(b) The administrative regulation that the Transportation Cabinet intends to promulgate will amend an existing administrative regulation.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 176.140 authorizes the Department of Highways to determine the eligibility of bidders for construction contracts with the department. This regulation is adopted to provide a method by which such determination may be made. Further the KRS 13A.100 requirement that any administrative body promulgate administrative regulations

pertaining to its hearing procedure is followed in setting forth the hearing procedures for a contract claims dispute.

(d) The benefits expected are: Compliance with the Uniform Administrative Hearings Act found in KRS Chapter 13B.

(8) If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirements by June 15, 1995. This request does not have to be in writing.

Date: June 1, 1995
Transportation Cabinet

(1) **603 KAR 3:051**. Recyclers.

(2) The Kentucky Transportation Cabinet intends to amend this administrative regulation to incorporate the provisions of KRS Chapter 13B relating to administrative hearings. The remaining policies and procedures also will be evaluated.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 29, 1995 at 1:30 p.m. local prevailing time, at 501 High Street, 4th Floor Hearing Room, Frankfort, Kentucky 40622.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Sandra G. Pullen, 501 High Street, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Transportation Cabinet at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to KRS 177.935.

(b) The administrative regulation that the Transportation Cabinet intends to promulgate will amend an existing administrative regulation.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 177.935 authorizes the Department of Highways to exercise general supervision of the administrative and enforcement of KRS 177.905 to 177.950. This regulation pertaining to the operation of automobile, vehicle, machinery or material recycling establishments has been adopted to enable the Transportation Cabinet's Department of Highways to administer and enforce the recycler program requirements.

(d) The benefits expected are: Compliance with the Uniform Administrative Hearings Act found in KRS Chapter 13B.

(8) If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirements by June 15, 1995. This request does not have to be in writing.

Date: June 1, 1995
Transportation Cabinet

(1) **603 KAR 4:040**. Tourist oriented directional signs.

(2) The Kentucky Transportation Cabinet intends to amend this administrative regulation to incorporate the provisions of KRS Chapter 13B relating to administrative hearings. The remaining policies and procedures also will be evaluated.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 29, 1995 at 1:30 p.m. local prevailing time, at 501 High Street, 4th Floor Hearing Room, Frankfort, Kentucky 40622.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Sandra G. Pullen, 501 High Street, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Transportation Cabinet at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to KRS 189.337.

(b) The administrative regulation that the Transportation Cabinet intends to promulgate will amend an existing administrative regulation.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 189.337 requires the Department of Highways to establish standards for the placement of signs within highway right of way of a public road. The Transportation Cabinet has promulgated 603 KAR 5:050 which deals with all traffic control devices by incorporating the "Manual on Uniform Traffic Control Devices" be reference. The "Manual on Uniform Traffic Control Devices" allows for the erection of tourist oriented directional signs (TODS) to provide directional information for tourist activities offering goods and surfaces that are of significant interest to the travelling public within certain perimeters but requires each jurisdiction to establish policies for those areas not covered in the "manual". This administrative regulation will set forth the criteria to be followed in the erection and maintenance of TODS.

(d) The benefits expected are: Compliance with the Uniform Administrative Hearings Act found in KRS Chapter 13B.

(8) If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirements by June 15, 1995. This request does not have to be in writing.

WORKFORCE DEVELOPMENT CABINET
State Board for Adult and Technical Education

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 2:010**, Administration of vocational-technical education schools.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to the administration of vocational-technical schools is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will amend 780 KAR 2:010 to update the present management and administration structure of the Kentucky TECH system of vocational-technical schools, including area technology centers and programs and correctional institutes.

(c) The necessity and function of the proposed administrative regulation is to set out the administrative functions for the operations of the Kentucky TECH System.

(d) The benefits expected from the proposed administrative regulation are to gives the administration at the school level the direction to carry out policies and procedures in a consistent manner.

(e) The administrative regulation will be implemented as follows: That it will be implemented by regional executive directors, school directors and school principals.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 2:020**, Appeals process.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to appeals process is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will amend 780 KAR 2:020 to clarify the appeals process available to the students in the Kentucky TECH System.

(c) The necessity and function of the proposed administrative regulation is to provide that an appeals process for students in the Kentucky TECH System from the suspension or expulsion order.

(d) The benefits expected from the proposed administrative regulation are to provide a due process for students.

(e) The administrative regulation will be implemented as follows: It will be implemented at the school level through student personnel services.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 2:021**, Repeal of regulations 780 KAR 2:045; 780 KAR 2:050; 780 KAR 2:070; 780 KAR 2:080 and 780 KAR 2:150.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to repeal of regulations is KRS Chapter 151B.025, 151B.110.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will amend 780 KAR 2:045, 2:050, 2:070, 2:080 and 2:150 by repealing these regulations.

(c) The necessity and function of the proposed administrative regulation is to repeal 780 KAR 2:045, 2:050, 2:070, 2:080 and 2:150 which are now included in other sections in the regulations.

(d) The benefits expected from the proposed administrative regulation are to make it easier for the readers to understand and locate information in the regulations.

(e) The administrative regulation will be implemented as follows: The administrators in the Department for Technical Education, Kentucky TECH System will have an in-service after the regulations have been approved.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 2:030**, Steering and advisory committees for Kentucky TECH schools primarily serving secondary students.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to steering and advisory committees for Kentucky TECH schools primarily serving secondary students is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will amend 780 KAR 2:030 by clarifying membership and responsibilities of steering committees in Kentucky TECH schools primarily serving secondary students.

(c) The necessity and function of the proposed administrative regulation is to give the schools serving secondary students the opportunity to establish steering and advisory committees.

(d) The benefits expected from the proposed administrative regulation are to gives the local community input as to the overall operations of the school.

(e) The administrative regulation will be implemented as follows: Each Kentucky TECH school principal and the teachers will have the responsibility of setting up these committees.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 2:035**, Advisory boards and committees for Kentucky TECH schools primarily serving postsecondary students.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to advisory boards and committees for Kentucky TECH schools primarily serving postsecondary students is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will amend KAR 2:035 by clarifying membership and responsibilities of steering committees in Kentucky TECH schools primarily serving postsecondary students. This is a new regulation.

(c) The necessity and function of the proposed administrative regulation is to establish the procedures for the suspension and expulsion of students from Kentucky TECH schools for disciplinary reasons.

(d) The benefit expected from the proposed administrative regulation is uniform treatment of students who are being served by the Kentucky TECH schools.

(e) The administrative regulation will be implemented as follows: This administrative regulation will be implemented at the school level through administrators and teachers.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 2:040**, Live work projects.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to live work projects is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will amend 780 KAR 2:040 by combining the two existing regulations governing live work projects and clarifying rules under which this kind of work is done in a vocational-technical school.

(c) The necessity and function of the proposed administrative regulation is to establish the procedures for accepting live work projects in Kentucky TECH facilities.

(d) The benefits expected from the proposed administrative regulation are to permit schools to accept live work projects when the administrative and instructional staffs deem them appropriate for training purposes.

(e) The administrative regulation will be implemented as follows: This regulation will be implemented through school administrators in the Kentucky TECH System.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 2:060**, Suspension and expulsion of students.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and

2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to suspension and expulsion of students in the Kentucky TECH System is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will amend 780 KAR 2:060 by clarifying policies and due process procedures and providing necessary technical language changes.

(c) The necessity and function of the proposed administrative regulation is to propose establishes the procedures for the suspension and expulsion of students from Kentucky TECH schools for disciplinary reasons.

(d) The benefit expected from the proposed administrative regulation is uniform treatment of students that are being served by the Kentucky TECH schools.

(e) The administrative regulation will be implemented as follows: At the school level through administrators and teachers.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 2:090**, Postsecondary vocational-technical school admission priorities.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and

2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State

Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to postsecondary vocational-technical school admission priorities is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will amend 780 KAR 2:090 by adding references to the Kentucky TECH System and by clarifying admission rules in postsecondary Kentucky TECH schools.

(c) The necessity and function of the proposed administrative regulation is to establish admission priorities for postsecondary students in the Kentucky TECH schools.

(d) The benefits expected from the proposed administrative regulation are consistency in postsecondary schools across the Commonwealth.

(e) The administrative regulation will be implemented as follows: Through school principals and directors to our student services in each of postsecondary schools.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 2:100**, Attendance policies for postsecondary students in Kentucky TECH schools.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to attendance policies in postsecondary Kentucky TECH schools is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will amend 780 KAR 2:100 by making small changes in attendance policies to make them more equitable and in line with request from the local schools.

(c) The necessity and function of the proposed administrative regulation is to establish attendance policies for students (16) years of age and older who are enrolled in vocational-technical education programs of 300 hours or more.

(d) The benefits expected from the proposed administrative regulation are uniform attendance policies where students will be treated fairly in all Kentucky TECH schools.

(e) The administrative regulation will be implemented as follows: Through school administrators where postsecondary students are enrolled.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 2:110**, Student medical and accident insurance.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to student medical and accident insurance is KRS 151.175.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will amend 780 KAR 2:110 to clarify scope of insurance, to provide authorization of payment of premium, and to notify public that the qualified sovereign immunity of the Commonwealth is preserved.

(c) The necessity and function of the proposed administrative regulation is to provide medical and accident insurance for students enrolled in the Kentucky TECH schools.

(d) The benefits expected from the proposed administrative regulation are that all students have some protection under medical and accident insurance while enrolled in training in the Kentucky TECH schools.

(e) The administrative regulation will be implemented as follows: Through school administration recording enrollment on full-time students on a quarterly basis.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 2:120**, Standard for academic progress for postsecondary students.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to standard for academic progress for postsecondary students is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will amend 780 KAR 2:120 by minor changes to clarify language and providing that students shall be removed from academic probation if they earn at least a 2.0 or "C" cumulative average for the next term. This simplifies this policy.

(c) The necessity and function of the proposed administrative regulation is to set a statewide standard for academic progress for postsecondary students in Kentucky TECH schools.

(d) The benefits expected from the proposed administrative regulation are assurances from the Kentucky TECH schools that students shall maintain satisfactory progress toward completion of the prescribed competencies for a diploma or certificate program.

(e) The administrative regulation will be implemented as follows: Through the school administrators and teachers in the Kentucky TECH schools that serve postsecondary students.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 2:130**, Minimum standards of admission for postsecondary students in vocational-technical programs.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995

at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to minimum standards of admission for postsecondary students is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will amend 780 KAR 2:130 by revising and updating scaled- score-prerequisites for program entry and providing for reasonable accommodation for students with disabilities.

(c) The necessity and function of the proposed administrative regulation is to establish a minimum standard of admissions for postsecondary students in vocational-technical programs in the Kentucky TECH schools.

(d) The benefits expected from the proposed administrative regulation is a determination of a base score of educational progress.

(e) The administrative regulation will be implemented as follows: Through the administration of postsecondary schools by student personnel services.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 2:140**, Tuition and fees.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to tuition and fees is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will amend 780 KAR 1:140 to provide for a tuition increase effective July 1, 1995 and clarify due dates and other fees. Continuing education classes, cost recovery classes and live work fees are addressed.

(c) The necessity and function of the proposed administrative regulation is to set the tuition and fees for students in the Kentucky TECH schools.

(d) The benefits expected from the proposed administrative regulation are to have a uniform tuition and fees regulation for all students attending Kentucky TECH schools.

(e) The administrative regulation will be implemented as follows: Through the school administration by the registrars and counselors in each of the Kentucky TECH schools.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 4:010**, General standards.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to general standards is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will amend 780 KAR 4:010 by updating program areas, objectives of instruction, and deleting standards established by the State Board for Elementary and Secondary Education.

(c) The necessity and function of the proposed administrative regulation is to establish the broad, general standards for all vocational-technical education programs in order to comply with federal funding statutes.

(d) The benefits expected from the proposed administrative regulation are to provide a clear understanding of program standards for vocational technical education to business, industry and to prospective students.

(e) The administrative regulation will be implemented as follows: Through the administrators in the Department for Technical Education and the Kentucky TECH System.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 4:020**, Diploma requirements for postsecondary students.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to diploma requirements for postsecondary students is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will amend 780 KAR 4:020 to update diploma requirements for postsecondary students in the Kentucky TECH System.

(c) The necessity and function of the proposed administrative regulation is to set a statewide standard for awarding diplomas to postsecondary students in the state's vocational-technical schools.

(d) The benefits expected from the proposed administrative regulation are to give the Kentucky TECH System a statewide standard for awarding diplomas to students that have achieved levels of satisfactory attainment.

(e) The administrative regulation will be implemented as follows: Through the school administrators in the Kentucky TECH postsecondary schools.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 4:040**, Standards for secondary programs.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to standards for secondary programs is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will add a new regulation to set general standards for secondary programs and personnel in the Kentucky TECH System.

(c) The necessity and function of the proposed administrative regulation is to establish standard for secondary vocational-technical programs.

(d) The benefits expected from the proposed administrative regulation are to give guidance to teachers and administrators who are offering secondary vocational-technical education program.

(e) The administrative regulation will be implemented as follows: Through the school administrators in the Kentucky TECH System.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 4:050**, Standards for postsecondary programs.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to standards for postsecondary programs is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will add a new regulation to set general standards for postsecondary programs in the Kentucky TECH System.

(c) The necessity and function of the proposed administrative regulation is to establish standards for postsecondary vocational-technical program.

(d) The benefits expected from the proposed administrative regulation are to give guidance to teachers and administrators that are offering postsecondary vocational-technical education programs.

(e) The administrative regulation will be implemented as follows: Through the school administrators in the Kentucky TECH System.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 4:060**, Certificate requirements for Kentucky TECH students.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to certificate requirements for Kentucky TECH students is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will add a new regulation to set general standards for awarding program completion certificates and continuing education certificates to postsecondary students in the Kentucky TECH schools.

(c) The necessity and function of the proposed administrative regulation is to set a statewide standard for awarding certificates to postsecondary students in Kentucky TECH schools.

(d) The benefits expected from the proposed administrative regulation are to give the Kentucky TECH system of schools a statewide standard for awarding certificates to students who have achieved levels of competencies approved in the Kentucky TECH program listing.

(e) The administrative regulation will be implemented as follows: Through the school administrators in the Kentucky TECH schools.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 4:070**, Kentucky TECH guarantee.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to Kentucky TECH Guarantee is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will add a new regulation setting the criteria for the guarantee accompanying a diploma from a Kentucky TECH school.

(c) The necessity and function of the proposed administrative regulation is to set a statewide standard to guarantee diploma level graduates from the Kentucky TECH schools to business and industry.

(d) The benefits expected from the proposed administrative regulation are to the Kentucky TECH System will retrain diploma level graduates at no charge to the student or employee if the employer is unsatisfied with his performance.

(e) The administrative regulation will be implemented as follows: Through the Kentucky TECH administrators at the postsecondary level.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 5:010, 5:020, 5:030, 5:040 and 5:050**, Veterans' Approval Agency.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to approval of courses for the training of veterans is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will amend 780 KAR 5:010, 5:020, 5:030, 5:040 and 5:050 by clarifying the language, and updating the names of the approving agency, Kentucky Department for Technical Education, and the federal agency, the Department for Veterans' Affairs.

(c) The necessity and function of the proposed administrative regulation is to establish a procedure and minimal criteria for approval of courses in all types of schools for training of veterans.

(d) The benefits expected from the proposed administrative regulation are to correct the language to conform to the federal regulations on the training of veterans.

(e) The administrative regulation will be implemented as follows: Through the administrators in all types of schools that are approved for training veterans.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 7:010**, Definitions.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to definitions is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will amend 780 KAR 7:010 to include all definitions under Section 1 and will also substitute language in Section 2 to provide for a Memorandum of Agreement.

(c) The necessity and function of the proposed administrative regulation is to revise the definitions of Kentucky TECH schools and terms relating to vocational-technical education.

(d) The benefits expected from the proposed administrative regulation are to give consistent identity to Kentucky TECH schools and their primary functions.

(e) The administrative regulation will be implemented as follows: This will be implemented by executive director, regional executive directors, and school administrators.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 7:020**, Area technology center standards.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to area technology centers is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will amend 780 KAR 7:020 to establish general standards for area technology centers and deletes unnecessary comma restrictive language.

(c) The necessity and function of the proposed administrative regulation is to establish the ability to set standards for area technology centers serving secondary students.

(d) The benefits expected from the proposed administrative regulation are to give the Department for Technical Education a process for establishing standards for secondary Kentucky TECH schools.

(e) The administrative regulation will be implemented as follows: At the local level under the direction of the State Board for Adult and Technical Education.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 7:030**, Regional technology center standards.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to regional technology centers is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will amend 780 KAR 7:030 to substitute less restrictive regional standards for regional technology centers.

(c) The necessity and function of the proposed administrative regulation is to establish the ability to set standards for regional technology centers serving post-secondary students.

(d) The benefits expected from the proposed administrative regulation are to give the Department for Technical Education a process for

establishing standards for postsecondary Kentucky TECH schools.

(e) The administrative regulation will be implemented as follows: At the local level under the direction of the State Board for Adult and Technical Education.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 7:032**, Corrections education center standards.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to corrections education centers standards is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will add a new regulation, 780 KAR 7:032, establishing standards for corrections education centers.

(c) The necessity and function of the proposed administrative regulation is to establish the ability to set standards for corrections education centers operated as a part of the Kentucky TECH System.

(d) The benefits expected from the proposed administrative regulation are to give the Department for Technical Education a process for including corrections education centers in standards developed for postsecondary schools for consistency in the Kentucky TECH System.

(e) The administrative regulation will be implemented as follows: Under the established Memorandum of Agreement with Department of Corrections.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 7:036**, Repealer for 780 KAR 7:035 and 780 KAR 7:050.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to repealing regulations is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will repeal 780 KAR 7:035 and 780 KAR 7:050.

(c) The necessity and function of the proposed administrative regulation is to repeal 780 KAR 7:035 and 7:050 because of the proposed

classifications of facilities in the Kentucky TECH System. It will allow the Department for Technical Education to finalize all of its classifications of facilities and to be presented later for approval. The section on construction was a carry-over regulation from the Department of Education and is no longer required by our Department for Technical Education.

(d) The benefits expected from the proposed administrative regulation are to allow the Department for Technical Education, the State Board for Adult and Technical Education an opportunity to establish standards for all of its facilities operated by the Kentucky TECH System.

(e) The administrative regulation will be implemented as follows: Through the administrators in the Department for Technical Education and the Kentucky TECH System.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 7:040**, Facility maintenance.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to facility maintenance is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will amend 780 KAR 7:040 by updating maintenance funding sources for Kentucky TECH schools.

(c) The necessity and function of the proposed administrative regulation is to establish the administrative authority for facility maintenance of Kentucky TECH schools.

(d) The benefits expected from the proposed administrative regulation are to assure the expenditure of SEEK funds to maintain technical schools owned by local school districts and operated by the Kentucky TECH System.

(e) The administrative regulation will be implemented as follows: At the local level by the school administrator and the regional executive director.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 7:060**, Equipment inventory.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to equipment inventory in the Kentucky TECH schools

is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will amend 780 KAR 7:060 by updating the language and current operating policies with regard to equipment inventory.

(c) The necessity and function of the proposed administrative regulation is to establish administrative authority for management of the inventory of vocational-technical equipment in Kentucky TECH schools.

(d) The benefits expected from the proposed administrative regulation are to assure a uniform and complete inventory management system.

(e) The administrative regulation will be implemented as follows: By the Office of Kentucky TECH, regional executive directors, local school administrators and instructors.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 7:070**, Equipment insurance.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to 780 KAR 7:070 is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will amend 780 KAR 7:070 by deleting Section 2 and inserting the those provisions under Section 1, paragraph 1.

(c) The necessity and function of the proposed administrative regulation is to set procedures for insuring equipment located in Kentucky TECH schools.

(d) The benefits expected from the proposed administrative regulation are to identify what is to be included in insurance policies.

(e) The administrative regulation will be implemented as follows: By the Department for Technical Education with assistance from local and regional Kentucky TECH administrators.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 8:011**, Repealing 780 KAR 8:010.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to 780 KAR 8:010 repealed by 780 KAR 8:011 is KRS

Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will amend 780 KAR 8:010 by repealing this regulation by 780 KAR 8:011.

(c) The necessity and function of the proposed administrative regulation is to repeal 780 KAR 8:010 which is redundant and unnecessary because 780 KAR 1:010 will allow the Department for Technical Education to carry out the program plan and funding.

(d) The benefits expected from administrative regulation are to cut down on duplication of regulations that are no longer needed.

(e) The administrative regulation will be implemented as follows: This regulation will be carried out through our administrators in the Department for Technical Education, Kentucky TECH System.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **780 KAR 9:131**, Repealer regulation for 780 KAR 9:010, 9:020, 9:030, 9:040, 9:050, 9:060, 9:070, 9:080, 9:090, 9:100, 9:110, 9:120, and 9:130.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to repeal of 780 KAR Chapter 9 is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will repeal 780 KAR 9:010, 9:020, 9:030, 9:040, 9:050, 9:060, 9:070, 9:080, 9:090, 9:100, 9:110, 9:120, and 9:130.

(c) The necessity and function of the proposed administrative regulation is to repeal all regulations in 780 KAR Chapter 9.

(d) The benefits expected from the proposed administrative regulation are that the Department for Adult Education and Literacy regulations will be placed under a new title, 785 KAR 1:010, et seq.

(e) The administrative regulation will be implemented as follows: The regulations will be repealed.

Department of Vocational Rehabilitation

Date: May 5, 1995
Workforce Development Cabinet
Department of Vocational Rehabilitation

(1) Regulation Number and Title: **781 KAR 1:040**, Rehabilitation technology services.

(2) The Workforce Development Cabinet, Department of Vocational Rehabilitation, intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 30, 1995, at 10 a.m., in the DVR Training Room, 61 Fountain Place, Wilkinson Boulevard, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if it is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and a minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If 5 persons, or an administrative body or association, request this public hearing, and agree in writing to be present at this public hearing, it will be held as scheduled.

(c) If a request for a public hearing is not received from the required number of people at least 20 days prior to June 30, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Department for Vocational Rehabilitation, 935 Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Department of Vocational Rehabilitation at the address listed above.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to vocational rehabilitation is KRS 151B.195.

(b) The administrative regulation that the department intends to promulgate will amend 781 KAR 1:040 as follows: Section 9 will amend the exception to the limitation on property modifications and require a direct relationship between the provision of the modification and the projected employment goal of an eligible individual and that failure to provide the modification would preclude the successful achievement of the employment goal.

(c) The necessity and function of the proposed administrative regulation is: Section 101(a)(5)(C) of the 1992 amendments to the Rehabilitation Act (29 USC 791) requires states to provide rehabilitation technology services at each stage of the rehabilitation process. The department seeks to limit the provision of property modification, a rehabilitation technology service, to those instances requiring a direct relationship to the employment goal and instances indicating that the failure to provide the modification would preclude the successful achievement of the employment goal.

(d) The benefits expected from administrative regulation are: Applicants and eligible individuals will have access to needed rehabilitation technology and the department will allow only those modifications that are absolutely necessary. The restrictions are necessary in order to distribute limited funds over a larger population.

(e) The administrative regulation will be implemented as follows: The application of rehabilitation technology will be considered at discrete steps in the rehabilitation process. All applicants and eligible individuals will be assessed and technology will be provided as appropriate.

Department for Adult Education and Literacy

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **785 KAR 1:010**, Testing program.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to adult education testing programs is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will adopt a new regulation for adults taking the GED tests.

(c) The necessity and function of the proposed administrative regulation is to revise the eligibility requirements, to include a test-readiness prerequisite and the possibility of exemptions to the eligibility requirements for exigent circumstances, and to increase testing fees.

(d) The benefits expected from the proposed administrative regulation are to ensure equal access to services, to improve the GED passing rate, to provide for exemptions to eligibility requirements, and to enable the department to recover costs associated with GED test administration.

(e) The administrative regulation will be implemented as follows: Eligibility requirements will be implemented by GED testing centers; the exemptions will be implemented by the department.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **785 KAR 1:020**, High school equivalency diploma.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and

2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to high school equivalency diploma is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will adopt a new regulation governing issuance for high school equivalency diplomas.

(c) The necessity and function of the proposed administrative regulation is to outline the means whereby a high school equivalency diploma can be issued through the department including changes in the delivery system and the fees assessed.

(d) The benefits expected from the proposed administrative regulation are to improve the speed of the delivery system and to enable the department to recover costs associated with issuance of the high school equivalency diploma.

(e) The administrative regulation will be implemented as follows: By the department through changes in the issuance process.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **785 KAR 1:030**, Eight grade equivalency certificate.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and

2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to eight grade equivalency certificate is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will move this regulation from 780 KAR 9:030 to this title.

(c) The necessity and function of the proposed administrative regulation is to revise the list of test which may be administered to qualify a person for the eighth grade equivalency certificate.

(d) The benefits expected from the proposed administrative regulation are to clarify the current acceptable tests used by local providers.

(e) The administrative regulation will be implemented as follows: By the department and local school districts.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **785 KAR 1:040**, Approval of federal grants under the Adult Education Act as amended by the National Literacy Act of 1991, 20 USC Section 1201, et seq.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26,

1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and

2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to approval of federal grants under the Adult Education Act, as amended by the National Literacy Act of 1991, 20 USC Section 1201, et seq. is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will move 780 KAR 9:040 to a new regulation 785 KAR 1:040 to update policies and procedures for approving local applications for federal grants for adult education programs.

(c) The necessity and function of the proposed administrative regulation is to revise the policies, activities, and procedures the department follows for approving applications for grants of federal funds to adult education programs.

(d) The benefits expected from the proposed administrative regulation are to improve efficiency and program stability (two-year funding cycle), reduce paperwork, allow more time for class room instruction, and to ensure direct and equitable access to funds.

(e) The administrative regulation will be implemented as follows: By the department through changes to the application requirements and procedures.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **785 KAR 1:050**, Approval of special experimental demonstration projects and adult education teacher training applications under Section 353 of the Adult Education Act as amended by the National Literacy Act of 1991, 20 USC Section 1201, et seq.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and

2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to approval of special experimental demonstration projects and adult education teacher training applications under Section 353 of the Adult Education Act as amended by the National Literacy Act of 1991, 20 USC Section 1201, et seq. is KRS Chapter 151B and 20 USC 120.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will move 780 KAR 9:050 to a new regulation 785 KAR 1:050 and amend the policies and procedures for approving demonstration projects under the federal law.

(c) The necessity and function of the proposed administrative regulation is to revise the policies, activities, and procedures the department follows for approving applications for grants of federal funds for demonstration or experimental adult education teacher training and staff development initiatives.

(d) The benefits expected from the proposed administrative regulation are to promote efficiency, reduce paperwork, and provide the department with great flexibility in order to more effectively serve the target population.

(e) The administrative regulation will be implemented as follows: By the department through changes to the application requirements and procedures.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **785 KAR 1:060**, Approval of applications under English literacy program Section 372 of the Adult Education Act as amended by the National Literacy Act of 1991, 20 USC Section 1201, et seq.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to approval of applications under English literacy program Section 372 of the Adult Education Act as amended by the National Literacy Act of 1991, 20 USC Section 1201, et seq. is KRS Chapter 151B and 20 USC Section 1201, et seq.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will move 780 KAR 9:060 to the new regulation, 785 KAR 1:060, and will amend the policies and procedures for grant applications under this federal act.

(c) The necessity and function of the proposed administrative regulation is to revise the policies, activities, and procedures the department follows for approving applications for grants for educational programs for adults of limited English proficiency.

(d) The benefits expected from the proposed administrative regulation are To promote efficiency, reduce paperwork, provide flexibility in order to more effectively serve the target population.

(e) The administrative regulation will be implemented as follows: By the department through changes to the application requirements and procedures.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **785 KAR 1:070**, Approval of applications for migrant farmworker and immigrant education under the Adult Education Act as amended by the National Literacy Act of 1991, 20 USC Section 1201, et seq.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to approval of applications for migrant farmworker and immigrant education under the Adult Education Act as amended by the National Literacy Act of 1991, is KRS Chapter 151B and 20 USC Section 1201, et seq.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will move 780 KAR 9:070 to the new regulation 785 KAR 1:070, and to revise policies and procedures for grant applications under the federal act.

(c) The necessity and function of the proposed administrative regulation is to clarify up the language in the regulation which prescribes the purposes of grants to be awarded to support the planning, development, and evaluation of programs designed to meet the special needs of migrant farmworkers and immigrants.

(d) The benefits expected from the proposed administrative regulation are to reflect the department name change and to clarify the funding source.

(e) The administrative regulation will be implemented as follows: Implementation remains constant; revisions were made for clarification purposes.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **785 KAR 1:080**, Reporting requirements for adult education programs.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to reporting requirements for adult education programs is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will move, 780 KAR 9:080, to the new regulation 785 KAR 1:080 and will amend the reporting requirements for programs receiving federal funds for adult education programs under the federal Adult Education Act.

(c) The necessity and function of the proposed administrative regulation is to revise the reporting process for recipients of federal funds for adult education programs.

(d) The benefits expected from the proposed administrative regulation are to provide flexibility in order to promote technical assistance activities and fiscal accountability.

(e) The administrative regulation will be implemented as follows: By the department through changes to grant administration procedures.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **785 KAR 1:090**, Approval of applications under workplace literacy program under the Adult Education Act as amended by the National Literacy Act of 1991, 20 USC Section 1201, et seq.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to approval of applications under workplace literacy program under the Adult Education Act as amended by the National Literacy Act of 1991, is KRS Chapter 151B and 20 USC Section 1201, et seq.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will move, 780 KAR 9:090, to the new regulation, 785 KAR 1:090, and will amend the policies and procedures for the approval of workplace literacy programs under the federal Adult Education Act.

(c) The necessity and function of the proposed administrative regulation is to revise the policies, activities, and procedures for approval of demonstration grants to exemplary educational partnerships.

(d) The benefits expected from the proposed administrative regulation are to improve the quality of workplace essential skills instruction.

(e) The administrative regulation will be implemented as follows: By the department through changes in the grant evaluation procedures.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **785 KAR 1:100**, Provision of instruction for individuals sentenced by a court to participate in educational programs.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to provision of instruction for individuals sentenced by a court to participate in educational programs is KRS Chapter 151B.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will move, 780 KAR 9:100, to the new regulations, 785 KAR 1:100, 1:110, and 1:120 and will amend the regulation to update the offering of programs at present.

(c) The necessity and function of the proposed administrative regulation is to revise the description of programs of instruction offered to individuals sentenced by courts to education programs.

(d) The benefits expected from the proposed administrative regulation are to enable the department to continue serving this target population.

(e) The administrative regulation will be implemented as follows: By the department through usual and customary services.

Date: May 12, 1995
Workforce Development Cabinet
State Board for Adult and Technical Education

(1) Regulation Number and Title: **785 KAR 1:130**, Qualifications for progressing satisfactorily through a GED program.

(2) The Workforce Development Cabinet, State Board for Adult and Technical Education intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995 at 10 a.m., in the State Board Room, 2nd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Delmus Murrell, Secretary, State Board for Adult and Technical Education, 3rd Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4286, FAX (502) 564-5316.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from Delmus Murrell, Secretary, State Board for Adult and Technical Education at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to qualifications for progressing satisfactorily through a GED program is KRS Chapter 151B and KRS 161.011.

(b) The administrative regulation that the State Board for Adult and Technical Education intends to promulgate will move 780 KAR 9:130 to the new regulation 785 KAR 1:130.

(c) The necessity and function of the proposed administrative regulation is to define progressing satisfactorily through the GED program for the purpose of minimum qualifications for local school district classified employment positions.

(d) The benefits expected from the proposed administrative regulation are to provide flexibility in testing interval requirements which will allow the department to work more effectively with all programs for which varying testing intervals are required.

(e) The administrative regulation will be implemented as follows: By the department and local school districts.

Department for Employment Services

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:010**, Application for employer account; reports. This is necessary to recodify an existing regulation found at 903 KAR 5:010. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to the application for employer accounts and reports from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate requires each employing unit to make application for an employer account and to make other additional reports.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:020**, Change of status; discontinuance of business. This is necessary to recodify an existing regulation found at 903 KAR 5:020. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and

2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to subject employers notifying the division of any change of ownership or control of their business from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate requires subject employers to notify the division of any change of ownership or control of their business.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:030**, Employer contributions. This is necessary to recodify an existing regulation found at 903 KAR 5:030. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and

2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to the due dates upon which employer contributions are payable to the division from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate sets the due dates upon which

employer contributions are payable to the division.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:040**, Posting notice to employees. This is necessary to recodify an existing regulation found at 903 KAR 5:050. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to employers posting notice to employees from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate requires the division to promptly notify an employing unit of its liability and to furnish employers with posters informing employees of their unemployment insurance rights.

(c) The Necessity and Function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:050**, Social Security number required of employees. This is necessary to recodify an existing regulation found at 903 KAR 5:060. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to workers securing and reporting a Federal Social Security Account Number from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate requires each worker engaged in covered employment to secure a Federal Social Security Account Number and report said number to the employing unit.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:060**, Separation for cause; reports. This is necessary to recodify an existing regulation found at 903 KAR 5:070. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and

2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to employers filing reports for separation for cause from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate requires employers to notify the unemployment insurance division of a worker's separation from employment for cause.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:070**, Reasonable time for protesting claim. This is necessary to recodify an existing regulation found at 903 KAR 5:080.

This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to the time an employer has to protest a claim by a former worker from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate defines the term "reasonable time" within which an employer must protest a claim by a former worker.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:080**, Labor dispute or strike; notification. This is necessary to recodify an existing regulation found at 903 KAR 5:090. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to notification by the employer of the beginning and ending of a labor dispute or strike from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate requires the employer to notify the division when a labor dispute or strike begins and ends.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:090**, Claimant's reporting requirements. This is necessary to recodify an existing regulation found at 903 KAR 5:100. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to the registration and reporting requirements for a claimant and the date the claim will be valid from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate sets forth the registration and reporting requirements that the claimant must meet to draw benefits and the date the claim will be valid.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:100**, Week of unemployment defined. This is necessary to recodify an existing regulation found at 903 KAR 5:110. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at

least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to the definition of the term "week of unemployment" from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate defines the term "week of unemployment" as used in KRS 341.080(3).

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:110**, Appeals. This is necessary to recodify an existing regulation found at 903 KAR 5:130. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to appeals from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate sets up the appeals process and general rules for the conduct of hearings.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:120**, Fees for representing claimant. This is necessary to recodify an existing regulation found at 903 KAR 5:140. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to fees for representing claimants from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate sets the maximum fee that may be charged for representing a claimant.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:130**, Determination defined. This is necessary to recodify an existing regulation found at 903 KAR 5:150. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to the definition of "determination" from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate defines the term "determination" for the Unemployment Insurance Program.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:140**, Unemployment insurance fund payments. This is necessary to recodify an existing regulation found at 903 KAR 5:160. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to the procedures used for the certification of checks for benefits from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate sets the procedure to be used between the Division of Unemployment Insurance, the Treasurer of the Unemployment Insurance fund, the Finance and Administration Cabinet and the secretary for the certification of benefit checks.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:150**, Interstate claimants. This is necessary to recodify an existing regulation found at 903 KAR 5:170. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort,

Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and

2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to interstate claimants from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate governs the division in its administrative cooperation with other states for the payment of benefits to interstate claimants.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:160**, Time extension for reports and notices. This is necessary to recodify an existing regulation found at 903 KAR 5:180. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and

2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to an extension for filing reports and notices from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate allows for an extension of time for filing reports and paying contributions due to an act of God.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and

necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:170**, Cash value of board and lodging. This is necessary to recodify an existing regulation found at 903 KAR 5:220. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to the cash value of room and board from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate sets forth the reasonable cash value of room and board in lieu of wages.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:180**, Employer's records. This is necessary to recodify an existing regulation found at 903 KAR 5:230. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to employer's records from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate sets forth the records that must be maintained by the employer.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:190**, Recoupment and recovery. This is necessary to recodify an existing regulation found at 903 KAR 5:250. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a.public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to the definition of "departmental error" for recoupment purposes and requires reports to credit reporting agencies from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate defines "departmental error" for the purpose of recovery and recoupment of improperly paid benefits and requires the department to provide a list of overpayments with liens to credit reporting agencies.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:200**, Maximum weekly benefit rates. This is necessary to recodify an existing regulation found at 903 KAR 5:270. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the

Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to the maximum weekly benefit rates from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate applies the mathematical computation to determine the maximum weekly benefit rate. This rate will be adjusted to reflect the maximum weekly benefit rate to be effective in the fiscal year 1996.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:220**, Required reports and due dates. This is necessary to recodify an existing regulation found at 903 KAR 5:300. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to required reports and records for employers from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate requires the furnishing of certain information, reports and records by employers.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:230**, Due dates. This is necessary to recodify an existing regulation found at 903 KAR 5:310. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to the definition of "date received" from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate defines the term "date received" for the purposes of unemployment insurance.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:240**, Fraud disqualifications. This is necessary to recodify an existing regulation found at 903 KAR 5:320. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at

least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to fraud disqualifications from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate provides that a worker should be disqualified from receiving benefits when fraud is involved.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:250**, Release of notice of levy. This is necessary to recodify an existing regulation found at 903 KAR 5:330. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to the release of levy from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate establishes the conditions for release of levy to facilitate collection of liability.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:260**, Voluntary election of coverage. This is necessary to recodify an existing regulation found at 903 KAR 5:340. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to voluntary election of coverage from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate establishes the process for approval of voluntary election of coverage.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:270**, Covered employment. This is necessary to recodify an existing regulation found at 903 KAR 5:350. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to covered and noncovered employment from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate sets forth conditions affecting certain covered and noncovered employment.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:280**, Limitation on pension deductions. This is necessary to recodify an existing regulation found at 903 KAR 5:360. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to the deductibility of pensions, retirement pay from unemployment insurance benefits from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate limits a pension deduction for unemployment insurance purposes.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:290**, Contract construction rates. This is necessary to recodify an existing regulation found at 903 KAR 5:370. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and

2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to contract construction for the purpose of rate assignment from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate defines the term "contract construction" for the purposes of rate assignment.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:300**, Successorship. This is necessary to recodify an existing regulation found at 903 KAR 5:380. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and

2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to successorship from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate sets forth the conditions under which an employing unit shall be found to be a successor.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce

Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 1:310**, Claimant profiling. This is necessary to recodify an existing regulation found at 903 KAR 5:392. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, Division of Unemployment Insurance, intends to repromulgate all existing administrative regulations codified at 903 KAR 5:010 through 903 KAR 5:392.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to a profiling system from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate prescribes conditions for a claimant to satisfy the requirement of participating in reemployment services as a condition of receiving benefits.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Insurance Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 2:010**, Veterans' benefits. This is necessary to recodify an existing regulation found at 903 KAR 6:050. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, intends to repromulgate administrative regulation codified at 903 KAR 6:050.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to the veterans employment and training program from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate are the rules and regulations for implementing the veterans training and benefit programs.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Veterans Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet, Department for Employment Services.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 2:020**, Confidentiality of records of the Department for Employment Services. This is necessary to recodify an existing regulation found at 903 KAR 6:060. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, intends to repromulgate administrative regulation codified at 903 KAR 6:060.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to the confidentiality of records and reports from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate sets out provisions governing the confidentiality of records and reports.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The need to reflect the organizational realignment of the Department for Employment Services' programs, which are being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Date: May 15, 1995
Workforce Development Cabinet
Department for Employment Services

(1) **787 KAR 2:030**, Classifying a person as unemployed; appeals. This is necessary to recodify an existing regulation found at 903 KAR 6:070. This promulgation will help perfect the transfer of the Department for Employment Services from the Cabinet for Human

Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Department for Employment Services, intends to repromulgate administrative regulation codified at 903 KAR 6:070.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Employment Services.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet's regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to the unemployment tax credit program from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 95-289, signed by Governor Brereton C. Jones on March 22, 1995, will be effective July 1, 1995.

(b) The administrative regulation that the Department for Employment Services intends to promulgate establishes when a person is classified as unemployed for purposes of the unemployment tax credit program and the appeals process.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Department for Employment Services from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 95-289 dated March 22, 1995. No substantive change to the regulation is being made.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Unemployment Tax Credit Program, which is being transferred from the Cabinet for Human Resources to the Workforce Development Cabinet.

Office of Training and Reemployment

Date: May 15, 1995
Workforce Development Cabinet
Office of Training and Reemployment

(1) **788 KAR 2:010**, Job Training Partnership Act. This is necessary to recodify an existing regulation found at 903 KAR 6:040. This promulgation will help perfect the transfer of the Job Training Partnership Program from the Cabinet for Human Resources to the Workforce Development Cabinet.

(2) The Workforce Development Cabinet, Office of Training and Reemployment, intends to repromulgate the existing administrative regulation codified at 903 KAR 6:040.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 26, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 26, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Beverly Haverstock, Office of General Counsel, Workforce Development Cabinet, Capital Plaza Tower, 2nd Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-6606.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Office of General Counsel, Workforce Development Cabinet.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Workforce Development Cabinet'ss

regulations may call (502) 564-3548 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority to transfer the regulation relating to the implementation of Kentucky's job training program from the Cabinet for Human Resources to the Workforce Development Cabinet is KRS 151B.020 and 12.028. Executive Order 94-577, signed by Governor Brereton C. Jones and ratified by the General Assembly pursuant to SB 195 and was effective on July 1, 1994.

(b) The administrative regulation that the Office of Training and Reemployment intends to promulgate regulates Kentucky's Job Training Program.

(c) The necessity and function of the proposed administrative regulation is as follows: This promulgation is technical in nature and necessary to perfect the transfer of the Job Training Partnership regulation from the Cabinet for Human Resources to the Workforce Development Cabinet pursuant to Executive Order 94-577 and ratified by the General Assembly pursuant to SB 195.

(d) The benefits expected from administrative regulation are: The continued authority to administer Kentucky's Job Training Program, which was transferred from the Cabinet for Human Resources to the Workforce Development Cabinet, Office of Training and Reemployment.

LABOR CABINET
Department of Workers' Claims

Date: May 12, 1995
Kentucky Department of Workers' Claims

(1) The subject matter of the proposed administrative regulation is workers' compensation enforcement hearings, **803 KAR 25:015**.

(2) The Commissioner of the Department of Workers' Claims intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing has been scheduled for June 30, 1995, at 10 a.m. at the Farnham Dudgeon Civic Center, Conference Rooms ABC, 405 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if it is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and a minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If 5 persons, or an administrative body or association, request this public hearing and agree in writing to be present at this public hearing, it will be held as scheduled.

(c) If a request for a public hearing is not received from the required number of people at least 20 days prior to June 30, 1994, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Department of Workers' Claims, Perimeter Park West, Building C, 1270 Louisville Road, Frankfort, Kentucky 40601, Attn: Valerie L. Salven, General Counsel.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Department of Workers' Claims at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to enforcement hearings is KRS 342.260 and 342.990.

(b) The administrative regulation that the commissioner intends to promulgate will not amend an existing regulation.

(c) The necessity and function of the proposed administrative regulation is as follows: There is not at the present an administrative regulation of the Department of Workers' Claims that specifically addresses the handling of enforcement hearings when the commissioner has initiated enforcement of civil penalties under KRS 342.990. In addition, KRS Chapter 13B, which was passed by the 1994 Kentucky General Assembly, now requires most administrative agencies to incorporate certain general procedures in their administrative hearing regulations unless an exemption has been granted for alternate procedures.

(d) The benefits expected from administrative regulation are: More guidance to both agency personnel and those individuals receiving citations under KRS 342.990.

(e) The administrative regulation will be implemented as follows: The purpose of the public hearing is to solicit comments and suggestions about what the proposed regulation should contain. The proposed regulation is expected to adopt the procedures contained in KRS Chapter 13B, to the extent that they do not conflict with the particular organizational structure and certain statutory mandates of the Department of Workers' Claims. The commissioner will then consider these comments and suggestions in determining the content of the regulation. This proposed administrative regulation will not affect proceedings in routine workers' compensation claims, which are addressed in another administrative regulation.

Date: May 15, 1995
Kentucky Department of Workers' Claims

(1) The subject matter of the proposed administrative regulation is self-insured groups to maintain fraud investigative units, **803 KAR 25:028**.

(2) The Commissioner of the Department of Workers' Claims intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 30, 1995, at 10 a.m. at the Farnham Dudgeon Civic Center, Conference Rooms ABC, 405 Mero Street, Frankfort, Kentucky 40601.

(4) (a) The public hearing will be held if it is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and a minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If 5 persons, or an administrative body or association, request this public hearing and agree in writing to be present at this public hearing, it will be held as scheduled.

(c) If a request for a public hearing is not received from the required number of people at least 20 days prior to June 30, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Department of Workers' Claims, Perimeter Park West, Building C, 1270 Louisville Road, Frankfort, Kentucky 40601, Attn: Marcy Ches, Staff Attorney.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Department of Workers' Claims at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to self-insured groups' fraud investigative units is contained in KRS 342.260 and 342.350(4).

(b) The administrative regulation that the commissioner intends to promulgate will not amend an existing administrative regulation. It will require self-insured groups to maintain fraud investigative units.

(c) The necessity and function of the proposed administrative regulation is as follows: This administrative regulation is being promulgated to ensure the prompt and effective investigation of possible fraudulent claims relating to workers' compensation.

(d) The benefits expected from administrative regulation are: The uniform and expeditions review of medical bills in workers' compensation claims.

(e) The administrative regulation will be implemented as follows: Comments and suggestions concerning the content of the proposed administrative regulation concerning self-insured groups fraud investigative units are invited from group self-insurers, and others interested in fraud investigation. A Department of Insurance statute, KRS 342.304.48-080 requiring insurers to maintain investigative units will be considered in the drafting of the Department of Workers' Claims administrative regulation on this subject.

Date: May 15, 1995

Kentucky Department of Workers' Claims

(1) The subject matter of the proposed administrative regulation is access to public records of Department of Workers' Claims, **803 KAR 25:210.**

(2) The Commissioner of the Department of Workers' Claims intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 30, 1995, at 10 a.m. at the Farnham Dudgeon Civic Center, Conference Rooms ABC, 405 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if it is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and a minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If 5 persons, or an administrative body or association, request this public hearing and agree in writing to be present at this public hearing, it will be held as scheduled.

(c) If a request for a public hearing is not received from the required number of people at least 20 days prior to June 30, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Department of Workers' Claims, Perimeter Park West, Building C, 1270 Louisville Road, Frankfort, Kentucky 40601, Attn: Valerie L. Salven, General Counsel.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Department of Workers' Claims at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to access to public records of the Department of Workers' Claims is KRS 13A.100, 61.870 through 61.884, 61.960 through 61-992, and 342.260.

(b) The administrative regulation that the commissioner intends to promulgate will not amend an existing administrative regulation.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 61.876 requires agencies to adopt administrative regulations to provide full access to public records, to protect records from damage and disorganization, to prevent excessive disruption of essential functions, to provide assistance and information upon request and to ensure efficient and timely action in response to applications for inspection. KRS 342.260 permits the Commissioner of the Department of Workers' Claims to promulgate administrative regulations not inconsistent with KRS Chapter 342 and KRS Chapter 13A for carrying out the provisions of the Workers' Compensation Act. KRS 13A.100(3) requires administrative bodies to establish fees by administrative regulation, and KRS 61.960 through 61-992 permit an agency to charge higher fees to those who request copies of all or any part of a governmental database for a commercial purpose.

(d) The benefits expected from administrative regulation are: A consistent and publicly stated policy for handling records requests received by the Department of Workers' Claims.

(e) The administrative regulation will be implemented as follows: It is anticipated that the proposed administrative regulation will contain the procedure for requesting records, statements concerning the availability and confidentiality of certain records, and fees to be assessed against noncommercial applicants and commercial use applicants. At the Notice of Intent public hearing, comments will be solicited concerning the appropriate level of fees to be assessed for various categories of records and requestors. The commissioner will then decide what fees to place in the regulation that is filed with LRC.

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

Date: May 2, 1995
Public Protection and Regulation Cabinet
Department of Housing, Buildings and Construction

(1) Regulation Number and Title: **815 KAR 7:100** - The Kentucky Building Code.

(2) The Department of Housing, Buildings and Construction intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for 10 a.m., local time, on Thursday, June 29, 1995, in the Department of Housing's Conference Room at 1047 U.S. Highway 127 South, Suite #1, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least five (5) persons or an administrative body or an association having at least five (5) members; and

2. A minimum of five (5) persons or the administrative body or association agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing and agreement to attend the public hearing are not received from the required number of people at least twenty (20) days prior to June 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Honorable Judith G. Walden, General Counsel, Department of Housing, Buildings and Construction, 1047 U.S. 127 South, Suite #1, Frankfort, Kentucky 40601.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Department's General Counsel at the address listed above.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of this administrative regulation is KRS 198B.040(7) and 198B.050.

(b) The department intends to amend 815 KAR 7:100, The Kentucky Building Code, by proposing the following changes:

1. Section 916.1, Private hydrants, of the 1994 Edition of the Kentucky Building Code by proposing language "that hydrants shall be spaced so that the hose line does not exceed 500 feet" to be added to the existing section. The 1992 Edition of NFPA #24 deleted this specification and several fire code officials believe it should be stated in the building code for clarification.

2. Section 1006.4, Remote location, by proposing to delete the word "both" and insert in lieu thereof the word "multiple" in reference to exits.

3. Section 1006.4.1.1, Three or more, by proposing the following additional language to be added to the end of the existing subsection, "The additional exits shall be arranged a reasonable distance apart so that if one becomes blocked, the others will be available."

(c) The necessity and function of the proposed administrative regulation is as follows: Pursuant to KRS 198B.040(7), the Kentucky Board of Housing, Buildings and Construction promulgated and adopted a uniform state building code establishing standards for construction of buildings in the state.

(d) The benefits expected from this administrative regulation are: Inconsistencies between certain provisions and technical clarifications make the code easier to understand and to clarify the interpretation of remoteness of exits.

(e) This administrative regulation will be implemented by supplementing the Kentucky Building Code with the amended provisions for applicability to construction plans submitted after the effective date of the amendments.

Date: May 5, 1995
Public Protection and Regulation Cabinet
Department of Housing, Buildings and Construction

(1) Regulation Number and Title: **815 KAR 10:050**, Kentucky Fire Prevention Code.

(2) The Department of Housing, Buildings and Construction; Division of Fire Prevention intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for 10 a.m., local time, on Thursday, June 29, 1995, in the Department's Conference Room at 1047 U.S. Highway 127 South, Suite #1, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least five (5) persons or an administrative body or an association having at least five (5) members; and

2. A minimum of five (5) persons or the administrative body or association agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing and agreement to attend the public hearing are not received from the required number of people at least twenty (20) days prior to June 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Honorable Judith G. Walden, General Counsel, Department of Housing, Buildings and Construction, 1047 U. S. Highway 127 South, Suite #1, Frankfort,

Kentucky 40601.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the department's general counsel at the address listed above.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of this administrative regulation is KRS 227.300.

(b) The administrative regulation that the department intends to promulgate will not amend an existing administrative regulation. It will establish minimum fire safety standards for specific occupancies, operations and building use; and the maintenance of fire safety equipment in existing buildings.

(c) The necessity and function of the proposed administrative regulation is as follows: This administrative regulation will replace the present fire prevention code for Kentucky and will continue to be based upon nationally recognized standards for fire prevention such as NFPA, providing a reasonable degree of safety for human life against emergencies such as fire and explosion. These standards shall be enforceable by the State Fire Marshal and local authorities, pursuant to KRS 227.320.

(d) The benefits expected from this administrative regulation are: Continued protection of the public by having reviewed and revised the existing standards to guide the state and local authorities in assessing minimum safety requirements for human life and property.

(e) This administrative regulation will be implemented by Division of Fire Prevention inspectors, and where adopted by local ordinance, by fire code officials statewide.

Date: May 2, 1995
Public Protection and Regulation Cabinet
Department of Housing, Buildings and Construction

(1) Regulation Number and Title: **815 KAR 20:110** - Water supply and distribution.

(2) The Department of Housing, Buildings and Construction intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for Thursday, June 29, 1995 at 10 a.m., local time, in the Department of Housing's Conference Room at 1047 U.S. Highway 127 South, Suite #1, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least five (5) persons, or an administrative body, or an association having at least five (5) members; and

2. A minimum of five (5) persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least twenty (20) days prior to June 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Honorable Judith G. Walden, General Counsel, Department of Housing, Buildings and Construction, 1047 U.S. 127 South, Suite #1, Frankfort, Kentucky 40601.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the department's general counsel at the address listed above.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of this administrative regulation is KRS 318.130.

(b) The department intends to amend 815 KAR 20:110 by amending Section 14 to allow the use of plastic devices which have, in fact, been utilized for several years with success.

(c) The necessity and function of the proposed administrative regulation is as follows: This administrative regulation relates to the quality, location and the placing of traps and clean-outs to prevent harmful gases and odors from entering buildings and homes that are served by plumbing systems. This administrative regulation also identifies the manufacturer's specification number of the material accepted in those installations.

(d) The benefits expected from this administrative regulation are: Equal protection with less expense.

(e) This administrative regulation will be implemented by the Division of Plumbing and state plumbing inspectors.

Date: May 5, 1995
Public Protection and Regulation Cabinet
Department of Housing, Buildings and Construction

(1) Regulation Number and Title: **815 KAR 35:015**, Certification of electrical inspectors.

(2) The Department of Housing, Buildings and Construction intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for 10 a.m., local time, on Thursday, June 29, 1995, in the Department of Housing's Conference Room at 1047 U.S. Highway 127 South, Suite #1, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least five (5) persons, or an administrative body, or an association having at least five (5) members; and

2. A minimum of five (5) persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least twenty (20) days prior to June 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Honorable Judith G. Walden, General Counsel, Department of Housing, Buildings and Construction, 1047 U.S. 127 South, Suite #1, Frankfort, Kentucky 40601.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the department's general counsel at the address listed above.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of this administrative regulation is KRS 227.489 and 13A.100.

(b) The department intends to amend 815 KAR 35:015 to reduce the time to hold a temporary certification from 18 to 9 months and establish a revival fee for those certificate holders who fail to renew in a timely fashion.

(c) The necessity and function of the proposed administrative regulation is as follows: The Commissioner of the Department of Housing, Buildings and Construction is required by KRS 227.489 to certify electrical inspectors based on standards of the National Electrical Code. This administrative regulation is needed to establish the procedures for achieving and maintaining the certification and to encourage inspectors to pass the national examination sooner, but allowing flexibility for late renewals.

(d) The benefits expected from this administrative regulation are: Timely submittal of renewal certification of electrical inspectors and reduction of temporary certification to encourage applicants to take the certification examination.

(e) This administrative regulation will be implemented by the Division of Fire Prevention; Electrical Section.

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

Date: May 15, 1995
Cabinet for Human Resources
Department for Medicaid Services

(1) **907 KAR 1:013**, Payments for hospital inpatient services.

(2) Cabinet for Human Resources, Department for Medicaid Services intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 30, 1995 at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 30, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: William K. Moore, Jr., Deputy Counsel for Administrative Law, Cabinet for Human Resources, 275 East Main Street, 4th West, Frankfort, Kentucky 40621, (502) 564-7900.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Medicaid Services, Division of Program Development and Budget, CHR Building, Third Floor East, 275 East Main Street, Frankfort, Kentucky 40621.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Human Resources' regulations may call toll free 1-800-372-2973 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to hospital inpatient services are KRS 194.050, 205.520, 205.640, 42 CFR 440.10, 440.140, 447.250 through 447.280, and 42 USC 1396a, b, d, r-4.

(b) The administrative regulation that the Department for Medicaid Services intends to promulgate will amend 907 KAR 1:013, Payments for hospital inpatient services. This amendment, effective December 31, 1994, allows state-owned psychiatric hospitals to be paid disproportionate share hospital payments equal to 100 percent, and state university teaching hospitals to be paid disproportionate share hospital payments equal to 200 percent, of the uncompensated care they furnish. In-state disproportionate share hospitals with 100 beds or less will be paid an additional disproportionate share hospital payment of $200,000 for the period December 31, 1994 through June 30, 1995. The definition of Type III hospitals (state-designated teaching hospitals) is being revised effective February 20, 1995. Effective May 15, 1995 disproportionate share hospitals with 100 beds or less will be required to submit a plan for provision of indigent care and both Type III disproportionate share hospitals and those with 100 beds or less will be required to report monthly on the amount of indigent care provided and the cost of that care.

(c) The necessity and function of the proposed administrative regulation is as follows: This administrative regulation sets forth the

method of determining amounts payable by the Medicaid Program for hospital inpatient services.

(d) The benefits expected from administrative regulation are: Amending 907 KAR 1:013 will allow state-owned psychiatric hospitals to be paid disproportionate share hospital payments equal to 100 percent, and state university teaching hospitals to be paid disproportionate share hospital payments equal to 200 percent, of the uncompensated care they furnish; prevent the loss of federal matching funds which would otherwise be available for state-owned psychiatric hospitals and state university teaching hospitals qualifying as disproportionate share hospitals; and pay the small in-state disproportionate share hospitals with 100 beds or less an additional disproportionate share hospital payment of $200,000 for the period of December 31, 1994 through June 30, 1995 to cover the cost of treating patients unable to pay. The definition of Type III hospitals (state-designated teaching hospitals) is being revised effective February 20, 1995. Effective May 15, 1995 disproportionate share hospitals with 100 beds or less will be required to submit a plan for provision of indigent care and both Type III disproportionate share hospitals and those with 100 beds or less will be required to report monthly on the amount of indigent care provided and the cost of that care.

Date: May 15, 1995
Cabinet for Human Resources
Department for Medicaid Services

(1) **907 KAR 1:060**, Medical transportation.

(2) Cabinet for Human Resources, Department for Medicaid Services intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 30, 1995 at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 30, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: William K. Moore, Jr., Deputy Counsel for Administrative Law, Cabinet for Human Resources, 275 East Main Street, 4th West, Frankfort, Kentucky 40621, (502) 564-7900.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Medicaid Services, Division of Program Development and Budget, CHR Building, Third Floor East, 275 East Main Street, Frankfort, Kentucky 40621.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Human Resources' regulations may call toll free 1-800-372-2973 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to reimbursement for medical transportation are 42 USC 1396(d) and 42 CFR 440.170.

(b) The administrative regulation that the Department for Medicaid Services intends to promulgate will amend 907 KAR 1:060, to require preauthorization for nonemergency ambulance services; to add definitions for medical service area, medical necessity, and household; and to clarify that Medicaid recipients shall use the most appropriate and least expensive type of medical transportation within the medical service area.

(c) The necessity and function of the proposed administrative regulation is as follows: This administrative regulation sets forth the provisions relating to the service of transportation for access to medical services for which payment shall be made by the Medicaid Program.

(d) The benefits expected from administrative regulation are: The agency plans to implement these changes as a program improvement in an effort to reduce the occurrence of inappropriate and unnecessary utilization of medical transportation services and to promote the use of the most appropriate and least expensive type of transportation for nonemergency medically necessary transportation of Medicaid recipients.

Date: May 15, 1995
Cabinet for Human Resources
Department for Medicaid Services

(1) **907 KAR 1:061**, Payments for medical transportation.

(2) Cabinet for Human Resources, Department for Medicaid Services intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 30, 1995 at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 30, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: William K. Moore, Jr., Deputy Counsel for Administrative Law, Cabinet for Human Resources, 275 East Main Street, 4th West, Frankfort, Kentucky 40621, (502) 564-7900.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Medicaid Services, Division of Program Development and Budget, CHR Building, Third Floor East, 275 East Main Street, Frankfort, Kentucky 40621.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Human Resources' regulations may call toll free 1-800-372-2973 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to Medicaid Program's medical transportation are 42 USC 1396(d); 42 CFR 440.170; and 42 CFR 447.200 through 447.205.

(b) The administrative regulation that the Department for Medicaid Services intends to promulgate will amend 907 KAR 1:061, to require preauthorization for nonemergency ambulance services; to redefine the types of ambulance services and change their reimbursement rates; to increase the private auto medical transportation rate; to amend the meals and lodging for Medicaid recipients and attendants to a flat rate to correspond with a policy clarification on Title XIX State Plan transmittal 91-21; and clarify that Medicaid recipients shall use the most appropriate and least expensive type of medical transportation within the medical service area.

(c) The necessity and function of the proposed administrative regulation is as follows: This administrative regulation sets forth the method for determining amounts payable for medical transportation services by the Medicaid Program.

(d) The benefits expected from administrative regulation are: The agency plans to implement these changes as a program improvement in an effort to reduce the occurrence of inappropriate and unnecessary utilization of medical transportation services and to promote the use of the most appropriate and least expensive type of transportation for nonemergency medically necessary transportation of Medicaid recipients.

Date: May 15, 1995
Cabinet for Human Resources
Department for Medicaid Services

(1) **907 KAR 1:715**, School-based health services.

(2) The Department for Medicaid Services intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 30, 1995 at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to June 30, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: William K. Moore, Jr., Deputy Counsel for Administrative Law, Cabinet for Human Resources, 275 East Main Street, 4th West, Frankfort, Kentucky 40621, (502) 564-7900.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Medicaid Services, Division of Program Development and Budget, CHR Building, Third Floor East, 275 East Main Street, Frankfort, Kentucky 40621.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Human Resources' regulations may call toll free 1-800-372-2973 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to Medicaid coverage and reimbursement of school-based health services is KRS 605.115; 47.011 Chapter 5 Appendix A, Part IX, Item 12(c); 194.050; 205.520(3); 205.560(1).

(b) The administrative regulation that the Department for Medicaid Services intends to promulgate will not amend an existing administrative regulation. It will, upon approval by the Health Care Financing Administration, permit the coverage of school-based health services through multiagency agreements between the Department for Medicaid Services, the Kentucky Department of Education and local school districts.

(c) The necessity and function of the proposed administrative regulation is as follows: This new administrative regulation will set forth

the provisions of HB 2 related to the use of federal Medicaid appropriations for expenditures associated with student health related functions performed by elementary and secondary school faculty, staff and administrators.

(d) The benefits expected from administrative regulation are: This new administrative regulation will permit local school districts to receive reimbursement based on cost for health related services provided to Medicaid eligible children. This will permit Kentucky to leverage additional unbudgeted federal Medicaid funds, thereby increasing funds available to local school districts.

Department for Mental Health/Mental Retardation Services

Date: May 15, 1995
Cabinet for Human Resources
Department for Mental Health/Mental Retardation Services

(1) **908 KAR 2:060**. Mental health and mental retardation manuals for plan and budget instructions, billing instructions, and reimbursement guidelines.

(2) The Department for Mental Health/Mental Retardation Services intends to amend the administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 30, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested in writing by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agrees, in writing, to be present at the public hearing.

(b) If a request for a public hearing and agreement to attend the public hearing are not received from the required number of people at least 20 days prior to June 30, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: William K. Moore, Jr., Deputy Counsel for Administrative Law, Cabinet for Human Resources, 275 East Main Street, 4th West, Frankfort, Kentucky 40621, (502) 564-7900.

(b) On a request for a public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate administrative regulations governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Mental Health/Mental Retardation Services, Division of Administration and Financial Management, 275 East Main Street, Frankfort, Kentucky 40621.

(c) NOTE: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Human Resources' regulations may call toll free 1-800-372-2973 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to mental health and mental retardation manuals for plan and budget instructions, billing instructions, and reimbursement guidelines is KRS 210.440 to 210.450.

(b) The administrative regulation that the Department for Mental Health and Mental Retardation Services intends to promulgate will amend 908 KAR 2:060. It will revise the regulation to comply with language requirements of the Americans with Disabilities Act and KRS Chapter 13A.

(c) The necessity and function of the proposed administrative regulation is as follows: To allocate available funds to mental health and mental retardation boards in accordance with approved plans and budgets, and to promulgate policies and administrative regulations as to operations, budgets, and expenditures of community programs and to require reporting management and financial programs as necessary to carry out the purposes of KRS 210.370 to 210.460.

(d) The benefits expected from the administrative regulation are: To ensure that language dealing with individuals with disabilities has been modified to reflect appropriate terminology as required by the Americans with Disabilities Act.

KENTUCKY HEALTH POLICY BOARD

Date: May 1, 1995
Kentucky Health Policy Board

(1) **909 KAR 1:090**. Risk assessment and risk adjustment. The subject matter of the proposed administrative regulation is the requirements for certification of the Risk Assessment and Risk Adjustment System.

(2) The board intends to promulgate an administrative regulation governing the subject matter above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for June 27, 1995 at 1:30 p.m. EDT at the Kentucky Health Policy Board, 909 Leawood Drive, Frankfort, Kentucky in the First Floor Hearing Room.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least five persons, or an administrative body, or an association having at least five members; and
2. A minimum of five persons, or the administrative body or association, agree in writing to be present at the public hearing.

(b) If a request for a public hearing and agreement to attend the public hearing are not received from the required number of people at least 20 days prior to June 27, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to: Jack B. Hall, Chairman, Kentucky Health Policy Board, 909 Leawood Drive, Frankfort, Kentucky 40601.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Kentucky Health Policy Board at the above address.

(c) Note: Requests for notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding the Kentucky Health Policy Board's administrative regulations may call toll free 1-800-648-6056 (V/TDD for hearing impaired) or 1-800-648-6057.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to accountable health plan certification is found in KRS 304.17A-070(2).

(b) The administrative regulation that the board intends to promulgate was filed as an emergency regulation in order to meet the statutory deadline of July 15, 1995 for full operation of the Kentucky Health Purchasing Alliance.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 304.17A-070(2) requires the Kentucky Health Purchasing Alliance to adopt administrative regulations for the certification of accountable health plans in consultation with the Kentucky Health Policy Board.

(d) The benefit expected from this administrative regulation is to enable the board to carry out its statutory mandate to implement the program.

(e) The proposed administrative regulation will be implemented by allowing proposed accountable health plans to make application to the program.

REPRINT

COMPILER'S NOTE: 803 KAR 25:075, as amended at the April 3, 1995, Administrative Regulation Subcommittee Committee, was republished in the May 1995 Administrative Register. One of the amendments reflected that Section 2(7) was amended to delete the equal sign (=) and replacing it with a minus sign (-). Section 2(7) should not have been changed; however, Section 2(8) was to be amended in this manner. Therefore, this administrative regulation is being republished to reflect this change.

LABOR CABINET
Department of Workers' Claims
(As Amended)

803 KAR 25:075. Attorney fee discount.

RELATES TO: KRS Chapter 342
STATUTORY AUTHORITY: KRS 342.260
NECESSITY AND FUNCTION: KRS 342.260 requires the Commissioner of the Department of Workers' Claims to prepare administrative regulations as he considers necessary to carry on the work of the department and the work of the administrative law judges. KRS 342.320 requires the administrative law judges to approve the payment of the attorney's fee in any case involving benefits under KRS Chapter 342, and KRS 342.120 provides the method by which an employer or its insurance carrier and the special fund share liabilities for awards or injuries occurring after April 4, 1994. The function of this administrative regulation is to establish a mechanism for crediting the employer, the employer's insurance carrier, and the special fund for the payment of attorneys' fees for injuries occurring and disabilities arising after April 4, 1994, when the claimant elects to repay an attorney's fee through the reduction of weekly benefits.

Section 1. Employer's Calculation. For injuries occurring and disabilities arising on or after April 4, 1994, the employer or the insurance carrier making payment on behalf of the employer shall be entitled to credit for the lump sum value of any attorney's fee paid. The following formula shall be used:

(1) Employer weeks awarded - weeks paid = remaining weeks.
(2) R weeks = P weeks (present worth).
(3) EMP % Attorney fee + P weeks = Y rate.
(4) R weeks x Y rate = employer attorney fee and discount.
(5) EMP attorney fee and discount - EMP attorney fee = EMP discount.
(6) Weekly rate -Y rate = Employer reduced rate.

Section 2. Special Fund Credit. The Labor Cabinet, Department of Workplace Standards, Division of Special Fund shall calculate its lump sum credit for attorney's fees in cases involving injuries occurring and disabilities arising on or after April 4, 1994, as follows:

(1) Employer weeks awarded - weeks paid = remaining weeks.
(2) R weeks = P weeks (present worth).
(3) Total weeks awarded - weeks paid = total remaining weeks.
(4) TR weeks = PW weeks (present worth).
(5) PW weeks - P weeks = SF (special fund) weeks.
(6) SF % Attorney fee + SF weeks = SF rate reduction.
(7) SF rate reduction x SF weeks owed = SF attorney fee and discount.
(8) SF attorney fee and discount ~~-~~ [=] SF attorney fee = SF discount.

Section 3. Procedure. The calculations set forth in Sections 1 and 2 of this administrative regulation shall be completed by the Division of the Special Fund and the results forwarded to the other payers, as well as to the plaintiff, when the plaintiff elects to repay an attorney's fee through the reduction of weekly benefits. Any disagreements as to the application of the formula shall be resolved by the administrative law judge upon motion by any party.

WALTER W. TURNER, Commissioner
APPROVED BY AGENCY: February 14, 1995
FILED WITH LRC: February 14, 1995 at 2 p.m.

EMERGENCY ADMINISTRATIVE REGULATIONS NOW IN EFFECT

(NOTE: Emergency administrative regulations expire 170 days from publication or upon replacement, repeal, or withdrawal)

STATEMENT OF EMERGENCY
201 KAR 32:010E

This emergency administrative regulation defines the following terms in KRS 335.330(4)(a) and (b): "two years' experience in the practice of marriage and family therapy, acceptable to the board", and "clinical supervision acceptable to the board". These definitions will be used by members of the Kentucky Board of Certification of Marriage and Family Therapists ("board"), in reviewing applications to determine if the interested party satisfies the requirements of KRS 335.330 to receive a certificate to practice. The board was established by the 1994 General Assembly and is authorized to oversee the process of granting certificates to those seeking to practice as a marriage and family therapist in this state. Prior to 1994, this was an unregulated field which meant that anyone could practice and hold themselves out to the public as a marriage and family therapist. Since the passage of the legislation in 1994, only those individuals licensed by the board may hold themselves out as a marriage and family therapist. The reason why an ordinary administrative regulation is not sufficient is that due to inherent delays associated with the creation and operation of a new licensure board, and the drafting of other administrative regulations, it took the board members more time than expected to prepare the definitions in this administrative regulation. These unexpected delays resulted in the board having to postpone reviewing a number of applications. If the board were to use the process associated with the adoption of an ordinary administrative regulation these applicants would be required to wait an additional extended period of time before they could practice and hold themselves out to the public as marriage and family therapists. This emergency administrative regulation shall be replaced by an ordinary administrative regulation.

BRERETON JONES, Governor
JOHN P. SOHAN, Chairman

GENERAL GOVERNMENT CABINET
Kentucky Board of Certification of Marriage and Family Therapists

201 KAR 32:010E. Definitions.

RELATES TO: KRS 335.330
STATUTORY AUTHORITY: KRS 335.320
EFFECTIVE: April 27, 1995
NECESSITY AND FUNCTION: KRS 335.330 sets forth the requirements for certification as a marriage and family therapist. The board is required to review the applications of applicants for certification. In addition to other requirements, KRS 335.330 requires applicants to have experience under supervision. This administrative regulation establishes definitions necessary for the evaluation of experience under supervision.

Section 1. Definitions. The following terms relate to the evaluation of applications for certification:

(1) "The practice of marriage and family therapy" means the identification and treatment of cognitive, affective, and behavioral symptoms of marital and family dysfunctions. Marriage and family therapy involves the professional application of psychotherapeutic and systems theories and techniques in the delivery of services to individuals, couples, and families.

(2) "Two (2) years' experience in the practice of marriage and family therapy" means a minimum of two (2) years of the practice of marriage and family therapy which includes 1,000 hours of direct, face-to-face contact with individuals, couples, and families in the practice of marriage and family therapy under the supervision of an approved supervisor.

(2) "Approved supervisor" means an individual who is one (1) of the following:

(a) A person who holds a designation as an approved supervisor granted by the American Association for Marriage and Family Therapy;

(b) A person who is certified as a marriage and family therapist in the Commonwealth of Kentucky with a minimum of four (4) years of experience in the practice of marriage and family therapy; or

(c) A person who holds licensure or certification in another mental health profession whose education and experience demonstrate to the board a level of competence equivalent to that contained in paragraph (b) of this subsection. After July 15, 1999, a supervisor qualifying under this paragraph shall no longer be considered as an approved supervisor.

(3) "Clinical supervision" means the process of utilizing a partnership aimed at enhancing the professional development of supervisees in providing marriage and family services. Clinical supervision shall be equally distributed throughout the qualifying period.

Section 2. Clinical membership in the American Association for Marriage and Family Therapy shall be accepted as evidence that the applicant has met both the educational and experiential requirements for certification as set forth in KRS 335.330(3) and (4)(a) and (b).

JOHN P. SOHAN, Chairman
APPROVED BY AGENCY: April 20, 1995
FILED WITH LRC: April 27, 1995 at 4 p.m.

REGULATORY IMPACT ANALYSIS

Contact person: David Nicholas

(1) Type and number of entities affected: All persons applying for certification as a marriage and family therapist.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received. None

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received. None

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: This administrative regulation will create minimal reporting requirements for those individuals seeking to become certified as a marriage and family therapist.

2. Second and subsequent years: See above answer.

(3) 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: All applications for certification will be reviewed by the board.

(4) Assessment of anticipated effect on state and local revenues. None

(5) Source of revenue to be used for implementation and enforcement of administrative regulation. Fees paid by the applicants.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation on:

(a) Geographical area in which administrative regulation will be implemented. None

(b) Kentucky. None

(7) Assessment of alternative methods; reasons why alternative methods were rejected. KRS 335.330(4)(a) and (b) authorize the board to define the terms set forth in this regulation.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: Only individuals with the proper supervision and 2 years of experience will be able to hold themselves out to the public as marriage and family therapists.

(b) State whether a detrimental effect on environment and public health would result if not implemented. Yes

(c) If detrimental effect would result, explain detrimental effect: Persons without the proper amount of supervision and years of experience would be able to hold themselves out to the public as marriage and family therapists.

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no known statutes, administrative regulations or government policies which overlap or conflict with this administrative regulation.

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? No. Tiering is unnecessary because this administrative regulation applies uniformly to all qualified candidates.

STATEMENT OF EMERGENCY
201 KAR 32:020E

This emergency administrative regulation establishes the standards the members of the Kentucky Board of Certification of Marriage and Family Therapists ("board"), will apply when they review applications to determine whether a master's or doctoral degree awarded to an applicant seeking a certificate to practice is equivalent to a master's or doctoral degree in marriage and family therapy as required by KRS 335.330(3). The board was established by the 1994 General Assembly and is authorized to oversee the process of granting certificates to those seeking to practice as a marriage and family therapist in this state. Prior to 1994, this was an unregulated field which meant that anyone could practice and hold themselves out to the public as a marriage and family therapist. Since the passage of the legislation in 1994, only those individuals licensed by the board may hold themselves out as a marriage and family therapist. The reason why an ordinary administrative regulation is not sufficient is that due to inherent delays associated with the creation and operation of a new licensure board, preparing other administrative regulations, and developing the criteria required by KRS 335.330(3), it has taken the board members more time than expected to draft the standards in this administrative regulation. These unexpected delays have resulted in the board having a number of applications for a certificate to practice from those individuals who did not receive a master's or doctoral degree in marriage and family therapy pending before them. If the board were to use the process associated with the adoption of an ordinary administrative regulation these applicants would be required to wait an additional extended period of time before they could practice and hold themselves out to the public as marriage and family therapists. This emergency administrative regulation shall be replaced by an ordinary administrative regulation.

BRERETON JONES, Governor
JOHN P. SOHAN, Chairman

GENERAL GOVERNMENT CABINET
Kentucky Board of Certification of Marriage and Family Therapists

201 KAR 32:020E. Equivalent course of study.

RELATES TO: KRS 335.330
STATUTORY AUTHORITY: KRS 335.320, 335.330
EFFECTIVE: April 27, 1995
NECESSITY AND FUNCTION: KRS 335.330(3) states that the board shall define a course of study equivalent to a master's degree in marriage and family therapy and promulgate the equivalency standard by administrative regulations. This regulation clarifies the criteria for marriage and family therapy education and clinical training as approved by the United States Department of Education.

Section 1. "An equivalent course of study" means a master's or doctoral degree from a regionally accredited institution in a mental health field closely related to marriage and family therapy which either contains, or has been supplemented by the coursework in each of the basic core areas listed in Section 2 of this administrative regulation.

Section 2. The basic core areas which are necessary in order to qualify as an equivalent course of study, shall include the following:

(1) Marriage and family studies. This area shall include a minimum of three (3) courses (nine (9) semester hours, twelve (12) quarter hours or 135 didactic contact hours). Courses in this area shall be theoretical in nature and have a major focus of system theory orientation, and may include:

(a) Systems theory;
(b) Family development;
(c) Blended families;
(d) Cultural issues in families;
(e) Family subsystems;
(f) Major models of family systems theory; or
(g) Gender issues in families.

(2) Marriage and family therapy. This area shall include a minimum of three (3) courses (nine (9) semester hours, twelve (12) quarter hours or 135 didactic contact hours). Courses in this area shall have a major focus on family systems theory and systemic therapeutic interventions. Courses shall relate to major theories of family systems change and therapeutic practices evolving from each theoretical model. Examples may include:

(a) Structural communications family therapy;
(b) Strategic object relations family therapy;
(c) Behavioral family therapy;
(d) Intergenerational family therapy;
(e) Solution oriented family therapy;
(f) Narrative family therapy; or
(g) Systemic sex therapy.

(3) Human development. This area shall include a minimum of three (3) courses (nine (9) semester hours, twelve (12) quarter hours or 135 didactic contact hours). Courses in this area provide knowledge of individual human personality development in both normal and abnormal manifestations. Topic areas may include:

(a) Human development;
(b) Psychopathology;
(c) Personality theory;

(d) Human sexuality; or

(e) Effects of gender and cultural issues on human development.

(4) Professional studies. This area shall include a minimum of one (1) course minimum (three (3) semester hours, four (4) quarter hours or forty-five (45) didactic contact hours). Courses may include:

(a) Professional ethics in marriage and family therapy;

(b) Legal responsibilities of the therapist;

(c) Professional socialization and the role of the professional organization;

(d) Licensure or certification legislation; or

(e) Independent practice issues.

(5) Research. This area shall include a minimum of one (1) course (three (3) semester hours, four (4) quarter hours or forty-five (45) didactic contact hours). Courses may include:

(a) Statistics;

(b) Research methods;

(c) Quantitative methodology; or

(d) Other courses designed to assist the student to understand and perform research.

(6) Practicum or internship. The practicum or internship shall include a minimum of one (1) year or 300 hours of supervised direct client contact with individuals, couples and families for family therapy.

(a) Applicants who did not complete a clinical practicum in graduate school may satisfy the practicum requirement with their first 300 post masters' client contact hours.

(b) These hours shall not be counted toward the two (2) years of required post master's experience or the 200 hours of clinical supervision.

Section 3. A course used to fulfill one (1) of the requirements set forth in Section 2 of this administrative regulation may be used to fulfill only one (1) requirement.

Section 4. (1) Applicants who completed their qualifying graduate degree in a mental health field prior to 1985 may substitute conferences, workshops, seminars, or in-service training related to marriage and family therapy attended or presented as a substitute for college coursework required in Section 2 of this administrative regulation.

(2) Forty-five (45) contact hours of relevant content shall equal three (3) semester hours of credit.

(3) A list of equivalencies the applicant wishes to have considered shall be organized by core area as set forth in Section 2 of this administrative regulation.

(4) Appropriate documentation shall include:

(a) Date;

(b) Title;

(c) Course description;

(d) Sponsoring organization;

(e) Presenter;

(f) Number of contact hours attended or presented; and

(g) Certificates of attendance.

Section 5. Other acceptable equivalencies may be considered as follows:

(1) One (1) graduate level course taught on a relevant subject after 1985 may be considered equivalent to three (3) semester hours of credit.

(2) Publication on a relevant subject dated after 1985 may be submitted as equivalencies as acceptable to the board. Credit shall be granted as follows:

(a) A chapter in a book is equivalent to three (3) semester hours of credit. Applicants who author or edit a book may be given credit equivalent to six (6) semester hours of credit. Applicants shall submit a copy of the title page, table of contents and bibliography.

(b) Publication in a professional refereed journal is equivalent to three (3) semester hours of credit. Applicants shall submit the journal table of contents and a copy of the article as it appeared in the journal including bibliography.

JOHN P. SOHAN, Chairman

APPROVED BY AGENCY: April 20, 1995

FILED WITH LRC: April 27, 1995 at 4 p.m.

REGULATORY IMPACT ANALYSIS

Contact person: David Nicholas

(1) Type and number of entities affected: Those persons seeking to be certified as a marriage and family therapist who do not hold a master's or doctorate degree in marriage and family therapy.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received. None

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received. None

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: This administrative regulation will create minimal reporting requirements for those individuals seeking to be certified as a marriage and family therapist.

2. Second and subsequent years: See above answer.

(3) 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: All applications for certification will be reviewed by the board.

(4) Assessment of anticipated effect on state and local revenues. None

(5) Source of revenue to be used for implementation and enforcement of administrative regulation. Fees paid by the applicants.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation on:

(a) Geographical area in which administrative regulation will be implemented. None

(b) Kentucky. None

(7) Assessment of alternative methods; reasons why alternative methods were rejected. KRS 335.330(3) requires the board to establish an equivalent course of study for those applicants seeking to become certified who do not hold a master's or doctoral degree in marriage and family therapy.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: Only those individuals with the proper education will be able to hold themselves out to the public as a marriage and family therapist.

(b) State whether a detrimental effect on environment and public health would result if not implemented. Yes

(c) If detrimental effect would result, explain detrimental effect: Individuals without the proper education would hold themselves out to the public as a certified marriage and family therapist.

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no known statutes, administrative regulations or government policies which overlap or conflict with this administrative regulation.

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? No. Tiering is unnecessary

because this administrative regulation applies uniformly to all qualified candidates.

STATEMENT OF EMERGENCY
201 KAR 32:030E

This emergency administrative regulation establishes the fees the Kentucky Board of Certification of Marriage and Family Therapists ("board"), will charge all applicants for certification as a marriage and family therapist as required by KRS 335.330. The board was established by the 1994 General Assembly and is authorized to oversee the process of granting certificates to those seeking to practice as a marriage and family therapist in this state. Prior to 1994, this was an unregulated field which meant that anyone could practice and hold themselves out to the public as a marriage and family therapist. Since the passage of the legislation in 1994, only those individuals licensed by the board may hold themselves out as a marriage and family therapist. The reason why an ordinary administrative regulation is not sufficient is that due to inherent delays associated with the creation and operation of a new licensure board, and drafting other administrative regulations, it has taken the board members more time than expected to determine and adopt the fee to be charged to receive an initial certification as a marriage and family therapist. These unexpected delays have resulted in the board having to postpone processing a number of applications for a certificate to practice. If the board were to use the process associated with the adoption of an ordinary administrative regulation these applicants would be required to wait an additional extended period of time before they could practice and hold themselves out to the public as marriage and family therapists. This emergency administrative regulation shall be replaced by an ordinary administrative regulation.

BRERETON JONES, Governor
JOHN P. SOHAN, Chairman

GENERAL GOVERNMENT CABINET
Kentucky Board of Certification of Marriage and Family Therapists

201 KAR 32:030E. Fees.

RELATES TO: KRS 335.330
STATUTORY AUTHORITY: KRS 335.320(7)
EFFECTIVE: April 27, 1995
NECESSITY AND FUNCTION: This administrative regulation is necessitated by KRS 335.330 and sets forth in detail all fees charged by the board.

Section 1. Initial Certification Fee. (1) The initial certification fee for certification as a marriage and family therapist shall be $200.

(2) If the application for certification is denied, the board may refund $150 of the initial certification fee.

JOHN P. SOHAN, Chairman
APPROVED BY AGENCY: April 20, 1995
FILED WITH LRC: April 27, 1995 at 4 p.m.

REGULATORY IMPACT ANALYSIS

Contact person: David Nicholas

(1) Type and number of entities affected: All individuals applying for certification as a marriage and family therapist.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received. None

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received. None

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: All applicants will have to pay the application fee.

2. Second and subsequent years: See above answer.

(3) 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

(4) Assessment of anticipated effect on state and local revenues. None since any costs associated with operating the board will be paid for out of the application fees.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation. Application fees.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation on:

(a) Geographical area in which administrative regulation will be implemented. None

(b) Kentucky. None

(7) Assessment of alternative methods; reasons why alternative methods were rejected. The board is required by statute to establish an application fee.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: None

(b) State whether a detrimental effect on environment and public health would result if not implemented. No

(c) It detrimental effect would result, explain detrimental effect:

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no known statutes, administrative regulations or government policies which overlap or conflict with this administrative regulation.

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? No. Tiering is unnecessary because this administrative regulation applies uniformly to all qualified candidates.

STATEMENT OF EMERGENCY
302 KAR 20:076E

This emergency administrative regulation provides sellers of cattle a mechanism for identifying cattle as "farm fresh". In order to continue the State Board of Agriculture and the department's efforts to protect health and disease control initiatives for cattle, this administrative regulation must immediately go into effect. The department previously filed an emergency administrative regulation that pertains to the same subject matter as this administrative regulation. However, the administrative regulations are substantially different. After the administrative regulation was filed the department has had difficulty in obtaining support from stockyards. Without support from the stockyards, this administrative regulation has no effect. This emergency administrative regulation requires stockyards to make available to farmers a form in order to identify cattle as "farm fresh" and provides penalties for stockyards that do not comply. This emergency administrative regulation shall be replaced by an ordinary administrative regulation.

BRERETON JONES, Governor
ED LOGSDON, Commissioner

GENERAL GOVERNMENT CABINET
Kentucky Department of Agriculture

302 KAR 20:076E. Identification of "farm fresh" cattle.

RELATES TO: KRS Chapter 257
STATUTORY AUTHORITY: KRS 257.030
EFFECTIVE: May 12, 1995
NECESSITY AND FUNCTION: To provide sellers of cattle a mechanism for identifying cattle as "farm fresh".

Section 1. (1) When delivered for sale at any stockyard, all cattle under eighteen (18) months of age that have not been delivered or sold at any stockyard within the previous twenty-seven (27) days may be identified as "farm fresh" cattle. The seller, or his agent, is responsible for making this designation to the stockyard at the time of delivery on a form made available to the seller, or his agent, by the stockyard. Animals delivered more than twenty-four (24) hours before any sale shall not be considered "farm fresh". There shall be reasonable notice provided to potential buyers by the stockyard at the time of sale that the cattle are "farm fresh."

(2) Any person found by the department to have violated this administrative regulation may be subject to the penalties set forth in KRS 257.990.

ED LOGSDON, Chairman
APPROVED BY AGENCY: April 19, 1995
FILED WITH LRC: May 12, 1995 at 4 p.m.

REGULATORY IMPACT ANALYSIS

Contact Person: Dr. D. L. Notter, State Veterinarian

(1) Type and number of entities affected: Stockyard owners and sellers of cattle.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No effects on the cost of living.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No effects on cost of doing business.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: All sellers of cattle will have to designate on a form at the stockyard whether cattle are "farm fresh."

2. Second and subsequent years: Same requirements.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Minimal cost. Current personnel will be used to enforce.

2. Continuing costs or savings: Same

3. Additional factors increasing or decreasing costs: Same

(4) Assessment of anticipated effect on state and local revenues: None

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Existing personnel will be used for enforcement.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: This will be better for the health of cattle thereby increasing the revenues received from the sale of cattle.

(b) Kentucky: Same

(7) Assessment of alternative methods; reasons why alternatives were rejected: This regulation has been extensively discussed by interested parties and this seems to be the most reasonable solution.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: This regulation furthers Kentucky health and disease control initiatives for cattle.

(b) State whether a detrimental effect on environment and public health would result if not implemented: Yes, possibly.

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? No. All sellers of cattle are treated the same.

STATEMENT OF EMERGENCY
600 KAR 5:010E

This emergency administrative regulation establishes the procedure and eligibility criteria for the expenditure of the $2 million appropriated as part of the General Fund Surplus Budget Expenditure Plan by Part XI of Chapter 5 of the Acts of the First 1994 Extraordinary Legislative Session. An emergency situation exists because the fiscal year 1994-95 will soon end and the first year's funds must be committed prior to June 30, 1995. In order to assure that the funds are appropriated in a timely manner and consistent with the budget as well as the 1994 state Supreme Court decision, these eligibility criteria and procedures must be in place. An ordinary administrative regulation will replace this emergency administrative regulation. It was filed with the Administrative Regulations Compiler on May 11, 1995.

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

TRANSPORTATION CABINET

600 KAR 5:010E. Transportation of nonpublic school students.

RELATES TO: KRS 158.115, Part XI of Chapter 5 of the Acts of the First 1994 Extraordinary Legislative Session
STATUTORY AUTHORITY: Part XI of Chapter 5 of the Acts of the First 1994 Extraordinary Legislative Session.
EFFECTIVE: May 11, 1995
NECESSITY AND FUNCTION: The Commonwealth's Biennium Budget for fiscal years 1994-96 included $2 million in the General Fund Surplus Budget Expenditure Plan each year for the transportation of nonpublic school students. On September 1, 1994 the state Supreme Court issued an opinion relating to the methods of public financing of the transportation of non public school students. This administrative regulation is promulgated to establish the eligibility criteria for application for a portion of the $2 million appropriated each of the fiscal years of the biennium. The Transportation Cabinet has made every effort to adhere to the provisions of the 1994 Supreme Court ruling as well as the stated intention of the General Assembly with the passage of House Bill 2 during the First Extraordinary Legislative Session of 1994.

Section 1. Application for Fiscal Year 1994-95 Funds. (1) Any fiscal court which provided financial support for the transportation of nonpublic school students in school year 1994-95 pursuant to the provisions of KRS 158.115 may make application to the Transportation Cabinet for reimbursement of that financial support.

(2) The application to the Transportation Cabinet shall:

(a) Not be received by the Office of the Secretary later than June 1, 1995;

(b) Include a resolution from the fiscal court stating that the county provided funds in school year 1994-95 for the transportation of nonpublic school students;

(c) Include the amount of funds provided by the county for the transportation of nonpublic school students; and

(d) Include a detailing of the method by which the funds were made available for the transportation of the nonpublic school students.

(3) The Transportation Cabinet shall evaluate the applications received and divide the $2 million available in fiscal year 1994-95 based on the following:

(a) If the valid application amounts spent by the counties equal or total less than the appropriated amount, the Transportation Cabinet shall authorize payment for each requested reimbursement amount.

(b) If the valid application amounts received exceed the appropriated amount, the Transportation Cabinet shall base the appropriation amount to each applicant county on Section 3 of this administrative regulation.

Section 2. Application for Fiscal Year 1995-96 Funds. (1) Any fiscal court which has budgeted funds or intends to budget funds for the transportation of nonpublic school students in school year 1995-96 pursuant to the provision of KRS 158.115, may make application to the Transportation Cabinet for funds to match the local funds being provided for this purpose, if there are sufficient excess general funds available for this purpose.

(2) The application to the Transportation Cabinet shall:

(a) Not be received by the Office of the Secretary later than February 1, 1996;

(b) Include a resolution from the fiscal court stating that the county has provided or has budgeted funds in school year 1995-96 for the transportation of nonpublic school students;

(c) Include the amount of funds budgeted by the county for the transportation of nonpublic school students; and

(d) Include a detailing of the method by which the funds were, or will be, made available for the transportation of the nonpublic school students.

(3) The Transportation Cabinet shall evaluate the applications received and divide the $2 million available in fiscal year 1995-96 based on the following:

(a) If the valid application amounts shown as budgeted by the counties equal or total less than the appropriated amount, the Transportation Cabinet shall authorize payment for each requested reimbursement amount.

(b) If the valid application amounts shown as budgeted by the counties exceed the appropriated amount, the Transportation Cabinet shall base the appropriation to each applicant county on Section 3 of this administrative regulation.

Section 3. Proration of Appropriated Funds. (1) If the funds made available for the transportation of nonpublic school students are to be prorated pursuant to either Section 1(3)(b) or 2(3)(b) of this administrative regulation, the Transportation Cabinet shall prorate the funds appropriated for this purpose based on the following criteria:

(a) From the latest figures from the Department of Education available at the time of review of the applications, the total number of public school students transported plus the total number of nonpublic school students who would be eligible to take advantage of the transportation. The number of nonpublic school students shall not include those students who:

1. Attend schools on military reservations or which are fully federally funded; or

2. Are taught at home.

(b) Based on the latest figures from the Department of Education available at the time of the review of the applications, the statewide average for the annual cost of the transportation of an individual student.

(c) The amount of local funds expended or budgeted for the transportation of nonpublic school students.

(2) For fiscal year 1994-95, the maximum a county would be eligible to apply for would be the lesser of the following:

(a) The product of the total students established pursuant to subsection (1)(a) of this section times the value established pursuant to subsection (1)(b) of this section; or

(b) The funds actually expended by that county for the transportation of nonpublic school students during school year 1994-95.

(3) For fiscal year 1995-96, the maximum a county would be eligible to apply for would be the lesser of the following:

(a) The product of the total students established pursuant to subsection (1)(a) of this section times the value established pursuant to subsection (1)(b) of this section; or

(b) The funds actually expended or budgeted by that county for the transportation of non public school students during school year 1995-96.

(4) For fiscal year 1994-95, if it is necessary to prorate the appropriation, the funds for each eligible, applicant county shall be the product of $2,000,000 times the application amount for that county established by subsection (2) of this section divided by the total amount of the eligible applications received for all counties pursuant to subsection (2) of this section.

(5) For fiscal year 1995-96, if it is necessary to prorate the appropriation, the funds for each eligible, applicant county shall be the product of $2,000,000 times the application amount for that county established by subsection (3) of this section divided by the total amount of the eligible applications received for all counties pursuant to subsection (3) of this section.

DON C. KELLY, P.E., Secretary
APPROVED BY AGENCY: May 10, 1995
FILED WITH LRC: May 11, 1995 at 2 p.m.

STATEMENT OF EMERGENCY
907 KAR 1:013E

This emergency administrative regulation is being amended so that state-owned psychiatric hospitals will be paid disproportionate share hospital payments equal to 100 percent, and state university teaching hospitals will be paid disproportionate share hospital payments equal to 200 percent, of the uncompensated care they furnish. In-state disproportionate share hospitals with 100 beds or less shall be paid an additional disproportionate share hospital payment of $200,000 for the period of December 31, 1994 through June 30, 1995. The definition of Type III hospitals (state-designated teaching hospitals) is being changed effective February 20, 1995; effective May 15, 1995, the Type III hospitals and hospitals with 100 beds or less will have a new reporting requirement and the hospitals with 100 beds or less will have a new planning requirement to qualify for the $200,000 payment. This action must be taken on an emergency basis to prevent the loss of federal matching funds which would otherwise be available for state-owned psychiatric hospitals and state university teaching hospitals qualifying as disproportionate share hospitals and to enhance the availability of public health care to local communities. This emergency regulation differs from the emergency regulation filed on February 17, 1995 by providing for the change in reporting requirements for Type III hospitals and hospitals with 100 beds or

less, and by providing for the new planning requirement whereby hospitals with 100 beds or less may qualify for the $200,000 disproportionate share hospital payment. This emergency administrative regulation shall be replaced by an ordinary administrative regulation filed with the Regulations Compiler.

BRERETON JONES, Governor
MASTEN CHILDERS II, Secretary

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

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

RELATES TO: KRS Chapter 47, Part I.G.52.b.2, 205.520, 205.575[, 1992 Ky. Acts ch. 462,]

STATUTORY AUTHORITY: KRS 194.050, 205.460, [1992 Ky. Acts ch. 462, Part I.G.52.b.2.,] 20 CFR 405.402 through 405.488, 42 CFR 440.10, 440.140, 447.250 through 447.280, 42 USC 1396a, b, d, r-4

EFFECTIVE: May 12, 1995

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

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

Section 2. Establishment of Payment Rates. (1) The policies, methods, and standards to be used by the cabinet in setting payment rates are specified in the cabinet's "Inpatient Hospital Reimbursement Manual" revised May 15, 1995 [November 29, 1993], which is incorporated by reference in this administrative regulation.

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

(3) The Title XIX [Kentucky Medical Assistance Program] Inpatient Hospital Reimbursement Manual may be reviewed during regular working hours of 8 a.m. to 4:30 p.m. eastern time in the Office of the Commissioner, Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky 40621. Copies may also be obtained from that office upon payment of the [an] appropriate fee allowed by 200 KAR 1:020 [which shall not exceed approximate cost].

Section 3. General Description of the Payment System. The following provisions shall be applicable for purposes of setting inpatient hospital payment rates:

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

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

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

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

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

(e) Overpayments shall be recouped by:

1. [By] Payment from the provider of the amount of the overpayment; or

2. [By] The withholding of the overpayment amount from future payments due the provider.

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

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

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

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

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

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

(c) A facility in the 201-400 peer group shall not have its operational per diem reduced below that amount in effect in the 1982 rate year as a result of the establishment of a peer grouping of 401 beds and up.

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

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

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

(7) Use of a reduced depreciation allowance. The allowable

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

(8) Use of upper limits with regard to services provided on or after November 29, 1993.

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

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

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

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

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

d. Disproportionate share hospitals shall also receive, in addition to regular program payments, disproportionate share hospital payments as described in the Reimbursement Manual at Section 102C.

e. Provider taxes shall be considered allowable cost. For the rate period beginning November 29, 1993, the allowable cost of the tax shall be added to the hospital rate with no offsets and without regard for usual upper limits. For subsequent rate periods the cost (excluding, effective March 1, 1994, any per diem rate adjustments for the prior rate period relating to provider taxes) shall be shown in the appropriate cost report with adjustment as necessary to reflect an annual amount.

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

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

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

1. Acute care hospitals with Medicaid utilization of twenty (20) percent or higher, and hospitals having twenty-five (25) percent or more nursery [~~nursing~~] days resulting from Medicaid covered deliveries as compared to the total number of paid Medicaid days, shall have an upper limit set at 120 percent of the weighted median per diem cost for hospitals in the array. In addition to the per diem amount computed in this manner, the hospitals shall be paid (as appropriate) additional amounts for services to children under age six (6) (as shown in subsection (9)(b)[~~2~~] of this section). These hospitals shall also be entitled to disproportionate share hospital payments in accordance with KRS 205.640 and Section 102C of the Reimbursement Manual. 2. Designated state teaching hospitals and major affiliated pediatric teaching hospitals (i.e., those affiliated with or a part of the University of Kentucky and the University of Louisville) shall have an upper limit set at 126 percent of the weighted median per diem cost for all other hospitals of comparable size (401 beds and up). The pediatric teaching hospitals shall also be paid, in addition to the facilities' base rate, an amount which is equal to two (2) percent of the base for each one (1) percent of Medicaid occupancy but this amount shall not exceed the prospective reasonably determined uncompensated Medicaid cost to the facility. In addition to the per diem amount computed using the limits specified in this subparagraph, the hospitals shall be paid (as appropriate) additional amounts for services to children under age six (6) (as shown in subsection (9)(b)[~~2~~] of this section). These hospitals shall also be entitled to disproportionate share hospital payments in accordance with KRS 205.640 and Section 102C of the Reimbursement Manual.

3. Psychiatric hospitals with Medicaid utilization of thirty-five (35) percent or higher shall have an upper limit set at 115 percent of the weighted median per diem cost for hospitals in the array. The hospitals shall also be entitled to disproportionate share hospital payments in accordance with KRS 205.640 and Section 102C of the Reimbursement Manual.

4. All other disproportionate share acute care hospitals shall have their upper limit set at the weighed median per diem of the cost for hospitals in the array. In addition to the per diem amount computed in this manner, the hospitals shall be paid (as appropriate) additional amounts for services to children under age six (6) (as shown in subsection (9)(b)[~~2~~] of this section). These hospitals shall also be entitled to disproportionate share hospital payments in accordance with KRS 205.640 and Section 102C of the Reimbursement Manual.

(9) Disproportionate share hospitals.

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

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

2. Hospitals which are designated state teaching hospitals;

3. Hospitals which are designated major pediatric teaching hospitals;

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

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

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

1. For the period ending June 30, 1994, the following policy shall be in effect:

a. Each disproportionate share hospital shall be paid a minimum disproportionate share payment amount for the type of hospital plus any earned adjustment to which the hospital is entitled. The hospital types, minimum payment amounts, and earned adjustments shall be as follows and shall only remain in effect for the period ending June

30, 1994:

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

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

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

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

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

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

(vii) Type VII. These hospitals shall be described in the same manner as Type I, except the type shall be limited to rehabilitation hospitals. Minimum amount: ninety-five (95) dollars per Medicaid day.

(viii) Type VIII. These hospitals shall be described in the same manner as Type II, except the type shall be limited to rehabilitation hospitals. Minimum amount: seventy (70) dollars per Medicaid day.

(ix) Type IX. All rehabilitation hospitals, with 100 beds and under except those described as Type VII or VIII. Minimum amount: forty-five (45) dollars per Medicaid day.

(x) Type X. All other in-state hospitals. Minimum amount: ten (10) dollars per Medicaid day.

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

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

(ii) For the period of July 1, 1993 through June 30, 1994, the earned adjustment shall equal ten (10) dollars for each indigent day of care provided plus an amount equal to the cost of the indigent care (at Medicaid rates) provided by the hospital for which there has been no direct or indirect payment (i.e., where the cost of the care has not been paid or cost-shifted to other payors) with an adjustment to account for outpatient services so the total indigent care per diem rate shall be up to but not in excess of 140 percent of the Medicaid per diem rate.

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

(iv) A one (1) time disproportionate share payment shall be paid as appropriate for the period of June 15, 1994 through June 30, 1994 to those hospitals qualifying under the following formula:

i. The amount of disproportionate share indigent care payments earned by the hospital using the formula in effect during the period of July 1, 1993 through June 30, 1994 shall be compared to an amount which is derived by computing the amount of earnings that would have been realized during the period of July 1, 1993 through June 30, 1994 using the revised formula taking effect on July 1, 1994 (shown in subparagraph 2 of this paragraph); the one (1) time payment amount shall be the amount (if any) by which the amount derived by using the formula effective July 1, 1994 exceeds the actual amount earned under the formula which was in effect; and

ii. If the one (1) time payments would cause the total of all disproportionate share payments to exceed $81,000,000 for the period of July 1, 1993 through June 30, 1994, all one (1) time payments shall be reduced proportionately so the total amounts of disproportionate share payments for the period of July 1, 1993 through June 30, 1994 shall equal but not exceed $81,000,000.

(v) Any acute care disproportionate share hospital with 100 beds or less whose July 1, 1993, or January 1, 1994, per diem payment rate is less than the April 1, 1993 rate paid as of June 30, 1993, and also less than full allowable per diem costs for the services provided by the hospital as of July 1, 1993, or January 1, 1994, respectively, shall receive an adjustment to the hospital's disproportionate share minimum payment for the period March 1, 1994 through June 30, 1994. The payment adjustment for an acute care hospital shall be determined by multiplying the number of the hospital's Medicaid days as follows:

i. For services provided for the July 1, 1993 through December 31, 1993 period by the difference between the hospital's July 1, 1993 payment rate and the April 1, 1993 rate as paid on June 30, 1993 not to exceed allowable cost; and

ii. For services provided for the January 1, 1994 through June 30, 1994 period by the difference between the hospital's January 1, 1994 payment rate and the April 1, 1993 rate as paid on June 30, 1993 not to exceed allowable cost.

(vi) Any acute care or psychiatric disproportionate share hospital of 100 beds or less shall receive an additional disproportionate share hospital payment of $200,000 for the period March 1, 1994 through June 30, 1994. This payment shall be made in two (2) equal installments of $100,000 each with the first payment amount to be paid on or before March 31, 1994 and the second payment amount to be paid on or before June 30, 1994.

c. Each Type XI hospital shall qualify for an earned adjustment which is equal to ten (10) cents for each one (1) percent of Medicaid occupancy above one (1) standard deviation.

2. The disproportionate share hospital payments for the period beginning July 1, 1994 through December 30, 1994 [~~and thereafter~~] shall be made as follows:

a. Type I hospitals shall be those in-state disproportionate share hospitals participating in the Medicaid Program.

b. Type II hospitals shall be those out-of-state disproportionate share hospitals participating in the Medicaid Program.

c. The disproportionate share hospital payments for Type I hospitals shall be made by paying for each indigent care day, including equivalent days based on outpatient services actually provided, at the hospital's Medicaid per diem rate (except that total disproportionate share payments for indigent care services provided during the 1995 fiscal year shall not exceed $81,000,000; if payments will cause the limits to be exceeded, all hospitals' earned amounts shall be adjusted proportionately). The inpatient equivalent care days for each hospital shall be determined by dividing the hospital's average Medicaid allowable outpatient payment per visit by the Medicaid allowable inpatient payment per day and multiplying the result by the number of indigent care outpatient visits for the specified period of time.

d. Each Type II (out-of-state) disproportionate share hospital shall qualify for a payment of one (1) dollar per Medicaid day plus an earned adjustment which is equal to ten (10) cents for each one (1) percent of Medicaid occupancy above one (1) standard deviation.

3. The disproportionate share hospital payments for the period beginning December 31, 1994 and ending on February 19, 1995 shall be made as follows:

a. Type I hospitals shall be those in-state disproportionate share hospitals with 100 beds or less participating in the Medicaid Program.

b. Type II hospitals shall be those in-state disproportionate share hospitals with 101 beds or more, except for Types III and IV,

participating in the Medicaid Program.

c. Type III hospitals shall be those in-state disproportionate share hospitals participating in the Medicaid Program that have been designated as state university teaching hospitals.

d. Type IV hospitals shall be those in-state disproportionate share hospitals participating in the Medicaid Program that are state-owned psychiatric hospitals.

e. Type V hospitals shall be those out-of-state disproportionate share hospitals participating in the Medicaid Program.

f. The disproportionate share hospital payments for Type I and Type II hospitals shall include a volume adjustment. The adjustment shall be made by paying for each indigent care day, including equivalent days based on outpatient services actually provided, at the hospital's Medicaid per diem rate. The inpatient equivalent care days for each hospital shall be determined by dividing the hospital's average Medicaid allowable outpatient payment per visit by the Medicaid allowable inpatient payment per day and multiplying the result by the number of indigent care outpatient visits for the specified period of time.

g. The disproportionate share hospital payments for Type III hospitals shall be equal to 200 percent, and for Type IV hospitals, 100 percent, of the cost of services to Medicaid patients, less the amount paid by Medicaid as usual Medicaid per diem payments, plus the cost of services to uninsured patients, less any cash payments made by the uninsured patients.

h. The disproportionate share hospital payments for Type V hospitals shall be one (1) dollar per Medicaid day plus an earned adjustment which is equal to ten (10) cents for each one (1) percent of Medicaid occupancy above one (1) standard deviation.

4. The disproportionate share hospital payments for the period beginning February 20, 1995 shall be made as follows:

a. Type I hospitals shall be those in-state disproportionate share hospitals with 100 beds or less participating in the Medicaid Program.

b. Type II hospitals shall be those in-state disproportionate share hospitals with 101 beds or more, except for Types III and IV, participating in the Medicaid Program.

c. Type III hospitals shall be those in-state disproportionate share hospitals participating in the Medicaid Program that have been designated as state university teaching hospitals if the hospitals have made a request to the Department for Medicaid Services for status as a Type III hospital with the request subsequently approved by the department. An application for Type III status shall be approved if the hospital agrees, as a part of its request for Type III status, to forego any local or state governmental contributions for charity care and to provide up to 100 percent of the state matching funds necessary to secure federal financial participation for Medicaid disproportionate share hospital payments to be made to the hospital during the period of time the hospital is classed as a Type III hospital.

d. Type IV hospitals shall be those in-state disproportionate share hospitals participating in the Medicaid Program that are state-owned psychiatric hospitals.

e. Type V hospitals shall be those out-of-state disproportionate share hospitals participating in the Medicaid Program.

f. The disproportionate share hospital payments for Type I and Type II hospitals shall include a volume adjustment. The adjustment shall be made by paying for each indigent care day, including equivalent days based on outpatient services actually provided, at the hospital's Medicaid per diem rate (except that total disproportionate share volume adjustment payments to Type I and Type II hospitals for indigent care services provided during the 1995 fiscal year shall not exceed $81,000,000 plus the amount of any disproportionate share hospital payments made to the state university teaching hospitals for the period of July 1, 1994 through December 30, 1994; if payments will cause the limits to be exceeded, all hospitals' earned amounts shall be adjusted proportionately). The inpatient equivalent care days for each hospital shall be determined by dividing the hospital's average Medicaid allowable outpatient payment per visit by the Medicaid allowable inpatient allowable inpatient payment per day and multiplying the result by the number of indigent care outpatient visits for the specified period of time.

g. The disproportionate share hospital payments for Type III hospitals shall be equal to 200 percent (reduced effective July 1, 1995 to 100 percent), and for Type IV hospitals, 100 percent, of the cost of services to Medicaid patients, less the amount paid by Medicaid as usual Medicaid per diem payments, plus the cost of services to uninsured patients, less any cash payments made by the uninsured patients.

h. The disproportionate share hospital payments for Type V hospitals shall be one (1) dollar per Medicaid day plus an earned adjustment which is equal to ten (10) cents for each one (1) percent of Medicaid occupancy above one (1) standard deviation.

5. Any Type I in-state disproportionate share hospital shall receive an interim base disproportionate share hospital payment of $200,000 for the period of December 31, 1994 through June 30, 1995 upon receipt by the cabinet of a written commitment by the hospital to work with local health department(s) and other appropriate providers to develop a long range plan, and a description of the planning approach, whereby the hospital develops a long range plan for providing medical services to the medically indigent; for the base payment of $200,000 to become payable to the hospital the hospital must submit its long range plan, based on a community health needs assessment using a methodology approved by the cabinet, to the cabinet by June 30, 1995 for its review and review by the General Assembly's Interim Committee on Health and Welfare upon receipt from the cabinet. This payment shall be subject to the payment limit specified in subparagraph 4f of this paragraph.

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

7. Participating Type III disproportionate share hospitals and all acute care hospitals of 100 beds or less shall submit by the 15th of each month reports to the Department for Medicaid Services and the Legislative Research Commission indicating the number of indigent patients treated for the prior full month together with costs incurred relating to the treatment of indigent patients during the reporting period.

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

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

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

Section 4. Payments to Participating Out-of-state Hospitals. (1) Effective with regard to services provided on or after July 1, 1990 participating out-of-state hospitals shall be reimbursed for covered inpatient services rendered eligible Kentucky Medicaid recipients at the rate of seventy-five (75) percent of usual and customary charges, up to the in-state per diem upper limit for a comparable size hospital, except as specified in subsection (2) of this section.

(2) Effective with regard to medically necessary hospital inpatient

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

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

Section 5. Implementation Date. Except as otherwise specified the changes shown in this administrative regulation shall be effective with regard to services provided on or after May 15, 1995. [~~November 29, 1993.~~]

MASTEN CHILDERS II, Commissioner and Secretary
APPROVED BY AGENCY: May 9, 1995
FILED WITH LRC: May 12, 1995 at noon

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Masten Childers II, Commissioner

(1) Type and number of entities affected: All instate disproportionate share hospitals which participate in the Medicaid Program.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: To be determined after the Notice of Intent public hearing which will be held in accordance with KRS Chapter 13A requirements.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: To be determined after the Notice of Intent public hearing which will be held in accordance with KRS Chapter 13A requirements.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the: None

1. First year following implementation:
2. Second and subsequent years:

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: $194,800,000 (cost)
2. Continuing costs or savings: $115 million (cost)
3. Additional factors increasing or decreasing costs: There is a one-time cost of $11,800,000.

(b) Reporting and paperwork requirements: None

(4) Assessment of anticipated effect on state and local revenues: None

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Federal and state matching funds.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: To be implemented statewide.

(b) Kentucky: To be determined after the Notice of Intent public hearing which will be held in accordance with KRS Chapter 13A requirements.

(7) Assessment of alternative methods; reasons why alternatives were rejected: No viable alternatives were identified.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: None identified.

(b) State whether a detrimental effect on environment and public health would result if not implemented: None identified.

(c) If detrimental effect would result, explain detrimental effect:

(9) 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:

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? 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 or 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.

STATEMENT OF EMERGENCY
907 KAR 1:680E

This emergency administrative regulation is being promulgated to comply with the mandate in Section 1928 of the Social Security Act which requires states to establish a Vaccines for Children Program effective October 1, 1994. Participating providers shall be reimbursed an administration fee for the administration of the vaccines which shall be set at three (3) dollars and thirty (30) cents with a limit of three (3) administration fees per provider per eligible child per date of service. This action must be taken on an emergency basis to protect the human health of the citizens of Kentucky. This emergency administrative regulation shall be replaced by an ordinary administrative regulation filed with the Regulations Compiler.

BRERETON JONES, Governor
MASTEN CHILDERS II, Secretary

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:680E. Vaccines for Children Program.

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194.050, 205.520, 42 USC 1396a, b, d, s
EFFECTIVE: April 19, 1995
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 the administration fee for vaccines provided through the Vaccines for Children Program.

Section 1. Definition. The "Vaccines for Children Program" means the program for distribution of pediatric vaccines as described in 42 USC 1396s.

Section 2. Administration Fee. (1) The Medicaid Program shall pay an administration fee to Medicaid participating physicians for administration of vaccines made available under the Vaccines for Children Program to Medicaid eligible children age twenty (20) or under.

(2) The administration fee for each vaccine shall be three (3) dollars and thirty (30) cents, with a limit of three (3) administration fees per provider per eligible child per date of service.

Section 3. Implementation Date. The administration fees specified in Section 2 of this administrative regulation shall be available for vaccines administered through the Vaccines for Children Program to Medicaid eligible children age twenty (20) or under on or after October 1, 1994.

MASTEN CHILDERS II, Commissioner/Secretary
APPROVED BY AGENCY: April 12, 1995
FILED WITH LRC: April 19, 1995 at 11 a.m.

STATEMENT OF EMERGENCY
909 KAR 1:090E

The administrative regulation 909 KAR 1:090E sets forth the process to be used by the Kentucky Health Policy Board in promulgating the Risk Assessment and Risk Adjustment System and causing it to be publicly reviewed and adopted. This administrative regulation will enable the Kentucky Health Policy Board to obtain public input on its plan for implementing provisions of health care reform legislation enacted by the General Assembly and for review standards and criteria contained in the Risk Assessment and Risk Adjustment System. In order for the Kentucky Health Policy Board to establish procedures for development, public review and adoption of the Risk Assessment and Risk Adjustment System and thereby become operational with regard to mandates in House Bill 250. It is necessary to promulgate this emergency administrative regulation to meet statutory requirements. This administrative regulation is also being promulgated as an ordinary administrative regulation.

BRERETON C. JONES, Governor
JACK B. HALL, Chairman

KENTUCKY HEALTH POLICY BOARD

909 KAR 1:090E. Establishment of the Kentucky Risk Assessment and Risk Adjustment System.

RELATES TO: KRS 304.17A-130
STATUTORY AUTHORITY: KRS 304.17A-130
EFFECTIVE: May 2, 1995
NECESSITY AND FUNCTION: KRS 304.17A-130 provides that the Kentucky Health Policy Board shall promulgate administrative regulations for the establishment of a risk adjustment process to be used in equalizing risk between insurers.

Section 1. Definitions. (1) "Age" means a person's attained age. For the purpose of attributing age to a family unit, "age" is determined as the age attained by the policyholder.

(2) "Benefit plan" means any plan as defined by KRS 304.17A-100(4) which is subject to this administrative regulation.

(3) "Board" means the Kentucky Health Policy Board.

(4) "Continuation coverage" means continuation coverage provided by the Consolidated Omnibus Budget Reconciliation Act of 1987 or provided through the Kentucky Health Purchasing Alliance.

(5) "Demographic Risk Adjustment Fund" means the risk adjustment fund established under Section 7 of this administrative regulation, including amounts owed to the fund by insurers plus any interest accrued on the amounts paid by the insurers prior to the payout of amounts due from the fund in accordance with Section 7 of this administrative regulation.

(6) "Diagnosis" means any diagnosis listed in the High Cost Case in Tables 2 and 2A.

(7) "Eligible insurer" means an insurer eligible for a payment from the High Cost Case Fund as defined in Section 12 of this administrative regulation.

(8) "Family composition category" means one (1) of the four (4) categories of family types (single, couple, single-parent family and dual-parent families) distinguished in the modified community rating structure established pursuant to KRS 304.17A-120.

(9) "High Cost Case Fund" means the risk adjustment fund referred to under Section 10 of this administrative regulation, including the contributions required under Section 12 of this administrative regulation plus any interest accrued.

(10) "Insurer" means a person or entity as defined by KRS 304.17A-100(5) which issues or renews benefit plans for employers with 100 employees or less, individuals, or members of the Kentucky Health Purchasing Alliance, affiliated groups, trusts, or associations consisting of 100 individuals or less or any number of employers with 100 employees or less.

(11) "MCRC" means modified community rating cell which is a premium rating cell classification based on:

(a) Age;
(b) Family composition category;
(c) Geographic area;
(d) Benefit plans;
(e) Alliance status;
(f) Group versus nongroup.

(12) "Member months of enrollment" means the number of policyholders enrolled in benefit plans subject to this administrative regulation multiplied by the number of months of such enrollment over the reporting periods defined in Section 7 of this administrative regulation for demographic risk adjustment and Section 11 of this administrative regulation for high cost case adjustment.

(13) "Months of exposure" means the date of diagnosis or the performance of a procedure listed in Tables 2 and 2A, as appropriate, through the end of the reporting period or episode of illness, whichever comes first. In the case of transplantion, the episode of illness shall be considered to begin with the provision of preoperative care and end with immediate postoperative follow-up care.

(14) "Policyholder" means:

(a) For individual policy health insurance of a commercial insurance company - the policyholder;

(b) For a health maintenance organization - a subscriber;

(c) For small group health insurance other than that provided by a health maintenance organization - the certificateholder.

(15) "PRAF" means prospective risk adjustment factor which are the factors in Table 1 associated with any of the demographic and coverage status categories or cells which include gender (by age), COBRA status and retiree status.

(16) "Procedure" means any procedures listed in the High Cost Case Tables 2 and 2A.

(17) "Retiree" means a former employee covered under a group insurance policy sponsored by the employer excluding a former employee receiving continuation coverage. Retirement status shall be determined for an individual by the group sponsor.

(18) "Risk adjustment administrator" (administrator) means the contractor retained by the Kentucky Health Policy Board pursuant to Section 13 of this administrative regulation.

(19) "Risk assessment cell" means those classification bases referred to in Table 1.

Section 2. Applicability. (1) This administrative regulation applies to all benefit plans that are subject to KRS 304.17A-120(1) and to all insurers defined in this administrative regulation.

(2) The risk adjustment system established pursuant to this administrative regulation shall be applied on an insurer-by-insurer basis. Risks covered by all of the benefit plans offered by a single insurer shall be cumulated across those plans for the purpose of determining the insurer's relative risk and adjusting the insurer's premium income accordingly, irrespective of whether the enrollment is through the alliance or not.

Section 3. Demographic Risk Assessment. The first stage of the Risk Adjustment System is demographic risk assessment which represents the development stage of the system. In demographic risk assessment, the variation in health care costs among specified population groups is analyzed and weighted to adjust for these differences.

(1) To calculate an insurer's composite PRAF the insurer shall:

(a) Determine the number of policyholders in each risk assessment cell (Table 1) for all health benefit plans.

(b) Multiply the sum of policyholders for each risk assessment cell determined in paragraph (a) of this subsection by the PRAF associated with each cell in Table 1, or in schedules of factors subsequently developed as provided for in Section 4(2) of this administrative regulation;

(c) Sum the products of paragraph (b) of this subsection for all cells and divide by the total number of policyholders to get the composite PRAF.

(2) Prior to October 1, 1996, each insurer shall calculate its composite PRAF using the factors indicated in Table 1 and the enrollment, by risk assessment cells, for the final month in each calendar quarter. Subsequent to September 30, 1996, insurers shall calculate their composite PRAFs using the most recent PRAF updates developed in accordance with Section 4(2) of this administrative regulation.

(3) Each insurer shall quarterly file with the administrator, by the 15th day of the final month of each calendar quarter;

(a) Its current composite PRAF;

(b) The total number of policyholders included in calculating the composite PRAF as specified in Section 7(2) of this administrative regulation; and

(c) Its member months of enrollment for that calendar quarter. The administrator shall then calculate a statewide composite PRAF, weighted by the number of policyholders, to be used quarterly in calculating the quarterly adjustment amounts in Section 7(1) of this administrative regulation.

Section 4. Schedule of PRAFS and Updates. PRAFs to be used prior to October 1, 1996 are displayed in Table 1.

(2) Starting September 1, 1996, the administrator shall generate a revised table of PRAFs annually for each family composition category based on information about the actual distribution of policyholders across risk adjustment cells and available data on the relative benefit costs of that population.

Section 5. Reference Premium. (1) A reference premium shall be determined by the administrator quarterly to be used in calculating the quarterly adjustment amounts in Section 7(1) of this administrative regulation. Each insurer shall file quarterly with the administrator, by the 15th day of the final month of each calendar quarter, its total annualized premium for all policyholders enrolled in the month specified in Section 7(2) of this administrative regulation. The reference premium shall equal the statewide average annualized premium per policyholder.

Section 6. Insurer-specific Rated Risk Ratio. (1) Not later than March 1 and September 1 of each year, the administrator shall estimate the enrollment weighted average monthly premium of each MCRC cell.

(2) The administrator shall calculate the average rated risk factor for all insurers as a whole. This factor represents the average premium across all MCRC weighted by the enrollment in each cell. To calculate this factor, the administrator shall multiply the number of policy holders enrolled in each MCRC by the values calculated in subsection (1) of this section and divide the sum of the products by the total number of policyholders insured by all insurers.

(3) To calculate each insurer's specific rated risk factor, the administrator shall multiply the number of policyholders in each MCRC by the values calculated in subsection (1) of this section and divide the sum of those products by the total number of policyholders insured by the insurer.

(4) The insurer-specific rated risk ratio to be used to calculate the quarterly adjustment amounts in Section 7(1) of this administrative regulation shall be determined by the administrator according to the following formula:

Insurer-specific rated risk ratio = insurer specific rated risk factor/average rated risk factor

The insurer-specific rated risk ratios based on the March 1 MCRC premium estimates each year shall be used to determine quarterly adjustment amounts in Section 7 of this administrative regulation for the March 20 and June 20 calculation dates that year. Ratios based on the September 1 MCRC cell premium estimates each year shall be used to determine quarterly adjustment amounts for September 20 and December 20 calculation dates that year.

Section 7. Demographic Risk Adjustment. (1) On a quarterly basis, the administrator shall calculate and inform each insurer of the amount owed to the Demographic Risk Adjustment Fund (-) or the amount due from the fund (+) for each insurer no later than ten (10) days following the dates specified in (2) by applying the following formula in which "$_i$" represents a unique value for each insurer participating in the risk adjustment system:

Quarterly adjustment amount$_i$ = (composite PRAF$_i$ - statewide average composite PRAF)* reference premium * rated risk ratio$_i$* member months of enrollment$_i$ * .0833

(2) The quarterly calculation dates are as follows:

First Quarter:	March 20
Second Quarter:	June 20
Third Quarter:	September 20
Fourth Quarter:	December 20

For quarterly calculation dates through June 20, 1996, composite PRAF and reference premium information shall be based on enrollment in the final month of the calendar quarter. Subsequently, composite PRAF and reference premium information shall be based on enrollment in the final month of the immediately preceding calendar quarter. The member months of enrollment shall always be based on enrollment with the insurer over the current calendar quarter.

(3) In the case of an insurer for which the adjustment amount is negative, the insurer is obligated to make the full payment to the administrator within twenty (20) days following the dates provided in (2) in a form and manner determined by the administrator, subject to Section 8 of this administrative regulation. Insurers failing to make such payments will be subject to decertification by the Department of Insurance, or such intermediate sanctions as determined appropriate by the board.

(4) In the case of an insurer for which the adjustment amount is positive, the insurer is entitled to receive a payment for that amount from the administrator subject to Section 8 of this administrative regulation. This amount shall be paid on a quarterly basis, subsequent to the collection of payments owed to the Demographic Risk Adjustment Fund pursuant to subsection (3) of this section.

Section 8. Fund Equalization. (1) In the event that the Demographic Risk Adjustment Fund is in deficit because the amount of money due insurers exceeds the amount of payments insurers owe, payments to insurers eligible for a payment from the fund shall be reduced proportionately.

(2) In the event that the Demographic Risk Adjustment Fund is in surplus because the amounts due insurers is less than the amount of money insurers owe, payments owed by insurers shall be reduced proportionately.

Section 9. Reporting Requirements. (1) Insurers shall collect such information from enrollees and group sponsors as may be necessary in order to classify risks in accordance with Section 3 of this administrative regulation including, but not limited to, the active/retiree status of each policyholder.

(2) Insurers shall provide the administrator with any information required by the administrator in a form and content determined by the administrator, to:

(a) Verify the calculation of composite PRAFs as described in Section 3 of this administrative regulation;

(b) Calculate average weighted premiums as described in Section 5 of this administrative regulation;

(c) Calculate rated risk factors as required under Section 6 of this administrative regulation;

(d) Manage the Demographic Risk Adjustment Fund pursuant to Section 8 of this administrative regulation and this section; and

(e) Perform other duties specified in Section 13 of this administrative regulation.

Section 10. High Cost Case Fund. Insurers shall be eligible for a payment from the High Cost Case Fund on the basis of the number of months of exposure during a year for enrollees having a diagnosis or receiving a procedure listed in Tables 2 and 2A. Payment shall be subject to additional conditions established in Section 12(10) of this administrative regulation.

Section 11. High Cost Reports. (1) Insurers shall file with the administrator detailed information about enrollees with procedures/diagnoses on the high cost case list. Initial information regarding a case shall be filed by an insurer as soon as it is available in order that the administrator may confirm its probable eligibility as a high cost case. The information to be included with the initial filing shall, at a minimum, contain the insurer NAIC number (or, if no NAIC number has been assigned to the insurer, an insurer identification number assigned by the Department of Insurance), the names of the enrollee (patient) and policyholder, the effective date of the case, the procedure/diagnosis classification, and any medical records which would support confirmation of the cases's eligibility (such as, physician's attestation, operative reports for transplants, respiratory therapy records for ventilator dependence, delivery room records and NICU progress notes for neonate). The administrator, after initial review for determination as to possible eligibility as a high cost case, shall assign a claim number to the case for future reference. Subsequently, the insurer shall file with the administrator for each such case, not less frequently than each calendar quarter, detail information relative to the case including, at a minimum, the claim number, patient name, effective date of the case, termination date of the case (if terminated), an abstract of the patient's medical records, case management records, utilization records, itemized bills, dates of service, and proof of payments.

(2) Not later than March 1, 1996, insurers shall file 1995 high cost case annual summary reports with the administrator. Such reports shall, for each procedure/diagnosis on the high cost case list, indicate the claim number, patient name, effective date of the case, termination date of the case (if terminated), the number of months of exposure during 1995, and the total payments made by the insurer during 1995 for health care services on the case. Months of exposure and payments are to be totaled for each procedure/diagnosis. An insurer certification in accordance with Section 12(10) of this administrative regulation shall be filed with each annual report.

(3) For years subsequent to 1995, insurers shall file the annual summary reports described in subsection (2) of this section for high cost cases treated during the period of January 1 through December 31 each year. Such reports shall be due not later than March 1 immediately following the end of the calendar year for which the information is being reported.

(4) Health maintenance organizations shall impute costs based on a standard accounting methodology established by the administrator if such plans are unable to identify the cost of services for individuals with high cost case in a manner otherwise consistent with the requirements of this section.

Section 12. Payment Adjustment for High Cost Cases. (1) All insurers shall remit to the administrator on a quarterly basis an amount equal to one (1.00) percent of the total premium received during a calendar quarter for benefit plan subject to this administrative regulation. This payment must be received by the administrator not later than the 15th day of the month immediately following the end of the calendar quarter.

(2) Payments to insurers from the High Cost Case Fund shall be based on the amount that each insurer's per enrollee payments for high cost cases, adjusted for statewide average payments per month of exposure, exceeds the statewide average per enrollee payments for high cost cases, subject to subsection (9) of this section.

(3) Based on the high cost case information reported by insurers for the reporting period, the Administrator shall compute the statewide average payment per month of exposure for each procedure/diagnosis described in Tables 2 and 2A. This set of calculations will determine the value for each procedure/diagnosis category that shall be used to calculate the statewide average high cost case score described in subsection (4) of this section and each insurer-specific high cost case score described in subsection (5) of this section.

(4) The administrator shall calculate a "statewide average high cost case score" as follows:

(a) Multiply the statewide average payment per month of exposure derived in subsection (3) of this section for each proce-

dure/diagnosis on the high cost case list by the total number of months of exposure reported for each respective procedure/diagnosis over the reporting period by all insurers;

(b) Divide the sum of the products generated in paragraph (a) of this subsection by the total number of member months of enrollment over the reporting period in all benefit plans subject to this administrative regulation.

(5) The administrator shall calculate an "insurer-specific high cost case score" for each insurer as follows:

(a) Multiply the statewide average cost per month of exposure derived in subsection (3) of this section for each procedure/diagnosis on the high cost case list by the number of months of exposure reported for each respective procedure/diagnosis by the insurer over the reporting period;

(b) Divide the sum of the products in paragraph (a) of this subsection by the number of member months of enrollment over the reporting period in all benefit plans in effect with the insurer. Each of these calculations is expressed below, where "$_p$" represents medical procedure/diagnosis specific values and "$_i$"represents insurer-specific values:

Average payment per month of exposure$_p$ = total high cost case payments$_p$/months of exposure$_p$.

Statewide average high cost case score = Σ_p (average payment per month of exposure$_p$ * months of exposure$_p$)/total member months of enrollment.

Insurer-specific high cost case score$_i$ = Σ_p (average payment per month of exposure$_p$* months of exposure$_{pi}$)/member months of enrollment$_i$.

(6) Insurers with high cost case scores in excess of the statewide average high cost case score shall be eligible for payment from the High Cost Case Fund, and shall be deemed "eligible insurers" for the purposes of this section.

(7) Each eligible insurer shall receive a payment from the High Cost Case Fund equal to the unadjusted payment amount described in subsection (8) of this section multiplied by the fund equalization factor described in subsection (9) of this section. Such amounts shall be calculated by the administrator and remitted to eligible insurers not later than May 1 of each year.

(8) The unadjusted payment amount for each eligible insurer is equal to the product of:

(a) The insurer-specific high cost case score described in subsection (5) of this section minus the statewide average high cost case score described in subsection (4) of this section;

(b) The insurer's total member months of enrollment over the reporting period; and

(c) .75.

(9) The fund equalization factor is equal to the lesser of "1" and the result of:

(a) The total amount of payments remitted to the High Cost Fund by insurers over the reporting period divided by;

(b) The sum of unadjusted payment amounts for the reporting period for all insurers. The equations that will be used by the administrator to make the calculations described in this section are provided below, where "$_e$" designates eligible insurer-specific values:

Amount of payment$_e$ = unadjusted payment amount$_e$ * pool equalization factor.

Unadjusted payment amount$_e$ = (high cost case score$_e$ - statewide average high cost case score) * member months of enrollment$_e$ * .75.

Fund equalization factor = (High Cost Case Fund contributions + fund interest)/Σ_e unadjusted payment amounts.

(10) In order to receive a payment, an insurer must certify that:

(a) All services for procedures/diagnoses reported under this section are services that are covered by the insurer in accordance with the coverage requirements of standardized benefit plans established by the board pursuant to KRS 304.17A-160;

(b) The patients for whom payment is being sought:

1. Are enrolled in an applicable benefits plan during the applicable reporting period;

2. Have received a primary diagnosis and/or procedure on the high cost case list, as reported by the insurer;

3. Are not covered by another insurer or third-party payor for the course of treatment related to the reported medical procedure/diagnosis for the episodes of illness periods reported.

(11) In the event that the High Cost Case Fund is in surplus because the fund equalization factor is determined to be "1" in accordance with subsection (9) of this section, the surplus shall be rebated to insurers proportionate to the amount of their contributions, and the board shall approve appropriate reductions in the contribution rate for subsequent quarters.

(12) The administrator shall notify each insurer of its estimated payment amount by May 1 of each year.

(13) In the event that the administrator disqualifies a high cost case claim, the insurer may appeal to the board.

Section 13. Administrator. (1) The board will contract with an administrator to manage the day-to-day operations of the risk adjustment system in accordance with this administrative regulation and policies established by the board. All insurer subject to this administrative regulation, and any parent company or subsidiary of any insurer, shall be disqualified from being selected as the administrator.

(2) The duties of the administrator shall include the following:

(a) Performing and publishing all calculations required under this administrative regulation except for calculations to be performed by insurers in accordance with the appropriate sections;

(b) Collecting data from insurers and other parties necessary to administer the risk adjustment system;

(c) Collecting payments from insurers for the Demographic Risk Adjustment Fund and the High Cost Case Fund and making risk adjustment payments to insurers eligible for such payments;

(d) Auditing insurers' submissions of high cost claim reports;

(e) Reporting to the board information regarding trends in enrollment and experience overall, in addition to experience regarding the Demographic Risk Adjustment Fund and the High Cost Case Fund, on a periodic basis, but not less frequently than annually. The first report is due by August 1, 1996;

(f) Other duties delegated to the administrator under this administrative regulation or by the board subsequent to the issuance of this administrative regulation.

(3) The cost of administering the Risk Adjustment System, exclusive of the cost of making risk adjustment payments, shall be financed through a surcharge imposed on each benefit plan subject to this administrative regulation. The amount of the surcharge shall be determined by the board annually.

Section 14. Regulatory Authority for Issuance of Interpretative Guidance. The board shall retain the authority to issue guidance in the interpretation of this administrative regulation.

TABLE 1
DEMOGRAPHIC RISK ASSESSMENT CELL FACTOR MATRIX

Attained Age	SINGLE COVERAGE		POLICYHOLDER AND SPOUSE COVERAGE		SINGLE PARENT FAMILY COVERAGE		TWO PARENT FAMILY COVERAGE		Attained Age
	Active Policyholders		Active Policyholders		Active Policyholders		Active Policyholders		
	Male	Female	Male	Female	Male	Female	Male	Female	
0-1	1.292	1.292							0-1
2-17	0.367	0.367	1.029	0.961	0.658	1.164	1.020	0.964	2-17
18-29	0.549	1.449	1.029	0.961	0.658	1.164	1.020	0.964	18-29
30-39	0.629	1.374	1.024	0.967	0.715	1.154	1.023	0.949	30-39
40-44	0.683	1.238	1.022	0.971	0.808	1.095	1.028	0.934	40-44
45-49	0.726	1.179	1.010	0.987	0.853	1.124	1.017	0.949	45-49
50-54	0.862	1.084	1.002	0.994	0.933	1.048	1.008	0.963	50-54
55-59	0.927	1.042	1.001	0.998	0.961	1.029	1.005	0.974	55-59
60-64	1.084	0.952	1.000	0.999	1.072	0.941	1.000	0.998	60-64
65+	1.078	0.957	1.000	0.999	1.018	0.892	0.990	1.061	65+
	COBRA Policyholders		COBRA Policyholders		COBRA Policyholders		COBRA Policyholders		
Under 30	1.500	1.500	1.500	1.500	1.500	1.500	1.500	1.500	Under 30
30-39	1.500	1.500	1.500	1.500	1.500	1.500	1.500	1.500	30-39
40-44	1.500	1.500	1.500	1.500	1.500	1.500	1.500	1.500	40-44
45-49	1.500	1.500	1.500	1.500	1.500	1.500	1.500	1.500	45-49
50-54	1.500	1.500	1.500	1.500	1.500	1.500	1.500	1.500	50-54
55-59	1.500	1.500	1.500	1.500	1.500	1.500	1.500	1.500	55-59
60-64	1.500	1.500	1.500	1.500	1.500	1.500	1.500	1.500	60-64
65+	1.500	1.500	1.500	1.500	1.500	1.500	1.500	1.500	65+
	Early Retiree Policyholders		Early Retiree Policyholders		Early Retiree Policyholders		Early Retiree Policyholders		
Under 50	1.247	1.247	1.077	1.074	1.168	1.142	1.058	1.048	Under 50
50-54	0.991	1.247	1.077	1.069	1.017	1.142	1.058	1.011	50-54
55-59	1.066	1.198	1.076	1.073	1.047	1.122	1.055	1.023	55-59
60-64	1.247	1.095	1.075	1.074	1.168	1.026	1.050	1.048	60-64

TABLE 2: HIGH COST CASE LIST

Procedure/Diagnosis	Payment Conditions and Limitations
Liver transplantation	Payment limited to the cost of preoperative care, transplantation and immediate follow-up care
Heart transplantation	
Bone marrow transplantation	
Kidney transplantation	
End Stage Renal Disease with dialysis	
Ventilator support for at least 30 days	
Neonates with a birth weight of less than 1,500 grams or respiratory distress syndrome requiring at least 30 days of ICU care	
HIV/AIDS	With specified opportunistic infections and diseases designated in Table 2A
Leukemia	

* The administrator will identify code numbers annually

TABLE 2A: SPECIFIC OPPORTUNISTIC INFECTIONS AND OTHER DISEASES FOR HIV/AIDS

HIV/AIDS with the following specified conditions:
Candidiasis of lung; coccidiosis; cryptosporidiosis; isosporiasis; pneumocystosis; progressive multifocal leukoencephalopathy; toxoplasmosis; malignant neoplasms including only: Karposi's sarcoma, lymphosarcoma and reticulosarcoma, primary lymphoma of the brain.

The following specified conditions when due to HIV/AIDS:

Specified infections including only: candidiasis: disseminated, of the mouth, of the skin and nails, other and unspecified sites; coccidioidomycosis; cytomegalic inclusion disease; acute or subacute endocarditis; herpes simplex; herpes zoster; histoplasmosis; microsporidiosis; mycobacteriosis, other and unspecified; acute or subacute myocarditis; Nocardia infection; opportunistic mycoses; pneumonia: NOS, other bacterial pneumonia, pneumococcal, viral NES and NOS; Salmonella infections; septicemia; strongyloidiasis; tuberculosis;

Specified diseases of the central nervous system including only: demylenating disease NOS, disorders NOS, other and unspecified nonarthropod-borne viral disease, other and unspecified slow virus infections, dementia NOS, organic dementia, presenile dementia, encephalitis, encephalopathy, myelopathy, nonpsychotic or psychotic organic brain syndrome NOS;

Other specified conditions including only: abnormal weight loss; abnormality, respiratory; agranulocytosis, anemia: NOS, aplastic, other and unspecified, deficiency, hemolytic, acquired; arthritis, pyogenic, infective; blindness or low vision; blood and blood-forming organs, unspecified disease; cachexia; dermatomycosis, dermatophytosis; diarrhea (noninfectious), infectious; disease or disorder NOS: blood and blood-forming organs, salivary gland, skin and subcutaneous tissue; fever; gastroenteritis (infectious); hepatomegaly; hyperhidrosis; hypersplenism; infection: intestinal, ill-defined; lack of expected physiological development in infant; leukoplakia of oral mucosa (tongue); malabsorption, intestinal; malaise; nephritis & nephropathy; neuralgia NOS; neuritis NOS; pneumonitis, lymphoid, interstitial; polyneuropathy pyrexia; radiculitis NOS; retinal vascular changes; retinopathy, background; secondary cardiomyopathy; splenomegaly; thrombocytopenia, secondary and unspecified.

HIV/AIDS with other conditions which evidence severe immune system compromise subject to case-by-case review and approval.

JACK B. HALL, Chairman
APPROVED BY AGENCY: May 1, 1995
FILED WITH LRC: May 2, 1995, at 9 a.m.

REGULATORY IMPACT ANALYSIS

Contact Person: Jack B. Hall

(1) Type and number of entities affected: Insurers who provide health care coverage to the citizens of the Commonwealth, employers and individuals who pay health insurance premiums and members of the Kentucky Health Purchasing Alliance.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented: The risk adjustment process is intended to reduce the cost of living and employment throughout the state by stabilizing and reducing the rate of premium increase to individuals and employers.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: Because health insurance costs are a growing proportion of workforce expense, stabilization and reduction in the rate of premium increase will decrease the cost of doing business.

(c) Compliance, reporting and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Computations and assessments will be performed by the vendor administering the risk adjustment system. Insurance carriers will be required to submit specified data.

2. Second and subsequent years: Same

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None; direct costs of developing and implementing the risk adjustment system are included in assessment premiums.

2. Continuing costs or savings: Same

3. Additional factors increasing or decreasing costs: Same

(b) Reporting and paperwork requirements: The reporting and paperwork will be performed by the vendor under contract.

(4) Assessment of anticipated effect on state and local revenue: The stabilization of insurance premiums and reduction in rates of increase will lower state and local governments' expenditures for health insurance.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Assessments on insurance plans.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographic area in which administrative regulation will be implemented: None; uniform implementation across Kentucky.

(b) Kentucky: The risk adjustment process will increase competition in the health insurance market by minimizing the ability of insurance carriers to profit from the exclusion of higher-risk citizens from their pool of insured persons.

(7) Assessment of alternative methods; reasons why alternatives were rejected: National experts in the field were consulted extensively to determine optimal strategies for implementation of the statutory mandate. Because this type of analysis is still in the developmental phase, no appropriate alternatives are available.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: The objective of risk adjustment is improved access to health insurance at reduced cost.

(b) State whether a detrimental effect on environmental and public health would result if not implemented: In the absence of a risk adjustment process, insurance carriers are likely to profit from inequities in risk.

(c) If detrimental effect would result, explain detrimental effect: See above.

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: None

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: No conflict.

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? Tiering was not applied because this regulation applies equally to all entities statewide.

ADMINISTRATIVE REGULATIONS AS AMENDED BY PROMULGATING AGENCY AND REVIEWING SUBCOMMITTEE

Compiler's Note: The following administrative regulations were amended by the promulgating agency and the Administrative Regulation Review Subcommittee on May 1, 1995, unless otherwise noted.

COMPILER'S NOTE: The following administrative regulation, 603 KAR 5:230, was amended by the promulgating agency and the Interim Joint Committee on Transportation, and became effective on May 2, 1995.

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

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

RELATES TO: KRS 177.9771, 189.230
STATUTORY AUTHORITY: KRS 177.9771
NECESSITY AND FUNCTION: KRS 177.9771(2) requires the Secretary of the Transportation Cabinet to certify those public highways which meet certain criteria as the extended weight coal or coal by-products haul road system. KRS 189.230 provides that the Department of Highways may prescribe gross vehicle weight limits for bridges lower than the limits prescribed in KRS 177.9771 on any bridge which may be damaged or destroyed to the point of catastrophic failure if gross vehicle weights exceed certain limits. This administrative regulation identifies the extended weight coal or coal by-products haul road system and the bridges on the system which the Department of Highways has judged may be so damaged and prescribes the maximum weight limit for each of these bridges. Further, KRS 177.9771(9) requires the Transportation Secretary to meet with certain local governing bodies and give consideration to their concerns before adding to or deleting from the extended weight coal or coal by-products haul road system and establishes procedures to be followed by local governing bodies requesting this consideration.

Section 1. Definitions. The following terms when used in this administrative regulation shall have the following meanings:

(1) "TY I" means a single unit truck consisting of two (2) single axles.

(2) "TY II" means a single unit truck consisting of one (1) steering axle and two (2) axles in tandem arrangement.

(3) "TY III" means a single unit truck consisting of one (1) steering axle and three (3) axles in tridem arrangement.

(4) "TY IV" means a tractor-semitrailer combination with five (5) or more axles.

(5) "KY" means a state numbered highway maintained by the Kentucky Department of Highways.

(6) "US" means a United States numbered highway maintained by the Kentucky Department of Highways.

(7) "I" means an interstate and defense highway maintained by the Kentucky Department of Highways.

(8) "CR" means a public highway, road, or street not maintained by the Kentucky Department of Highways.

(9) "MP" means milepoint.

(10) "FROM" means the beginning milepoint and terminus of a road segment on the extended weight coal haul road system.

(11) "TO" means the ending milepoint and terminus of a road segment on the extended weight coal haul road system.

(12) "Catastrophic failure" means a failure that is marked by sudden or unpredictable damage ranging from extreme misfortune to utter ruin.

(13) "AASHTO" means the American Association of State Highway and Transportation Officials.

(14) "CO" means county.

(15) "LN" means line.

(16) "Mpt." means milepoint.

(17) "PKWY" means parkway.

(18) "Local governing body" means the fiscal court of any county, the city council or commission of a city of the first through fourth classes or the council of an urban county government.

(19) "Coal by-products" means any of the following: fly ash, bottom ash, wet bottom boiler slag, scrubber sludge, burned coal waste (red dog), coal slag, and coal cinders.

(20) "P" means parallel bridge.

Section 2. Evaluation of Bridges. (1) The Department of Highways shall determine the bridges on the extended weight coal or coal by-products haul road system which may be damaged or destroyed to the point of catastrophic failure by motor vehicles operating at the weights authorized by KRS 177.9771. This determination shall be based upon an analysis of the bridges in accordance with the guidelines and ratings set forth in the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions. The load factor method of analysis may be used only when a bridge is known to have been designed by that method. When the allowable stress method of analysis is used the maximum allowable stress in steel members shall not exceed sixty-nine (69) percent of the yield strength of the steel.

(2) When the analysis specified in subsection (1) of this section cannot be applied to a bridge, the Department of Highways shall determine if any bridge may be damaged or destroyed to the point of catastrophic failure in accordance with the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions. Before making such a determination the Department of Highways shall conduct an on-site inspection to determine whether the bridge shows appreciable signs of deterioration or distress or otherwise poses a significant hazard to the traveling public.

Section 3. Limiting Weight on Bridges. When the Department of Highways determines that a bridge on the extended weight coal or coal by-products haul road system may be damaged or destroyed to the point of catastrophic failure, the department may adopt a weight limit for the bridge in accordance with the guidelines set forth in the AASHTO Manual for Maintenance Inspection Bridges, 1983 edition and 1984 and 1985 Interim Revisions.

Section 4. Dimension Limits on the Extended Weight Coal Haul Road System. Motor vehicles displaying a valid extended weight coal haul decal or cooperative license plate issued pursuant to KRS 177.9771 and being operated on a road segment set forth in Section 5 of this administrative regulation may be operated at the dimension limits but shall not exceed the dimension limits set forth in 603 KAR 5:070, Section 3.

Section 5. ~~[4.]~~ The Extended Weight Coal and Coal By-product Highway System and Limited Bridges. The following highways, or portions of those highways, are certified as meeting the criteria of and are designated as the extended weight coal and coal by-products

haul road system. Further, the Department of Highways has determined that the bridges listed beneath the highways on the extended weight coal or coal by-products haul road system may be damaged or destroyed to the point of catastrophic failure as provided in Section 2 of this administrative regulation and has established a weight limit for each as set forth in Section 3 of this administrative regulation:

ADAIR COUNTY

	ROAD	FROM	TO
*	Cumberland Parkway	48.9 KY 55	57.8 Russell County Line
	Weight Limit - Russell Creek Bridge @ milepoint 56.19		
	TY I = 20 tons, TY II = 44 tons, TY III = 47 tons, TY IV = 55 tons		
*	KY 55	10.1 Cumberland Parkway	19.0 Taylor County Line
	Weight Limit - Bridge over Cumberland Parkway @ milepoint 10.06		
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 51 tons		
	Weight Limit - Russell Creek Bridge @ milepoint 11.66		
	TY I = 20 tons, TY II = 35 tons, TY III = 39 tons, TY IV = 56 tons		

ANDERSON COUNTY

	ROAD	FROM	TO
*	Bluegrass Pkwy	44.8 Washington County Line	61.9 Woodford County Line

BATH COUNTY

	ROAD	FROM	TO
*	KY 11	0.0 Montgomery CO LN	12.8 Fleming CO LN

BELL COUNTY

	ROAD	FROM	TO
*	US 25E	0.0 Virginia State LN	12.9 [~~13.9~~] KY 66
	Weight Limit - Bridge B000126 over Little Yellow Creek @ milepoint 2.17		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over CSX [~~L & N~~] R.R. @ milepoint 7.52		
	TY I = 20 tons, TY II = 44 [~~43~~] tons, TY III = 46 [~~44~~] tons, TY IV = 57 [~~56~~] tons		
*	US 119	0.0 US 25E	15.8 Harlan CO LN
	Weight Limit - Bridge over Cumberland River @ milepoint 0.02		
	TY I = 20 tons, TY II = 30 tons, TY III = 32 tons, TY IV = 40 tons		
*	KY 66	[~~0.0 US 25E~~	~~1.6 KY 221~~]
		12.6 Tipple [~~11.6 Straight Creek Road~~]	14.8 Mine
*	KY 74	0.0 Tenn. State Line	0.9 KY 535
		9.8 Mine	16.8 US 25E
	Weight Limit - Bridge B000112 over CSX [~~L & N~~] R.R. @ milepoint 11.56		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Stoney Fork @ milepoint 13.07		
	TY I = 20 tons, TY II = 42 [~~43~~] tons, TY III = 48 [~~45~~] tons, TY IV = 60 tons		
	Weight Limit - Bridge over Yellow Creek Bypass Canal @ milepoint 14.21		
	TY I = 20 tons, TY II = 42 tons, TY III = 48 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Little Yellow Creek @ milepoint 16.66		
	TY I = 20 tons, TY II = 30 tons, TY III = 33 tons, TY IV = 37 tons		
*	KY 186	0.3 Mine [~~0.0 Tennessee State Line~~]	3.0 KY 74
	Weight Limit - Bridge over Bennett's Fork @ milepoint 2.41		
	TY I = 20 tons, TY II = 35 tons, TY III = 40 tons, TY IV = 60 tons		
[~~*~~	~~KY 190~~	~~4.1 Blacktop Church Road~~	~~7.4 Hall Henderson Road~~]
*	KY 221	10.4 Tipple	12.6 Harlan CO LN
*	KY 441	0.0 KY 74	0.5 Beans Fork RD
	Weight Limit - Bridge B00089 over Beans Fork @ milepoint 0.41		
	TY I = 20 tons, TY II = 24 tons, TY III = 26 tons, TY IV = 41 tons		
	[~~Weight Limit - Bridge over Yellow Creek @ milepoint 4.62~~		
	~~TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 50 tons~~]		
*	KY 535	0.0 KY 74	0.3 Mine
*	Old US 25E Loop #5 Road		
	CR 5144	0.0 Tipple	0.3 US 25E
[~~*~~	~~KY 1595~~	~~0.2 Blacktop Church~~	~~1.5 Whitley County Line~~
~~*~~	~~KY 3483~~	~~0.0 KY 1595~~	~~1.0 KY 190~~
~~*~~	~~KY 3485~~	~~0.0 KY 74~~	~~4.6 KY 190~~
~~*~~	~~Straight Creek Road~~		
	~~CR 5040~~	~~0.0 KY 66~~	~~0.6 Knox CO LN~~]

*	Beans Fork RD		
	CR 5217	0.0 KY 441	1.1 Mine
*	Hignite Creek Road		
	CR 5219	0.0 KY 74	2.3 Mine Access RD

Weight Limit - Bridge over Hignite Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

BOURBON COUNTY

	ROAD	FROM	TO
*	US 27	8.3 US 460	15.4 Harrison CO LN

Weight Limit - Bridge B0001 over Houston Creek @ milepoint 8.95
TY I = 20 tons, TY II = 37 tons, TY III - 38 tons, TY IV = 47 tons
~~[Weight Limit - Bridge over Cooper Run @ milepoint 11.82~~
~~TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons]~~
Weight Limit - Bridge over Townsend Creek @ milepoint 15.43
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 56 tons

*	US 68	2.4 US 68X	10.8 Nicholas CO LN

Weight Limit - Bridge over Hinkston Creek @ milepoint 9.41
TY I = 20 tons, TY II = 34 tons, TY III = 38 tons, TY IV = 51 tons

*	US 68X	1.4 KY 627	2.8 US 68 (East)
*	US 460	7.7 US 27	9.2 US 68X

Weight Limit - Bridge B00063 over Houston Creek @ milepoint 8.95
TY I = 20 tons, TY II = 37 tons, TY III = 38 [~~39~~] tons, TY IV = 47 tons

*	KY 627	0.0 Clark CO LN	9.5 US 68X

~~[Weight Limit - Bridge over Strodes Creek Mill Race @ milepoint 0.75~~
~~TY I = 20 tons, TY II = 43 tons, TY III = 49 tons, TY IV = 60 tons]~~

BOYD COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Lawrence CO LN	21.0 Greenup CO LN

~~[Weight Limit - Bridge over I 64 @ milepoint 10.56~~
~~TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons]~~
Weight Limit - Bridge B00063 over CSX [~~C & O~~] R.R. @ milepoint 19.45 [~~31~~]
TY I = 20 tons, TY II = 29 tons, TY III = 31 tons, TY IV = 40 tons
Weight Limit - Bridge B00038 over CSX [~~C & O~~] R.R. & Armco Rd. @ milepoint 19.45 [~~34~~]
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 54 tons

*	US 23S	0.0 US 60	0.6 Ohio State LN

Weight Limit - Northbound Bridge B00058 over Ohio River @ milepoint 0.03
TY I = 20 tons, TY II = 32 tons, TY III = 37 tons, TY IV = 54 tons
Weight Limit - Southbound Bridge B00040 over Ohio River @ milepoint 0.05
TY I = 20 tons, TY II = 28 tons, TY III = 33 tons, TY IV = 36 tons

*	US 23X	1.6 US 60	1.7 US 23
*	US 60	12.1 US 23X [~~0.2 I 64~~]	12.4 US 23

~~[Weight Limit - Bridge over C & O R.R. at Princess @ milepoint 2.69~~
~~TY I = 20 tons, TY II = 39 tons, TY III = 45 tons, TY IV = 60 tons~~

~~*~~	~~KY 5~~	~~7.7 KY 766~~	~~8.1 Rockhouse Fork Road]~~
*	KY 757	6.2 US 23	10.2 US 23 [~~8.5 Dock~~]
~~[*~~	~~KY 766~~	~~0.0 KY 5~~	~~1.3 KY 1134~~
~~*~~	~~KY 1134~~	~~0.0 KY 766~~	~~0.9 US 60~~
~~*~~	~~KY 2842~~	~~0.0 US 23~~	~~0.1 KY 757~~
~~*Rockhouse Fork Road~~			
	~~CR 5477~~	~~0.0 KY 5~~	~~1.1 Greenup CO LN]~~

BRACKEN COUNTY

	ROAD	FROM	TO
*	KY 8	0.0 Pendleton CO LN	1.0 KY 2228
*	KY 9 [~~546~~]	0.0 Pendleton CO LN	19.9 Mason CO LN
*	KY 2228	0.0 KY 9	0.3 KY 8

BREATHITT COUNTY

	ROAD	FROM	TO
*	KY 15	0.0 Perry CO LN	27.5 Wolfe CO LN

Weight Limit - Bridge over Lost Creek @ milepoint 0.48
TY I = 20 tons, TY II = 37 tons, TY III = 40 tons, TY IV = 53 tons
Weight Limit - Bridge over Lost Creek @ milepoint 3.07
TY I = 20 tons, TY II = 37 tons, TY III = 40 tons, TY IV = 53 tons
Weight Limit - Bridge over Lost Creek @ Milepoint 3.80

TY I = 20 tons, TY II = 36 tons, TY III = 40 tons, TY IV = 52 tons
Weight Limit - Bridge over Lost Creek @ milepoint 6.48
TY I = 20 tons, TY II = 38 tons, TY III = 41 tons, TY IV = 50 tons
Weight Limit - Bridge over Lost Creek @ milepoint 6.69
TY I = 20 tons, TY II = 39 tons, TY III = 42 tons, TY IV = 52 tons
Weight Limit - Bridge over Troublesome Creek @ Milepoint 7.64
TY I = 20 tons, TY II = 38 tons, TY III = 42 tons, TY IV = 51 tons
Weight Limit - Bridge over Quicksand Creek @ milepoint 14.73
TY I = 20 tons, TY II = 36 tons, TY III = 39 tons, TY IV = 48 tons

*	KY 30	14.1 Tipple ~~[13.3 KY 52]~~	14.8 KY 15 (North)
~~[*~~	~~KY 52~~	~~0.0 Lee CO LN~~	~~9.7 KY 30~~
	~~Weight Limit - Bridge over Linden Fork of Cane Creek @ milepoint 9.46~~		
	~~TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 55 tons~~		
~~*~~	~~KY 205~~	~~0.0 KY 15~~	~~6.6 Wolfe CO LN]~~
*	KY 476	0.0 Perry CO LN	11.4 KY 15
	Weight Limit - Bridge over Troublesome Creek @ milepoint 7.02		
	TY I = 20 tons, TY II = 30 tons, TY III = 37 tons, TY IV = 44 tons		
~~[*~~	~~KY 540~~	~~0.0 KY 1812~~	~~3.7 Steer Fork Road]~~
*	KY 542	15.8 Tipple ~~[13.3 Mine]~~	18.6 Magoffin CO LN
*	KY 1098	0.0 KY 15 ~~[18.0 KY 1111]~~	12.8 Mine ~~[20.4 Knott CO LN]~~
	Weight Limit - Bridge B00047 over South Fork Quicksand Creek @ milepoint 5.27		
	TY I = 20 tons, TY II = 33 tons, TY III = 38 tons, TY IV = 60 tons		
~~[*~~	~~KY 1111~~	~~0.0 KY 10.98~~	~~2.2 Big Lovely RD~~
~~*~~	~~KY 1419~~	~~0.0 KY 1812~~	~~2.9 Wolfe County Line~~
~~*~~	~~KY 1812~~	~~9.5 KY 540~~	~~14.4 KY 205~~
	~~Weight Limit - Bridge over Boone Fork of Frozen Creek @ milepoint 14.25~~		
	~~TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 40 tons~~		
	~~Weight Limit - Bridge over Boone Fork of Frozen Creek @ milepoint 14.44~~		
	~~TY I = 12 tons, TY II = 13 tons, TY III = 14 tons, TY IV = 20 tons~~		
		~~15.7 KY 1419~~	~~17.5 Wolfe County Line~~
~~*~~	~~Big Lovely Branch RD~~		
	~~CR 5030~~	~~0.0 KY 1111~~	~~1.4 KY 542~~
~~*~~	~~Sneed Fork Road~~		
	~~CR 5050~~	~~0.0 KY 540~~	~~0.6 Mine]~~
*	Slucher Branch RD		
	CR 5067	0.0 KY 542	3.0 Mine
*	Slucher Branch/Howes Fork RD		
	CR 5068	0.0 Slucher Branch RD	1.5 Haul RD
*	Buckhorn Creek RD		
	CR 5135	0.0 KY 476	2.0 ~~[2.1]~~ Long Fork RD
~~[*~~	~~Long Fork RD~~		
	~~CR 5144~~	~~0.0 Buckhorn Creek RD~~	~~0.8 Mine]~~

BULLITT COUNTY

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

BUTLER COUNTY

	ROAD	FROM	TO
*	Green River Parkway	18.2 Warren CO LN	35.1 Ohio CO LN
	Weight Limit - Bridge B00061 over Green River @ milepoint 32.64		
	TY I = 20 tons, TY II = 39 tons, TY III = 48 tons, TY IV = 54 tons		
*	US 231	17.4 Tipple ~~[14.3 KY 70]~~	18.2 Tipple
~~[~~	~~Weight Limit - Bridge over Indian Camp Creek @ milepoint 16.32~~		
	~~TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 51 tons~~		
	~~Weight Limit - Bridge over West Fork Indian Camp Creek @ milepoint 17.11~~		
	~~TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 51 tons~~		
~~*~~	~~KY 70~~	~~0.0 Muhlenberg CO LN~~	~~6.8 Haul RD~~
	~~Weight Limit - Bridge over Panther Creek @ milepoint 4.19~~		
	~~TY I = 20 tons, TY II = 33 tons, TY III = 38 tons, TY IV = 60 tons~~		
		~~14.4 US 231~~	~~22.8 Charlie Shepherd Road~~
	~~Weight Limit - Bridge over Welch Creek @ milepoint 20.37~~		
	~~TY I = 20 tons, TY II = 38 tons, TY III = 44 tons, TY IV = 60 tons~~		
~~*~~	~~KY 1117~~	~~7.0 Haul RD~~	~~8.0 Mine~~
~~*~~	~~Charlie Shepherd RD~~		
	~~CR 5023~~	~~0.0 KY 70~~	~~1.3 Mine]~~

CALDWELL COUNTY

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

Weight Limit - Bridge B00029 over I. C. R.R. @ milepoint 11.36
TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 58 tons
Weight Limit - Bridge B00033 over Tradewater River @ milepoint 21.75
TY I = 20 tons, TY II = 42 tons, TY III = 45 tons, TY IV = 60 tons

CAMPBELL COUNTY

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

~~[CARTER COUNTY~~

	ROAD	FROM	TO
	~~Weight Limit - Bridge over I-64 @ milepoint 11.50~~		
	~~TY I = 20 tons, TY II = 40 tons, TY III = 46 tons, TY IV = 60 tons~~		
*	~~KY 7~~	~~0.0 Elliott CO LN~~	~~10.9 US 60]~~

CHRISTIAN COUNTY

	ROAD	FROM	TO
*	US 41	28.5 KY 1296	31.6 Hopkins CO LN

Weight Limit - Bridge B0002 over Campbells Creek @ milepoint 29.51
TY I = 20 tons, TY II = 39 [~~38~~] tons, TY III = 45 [~~39~~] tons, TY IV = 60 [~~54~~] tons
Weight Limit - Bridge B0001 over CSX [~~L & N~~] RR @ milepoint 30.88
TY I = 20 tons, TY II = 33 tons, TY III = 37 tons, TY IV = 52 tons

*	KY 1296	2.7 Campbell Cemetery RD	5.2 US 41
*	Campbell Cemetery Road CR 5418	0.0 KY 1296	0.3 Mine

CLARK COUNTY

	ROAD	FROM	TO
*	Mountain Parkway	0.0 I-64	11.9 Powell CO LN

Weight Limit - Bridge B00055 over I-64 @ milepoint 0.13
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV =49 tons
Weight Limit - Bridge over C & O RR @ milepoint 3.65
TY I = 20 tons, TY II = 42 tons, TY III = 46 tons, TY IV = 57 tons

*	US 60	0.0 Fayette CO LN	6.7 KY 627
		7.0 KY 89	7.2 KY 15
*	KY 15	0.0 Powell CO LN	13.1 US 60

~~[Weight Limit - Bridge over Lulbegrud Creek @ milepoint 0.01~~
~~TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons~~
~~Weight Limit - Bridge over Upper Howard's Creek @ milepoint 2.98~~
~~TY I = 20 tons, TY II = 21 tons, TY III = 24 tons, TY IV = 38 tons]~~
Weight Limit - Bridge B0011 over Big Stoner Creek @ milepoint 7.00
TY I = 20 tons, TY II = 21 tons, TY III = 24 tons, TY IV = 40 tons
~~[Weight Limit - Bridge over C&O Railroad @ milepoint 11.08~~
~~TY I = 20 tons, TY II = 20 tons, TY III = 21 tons, TY IV = 27 tons]~~

*	KY 89	15.9 US 60	16.0 KY 627
*	KY 418	5.7 KY 1924	5.8 KY 627
*	KY 627	0.1 KY 418	6.4 KY 1958
		7.8 US 60	8.1 KY 89
		9.3 I-64	14.8 Bourbon CO LN

~~[Weight Limit - Bridge over Woodruff Creek @ milepoint 13.20~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 40 tons]~~

*	KY 1924	0.0 Dale Power Plant	1.8 KY 418
*	KY 1958	0.0 KY 627	2.8 I-64

CLAY COUNTY

	ROAD	FROM	TO
*	Daniel Boone Parkway	10.6 Laurel CO LN	35.9 Leslie CO LN

Weight Limit - Bridge over Little Goose Creek Rd. @ milepoint 10.81
TY I = 20 tons, TY II =41 tons, TY III = 47 tons, TY IV = 60 tons
Weight Limit - Bridge over Urban Road @ milepoint 13.90
TY I = 20 tons, TY II = 41 tons, TY III = 47 tons, TY IV = 60 tons
Weight Limit - Bridge over Hooker Road @ milepoint 16.14
TY I = 20 tons, TY II = 41 tons, TY III = 45 tons, TY IV = 60 tons

Weight Limit - Bridge over Red Bird River @ milepoint 33.58
TY I = 20 tons, TY II = 42 tons, TY III = 45 tons, TY IV = 57 tons

*	US 421	0.0 Leslie CO LN	24.0 KY 11 [~~32.8 Jackson CO LN~~]

Weight Limit - Bridge over Horse Creek @ milepoint 16.58
TY I = 20 tons, TY II = 28 [~~35~~] tons, TY III = 37 tons, TY IV = 55 [~~50~~] tons
Weight Limit - Bridge B000108 over Little Goose Creek @ milepoint 18.59
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 50 tons
Weight Limit - Bridge over Island Creek @ milepoint 20.49
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 44 tons
Weight Limit - Bridge over Branch of Island Creek @ milepoint 21.20
TY I = 20 tons, TY II = 28 tons, TY III = 32 tons, TY IV = 56 tons
[~~Weight Limit - Bridge over Sexton Creek @ milepoint 28.41~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 32 tons, TY IV = 54 tons~~]

*	KY 11	7.8 [~~5.5~~] Tipple	8.9 US 421 (South)
		[~~8.9 US 421 (North)~~	~~26.6 Owsley CO LN~~

~~Weight Limit - Bridge over Wildcat Creek @ milepoint 15.57~~
~~TY I = 20 tons, TY II = 37 tons, TY III = 44 tons, TY IV = 60 tons~~]

*	KY 66	3.1 Mine	19.1 Daniel Boone Parkway

Weight Limit - Bridge over Phelps Fork Creek @ milepoint 4.95
TY I = 20 tons, TY II = 33 [~~28~~] tons, TY III = 38 [~~32~~] tons, TY IV = 60 [~~49~~] tons

*	KY 80	0.0 Laurel CO LN [~~5.5 Paw Paw RD~~]	7.5 US 421
*	KY 1524	0.0 US 421	1.1 KY 2000
*	KY 2000	0.0 KY 1524	1.9 Carpenter Branch RD [~~4.6 Sand Hill RD~~
~~*~~	~~KY 2432~~	~~0.0 South Curb Cedar St.~~	~~0.4 KY 2438~~
~~*~~	~~KY 2438~~	~~0.0 US 421~~	~~0.1 KY 2432~~

~~Weight Limit - Bridge over Goose Creek & L & N RR @ milepoint 0.01~~
~~TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 50 tons~~

~~*~~	~~Sand Hill Road~~		
	~~CR 5129~~	~~0.0 KY 2000~~	~~1.5 Jim Cove Hollow RD~~
~~*~~	~~Jim Cove Hollow RD~~		
	~~CR 5136~~	~~1.0 Sand Hill RD~~	~~2.2 Mine~~
~~*~~	~~Sevier Road~~		
	~~CR 5180~~	~~0.0 US 421~~	~~0.2 Tipple Access RD~~

~~Weight Limit - Bridge over Goose Creek~~
~~TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 60 tons~~]

*	Lynn Log Fork RD		
	CR 5194	0.0 US 421	0.4 [~~0.3~~] Mine
*	Carpenter Branch Road		
	CR 5199	0.0 KY 2000	1.0 Mine
[~~*~~	~~Cedar Street (Manchester)~~		
	~~CR 5227AA~~	~~0.0 KY 2432~~	~~0.2 Tipple Access~~]
*	Paw Paw RD		
	CR 5271	0.0 KY 80	0.3 Tipple

DAVIESS COUNTY

	ROAD	FROM	TO
*	Audobon Parkway	15.9 Henderson County Line	23.5 US 60 Bypass

Weight Limit - Bridge B00059 over Worthington RD @ milepoint 22.71
TY I = 20 tons, TY II = 37 tons, TY III = 41 tons, TY IV = 56 tons

*	Green River Parkway	59.5 Ohio CO LN	70.7 US 60 Bypass
*	US 60	10.2 US 60 Bypass	10.6 KY 331
		13.9 US 231 NB	28.0 Hancock CO LN

Weight Limit - Westbound Bridge B0001 over L & N RR @ milepoint 16.66
TY I = 20 tons, TY II = 44 [~~40~~] tons, TY III = 48 [44] tons, TY IV = 60 tons
Weight Limit - Eastbound Bridge B0004 over Power Plant Entrance @ milepoint 16.66
TY I = 20 tons, TY II = 35 tons, TY III = 38 tons, TY IV = 54 tons
Weight Limit - Bridge B0007 over Pup Creek @ milepoint 20.31
TY I = 20 tons, TY II = 38 tons, TY III = 44 [~~49~~] tons, TY IV = 60 tons

*	US 60B	0.0 US 60	10.2 US 60

Weight Limit - Bridge over US 431 @ milepoint 4.22
TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 51 tons
Weight Limit - Bridge over L & N Railroad @ milepoint 4.84
TY I = 20 tons, TY II = 35 tons, TY III = 38 tons, TY IV = 50 tons
Weight Limit - Bridge over Sutherland Road @ milepoint 5.08
TY I = 20 tons, TY II = 39 tons, TY III = 45 tons, TY IV = 60 tons
Weight Limit - Bridge over Horse Fork Creek @ milepoint 5.65
TY I = 20 tons, TY II = 32 tons, TY III = 37 tons, TY IV = 60 tons

Weight Limit - Bridge over I C RR @ milepoint 7.71
TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 49 tons
Weight Limit - Bridge over L&N RR & KY 2710 @ milepoint 9.77
TY I = 20 tons, TY II = 36 [~~37~~] tons, TY III = 37 [~~38~~] tons, TY IV = 44 [~~43~~] tons

*	US 231	0.0 Ohio CO LN	11.3 US 60 Bypass

Weight Limit - Bridge over Panther Creek @ milepoint 3.91
TY I = 20 tons, TY II = 40 tons, TY III = 46 tons, TY IV = 60 tons
~~[Weight Limit - Bridge over Panther Creek @ milepoint 8.84~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 46 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over overflow @ milepoint 8.94~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 46 tons, TY IV = 60 tons]~~
Weight Limit - Bridge over overflow @ milepoint 9.22
TY I = 20 tons, TY II = 41 [~~40~~] tons, TY III = 49 [~~46~~] tons, TY IV = 60 tons
Weight Limit - Bridge over Owensboro Beltline @ milepoint 11.29
TY I = 20 tons, TY II = 36 tons, TY III = 42 tons, TY IV = 60 tons

		~~[14.9 US 60 Bridge at Ohio River~~	~~15.7 Indiana State Line~~

~~Weight Limit - Bridge over Ohio River @ milepoint 14.90~~
~~TY I = 20 tons, TY II = 32 tons, TY III = 37 tons, TY IV = 41 tons]~~

*	US 431	0.0 McLean CO LN	11.4 US 60 Bypass

Weight Limit - Bridge B0050 over Panther Creek @ milepoint 8.04
TY I = 20 tons, TY II = 32 tons, TY III = 38 tons, TY IV = 60 tons
Weight Limit - Bridge over Panther Creek @ milepoint 8.54
TY I = 20 tons, TY II = 23 tons, TY III = 27 tons, TY IV = 45 tons
Weight Limit - Bridge over Panther Creek Branch @ milepoint 9.03
TY I = 20 tons, TY II = 40 tons, TY III = 46 tons, TY IV = 60 tons
Weight Limit - Bridge B00046 over Drainage Ditch @ milepoint 9.83
TY I = 20 tons, TY II = 22 tons, TY III = 24 tons, TY IV = 39 tons
Weight Limit - Bridge B00045 over Drainage Ditch @ milepoint 9.86
TY I = 20 tons, TY II = 22 tons, TY III = 24 tons, TY IV = 39 tons
Weight Limit - Bridge B00044 over Drainage Ditch @ milepoint 10.05
TY I = 20 tons, TY II = 22 tons, TY III = 24 tons, TY IV = 39 tons
Weight Limit - Bridge B00043 over Drainage Ditch @ milepoint 10.12
TY I = 20 tons, TY II = 22 tons, TY III = 24 tons, TY IV = 39 tons
Weight Limit - Bridge B00042 over Drainage Ditch @ milepoint 10.13
TY I = 20 tons, TY II = 22 tons, TY III = 24 tons, TY IV = 39 tons
Weight Limit - Bridge B00041 over Drainage Ditch @ milepoint 10.15
TY I = 20 tons, TY II = 22 tons, TY III = 24 tons, TY IV = 39 tons
Weight Limit - Bridge B00040 over Drainage Ditch @ milepoint 10.02
TY I = 20 tons, TY II = 22 tons, TY III = 24 tons, TY IV = 39 tons

~~[*~~	~~KY 54~~	~~2.5 US 60 Bypass~~	~~11.9 Windy Hill RD~~

~~Weight Limit - Bridge over Barnett Creek @ milepoint 5.77~~
~~TY I = 20 tons, TY II = 42 tons, TY III = 49 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Caney Creek @ milepoint 7.88~~
~~TY I = 20 tons, TY II = 42 tons, TY III = 49 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Panther Creek overflow @ milepoint 10.35~~
~~TY I = 20 tons, TY II = 33 tons, TY III = 38 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Panther Creek @ milepoint 10.55~~
~~TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 60 tons]~~

*	KY 81	0.0 McLean County Line	11.9 US 60 Bypass

Weight Limit - Bridge B0057 @ milepoint 2.52
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 36 tons
Weight Limit - Bridge over Panther Creek @ milepoint 6.50
TY I = 20 tons, TY II = 25 tons, TY III = 29 tons, TY IV = 45 tons

*	KY 140	2.8 KY 1207 ~~[0.9 Lon Jackson Road]~~	3.4 US 431
*	KY 144	0.0 US 60	9.3 Mine ~~[9.1 KY 951]~~

Weight Limit - Bridge B00136 over CSX ~~[L & N]~~ RR @ milepoint 0.16
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons

*	KY 331	0.0 US 60 (East) (Via Industrial Dr. & Medley-Roost Rd.)	2.6 Dock
*	KY 554	1.9 Mine	4.8 KY 81
*	KY 951	0.0 KY 144	5.1 ~~[3.7]~~ Mine

~~[Weight Limit - Pup Creek Bridge @ milepoint 1.97~~
~~TY I = 20 tons, TY II = 37 tons, TY III = 40 tons, TY IV = 53 tons]~~

*	KY 1207	3.6 Mine	5.5 KY 140
*	KY 1389	8.4 Mine	10.7 Hancock CO LN
		~~[1.9 KY 1831~~	~~9.2 Mine~~

~~Weight Limit - Bridge over Pup Creek @ milepoint 4.00~~

~~TY I = 20 tons, TY II = 31 tons, TY III = 35 tons, TY IV = 55 tons~~

~~*~~	~~KY 1831~~	~~0.0 US 60~~	~~2.8 KY 1389]~~
*	Free Silver RD		
	CR 5045	0.0 Mine	0.3 Pup Creek RD
*	Pup Creek RD		
	CR 5046	0.0 KY 951	1.6 KY 951 [~~0.5 Mine~~]
*	Iceland RD		
	CR 5076	0.0 US 60	0.2 Dock
[~~*~~	~~Windy Hill RD~~		
	~~CR 5136~~	~~0.0 KY 54~~	~~1.8 Mine]~~
*	Ben Ford RD		
	CR 5238	0.0 KY 1207 [~~0.5 Mine~~]	2.0 US 431

[~~ELLIOTT COUNTY~~

	ROAD	FROM	TO
~~*~~	~~KY 7~~	~~7.2 KY 32~~	~~19.3 Carter CO LN~~

~~Weight Limit - Bridge over Little Sandy River @ milepoint 10.32~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 28 tons, TY IV = 40 tons~~
~~Weight Limit - Bridge over Little Sandy River @ milepoint 13.61~~
~~TY I = 20 tons, TY II = 26 tons, TY III = 29 tons, TY IV = 38 tons~~

~~*~~	~~KY 32~~	~~8.6 KY 7 South~~	~~12.3 Mine~~

~~Weight Limit - Bridge over Middle Fork @ milepoint 10.65~~
~~TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 47 tons]~~

ESTILL COUNTY

	ROAD	FROM	TO
[~~*~~	~~KY 52~~	~~7.6 KY 89~~	~~21.0 Lee CO LN]~~
*	KY 82	0.0 KY 89	5.0 Powell CO LN
*	KY 89	11.4 KY 52	17.9 KY 82

Weight Limit - Bridge over Sweet Lick Creek @ milepoint 12.08 [~~14~~]
TY I = 20 tons, TY II = 28 tons, TY III = 29 tons, TY IV = 49 tons
Weight Limit - Bridge over Calloway Creek @ milepoint 15.38 [~~44~~]
TY I = 20 tons, TY II = 35 tons, TY III = 39 tons, TY IV = 58 tons

*	KY 1840	0.0 Stump Road	0.4 KY 89
*	Stump RD		
	CR 5356	0.0 KY 1840	0.8 Tipple

FAYETTE COUNTY

	ROAD	FROM	TO
*	US 60	0.0 Woodford CO LN	4.7 KY 4 (West)

Weight Limit - Bridge B00121 over South Elkhorn Creek @ milepoint 1.30
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

		10.2 KY 4 (East)	19.3 Clark CO LN
*	KY 4	4.6 US 60 (West)	12.7 US 60 (East)

Weight Limit - Bridge B00022 & P over US 60, Versailles Road @ milepoint 4.61
TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 58 tons
Weight Limit - Bridge B00021 & P over Viley Pike @ milepoint 5.48
TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons
Weight Limit - Bridge B00032 over CSX RR @ milepoint 6.01
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge B00039 over CSX RR @ milepoint 6.76
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge B00037 & P over US 421 @ milepoint 7.24
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge B00038 & P over Southern RR @ milepoint 8.03
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 51 tons

*	KY 922	1.0 KY 4	2.9 I-75

FLEMING COUNTY

	ROAD	FROM	TO
*	US 68	0.0 Robertson CO LN	5.4 Mason CO LN
*	KY 11	0.0 Bath CO LN	17.3 Mason CO LN

Weight Limit - Bridge over Fleming Creek @ milepoint 7.80
TY I = 20 tons, TY II = 39 [~~40~~] tons, TY III = 40 [~~39~~] tons, TY IV = 48 tons
Weight Limit - Bridge over Cassidy Creek @ milepoint 8.77
TY I = 20 tons, TY II = 37 [~~38~~] tons, TY III = 39 [~~40~~] tons, TY IV = 50 tons

FLOYD COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Pike CO LN	24.0 Johnson CO LN [~~23.2 KY 3~~]
	Weight Limit - Bridge over CSX RR @ milepoint 21.29		
	TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 40 tons		
*	KY 3	0.0 US 23 & KY 80	2.5 KY 1428
		10.0 US 23	12.0 Johnson CO LN
*	KY 7	0.0 Knott CO LN	10.4 Mine [~~12.8 Magoffin CO LN~~]
	Weight Limit - Bridge over Right Fork Beaver Creek @ milepoint 8.01		
	TY I = 20 tons, TY II = 33 tons, TY III = 36 tons, TY IV = 44 tons		
*	KY 80	0.0 Knott CO LN	14.4 US 23 & KY 3
*	KY 114	0.0 Magoffin County Line	12.4 KY 1428 [~~11.4 US 23~~]
	Weight Limit - Bridge over Middle Creek @ milepoint 10.60		
	TY I = 20 tons, TY II = 43 tons, TY III = 46 [~~47~~] tons, TY IV = 56 tons		
*	KY 122	8.5 KY 80	26.1 KY 979
	Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 23.55		
	TY I = 20 tons, TY II = 40 tons, TY III = 44 tons, TY IV = 57 tons		
*	KY 194	0.0 KY 1428 at Emma	1.7 [~~0.5~~] Mine
	Weight Limit - Bridge over Cow Creek @ milepoint 1.27		
	TY I = 20 tons, TY II = 41 tons, TY III = 48 tons, TY IV = 60 tons		
*	KY 302	2.6 Mine	2.9 Johnson County Line
*	KY 404	0.0 Magoffin CO LN	8.1 KY 114
	Weight Limit - Bridge over Middle Creek @ milepoint 8.07		
	TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 51 tons		
*	KY 550	0.0 Knott CO LN	0.2 KY 7 South
	Weight Limit - Bridge over Right Fork of Beaver Creek @ milepoint 0.06		
	TY I = 20 tons, TY II = 40 [~~37~~] tons, TY III = 44 [~~38~~] tons, TY IV = 57 [~~48~~] tons		
		0.2 KY 7 North	0.7 Tipple
		[~~2.7 Turner Branch Road~~	~~4.6 KY 80~~]
*	KY 680	0.0 KY 122	0.1 Goose Creek RD [~~0.9 KY 1929~~]
		2.6 KY 777	2.9 KY 777
		5.0 KY 122	7.5 Mine
		10.0 Mine	10.5 KY 979
		[~~3.8 Little Branch of Hamilton Branch RD~~	~~5.4 KY 979~~]
*	KY 777	[~~0.0 Knott County Line~~	~~0.1 CR 5037C~~]
		4.9 Head Turkey Creek RD	8.8 [~~9.0~~] KY 80
*	KY 850	4.3 Pitts Fork RD	7.5 KY 404
*	KY 979	0.0 KY 122	19.2 [~~19.3~~] US 23
	Weight Limit - Bridge over Clear Creek @ milepoint 1.68		
	TY I = 20 tons, TY II = 40 tons, TY III = 47 tons, TY IV = 60 tons		
	Weight Limit - Bridge B00091 over Toler Creek @ milepoint 17.43		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	KY 1101	0.0 Johnson RD	1.0 KY 122 at Drift
[~~*	KY 1210~~	~~4.8 Mine~~	~~7.8 KY 404~~
	~~Weight Limit - Bridge over Middle Creek @ milepoint 7.76~~		
	~~TY I = 20 tons, TY II = 33 tons, TY III = 38 tons, TY IV = 60 tons~~]		
*	KY 1426	5.6 Mine [~~1.3 Keathley BR RD~~]	7.9 KY 2030
		11.4 Mine	14.3 US 23
*	KY 1428	2.6 KY 3381	12.5 KY 3 [~~8.8 KY 194~~]
	Weight Limit - Bridge over Big Sandy River @ milepoint 5.82		
	TY I = 20 tons, TY II = 39 tons, TY III = 42 tons, TY IV = 42 tons		
	Weight Limit - Cow Creek Bridge @ milepoint 8.70 [~~7.1~~]		
	TY I = 20 tons, TY II = 29 [~~26~~] tons, TY III = 37 [~~38~~] tons, TY IV = 50 [~~48~~] tons		
		14.1 Mine	15.6 KY 114
		[~~9.8 Mine~~	~~16.1 KY 321~~]
*	KY 1929	2.0 Neds Fork RD	4.5 KY 680
*	KY 2030	5.0 Little Muddy Creek RD	7.8 KY 1426
*	KY 2557	0.0 Betsy Layne BR RD	0.3 US 23
[~~*	KY 3188~~	~~0.8 Kanawha Mine~~	~~1.3 KY 80~~]
*	KY 3379	0.8 [~~5.0~~] Mine	7.0 KY 979
[~~*	KY 3380~~	~~0.0 KY 979~~	~~0.7 Andy Branch RD~~]
*	KY 3381	0.8 Crum Branch RD	2.9 KY 1428
*	Daniel's Creek RD CR 5014	0.0 US 23	0.5 Mine
*	Ivel Coal Company RD CR 5020	0.0 US 23	0.1 Tipple

* Ivy Creek RD		
CR 5032	0.0 US 23	3.0 Haul RD
* Left Fork Ivy Creek Road		
CR 5033	0.0 CR 5032	2.1 Mine
~~[* Bushy Fork Road~~		
~~CR 5046~~	~~0.0 KY 194~~	~~0.8 Pike CO LN]~~
* Sugarloaf Branch RD		
CR 5048	0.0 KY 1428	0.6 Mine
* Long Branch of John's Creek Road		
CR 5049	0.0 KY 302	1.7 Mine
* Bull Creek Road		
CR 5055	0.0 KY 3	0.4 Cabin Coal Tipple
* Crum Branch RD		
CR 5100	0.0 KY 3381	0.6 Mine
* Betsy Layne Branch Road		
CR 5111	0.0 KY 2557	0.9 Somerset Coal Mine
* Betsy Layne Branch Road		
CR 5113	0.0 KY 2557	0.9 Mine
* Cedar Hill Road		
CR 5118	0.0 KY 1426	0.6 Tipple
* Tackett Branch RD		
CR 5129	0.0 KY 979	1.0 Mine
~~[* Frasure Branch Road~~		
~~CR 5134~~	~~0.0 KY 979~~	~~0.8 Mine~~
~~* Little Branch/Hamilton Creek RD~~		
~~CR 5136~~	~~0.0 KY 680~~	~~0.4 Mine]~~
* Rocky Branch RD		
CR 5137	0.0 Mink Branch RD	0.4 Mine ~~[0.2 Left Fork Rocky BR RD]~~
~~[* Left Fork Rocky Branch RD~~		
~~CR 5137A~~	~~0.0 Rocky Branch RD~~	~~0.2 Mine]~~
* Mink Branch Road		
CR 5138	0.0 KY 979	0.9 Rocky Branch RD
Weight Limit - Bridge over Big Mud Creek		
TY I = 22 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons		
* Dry Branch/Mud Creek Road		
CR 5139	0.0 KY 979	1.2 Joseph Mining Mine
* Ned Fork Road		
CR 5140	0.0 KY 1929	1.1 Premium Elkhorn Shannon Mine
~~[* Branham Creek Road~~		
~~CR 5142~~	~~0.0 KY 3379~~	~~0.6 Pike CO LN~~
~~* Keathley Branch Road~~		
~~CR 5144~~	~~0.0 KY 1426~~	~~0.8 Mine~~
~~* Left Fork/Tinker Fork Road~~		
~~CR 5147~~	~~0.0 Branham Creek RD~~	~~0.2 Wellmore Kodiak Mine~~
~~* Andy Branch Road~~		
~~CR 5148~~	~~0.0 KY 3380~~	~~0.2 Mine~~
~~* Red Morg Branch Road~~		
~~CR 5153~~	~~0.0 KY 979~~	~~0.7 Mine]~~
* Mitchell Branch RD		
CR 5154	0.0 KY 979	0.5 Mine
* Tackett Branch RD		
CR 5156	0.0 KY 979	0.9 Buzzard Rock RD
* Buzzard Rock Road		
CR 5157	0.0 Tackett Fork RD	0.5 Pike CO LN
* Buckhorn Hollow RD		
CR 5159	0.0 Ky 979	0.5 Mine
* Reynold's Branch RD		
CR 5187	0.0 KY 979	0.2 Mine
* Spewing Camp Branch		
CR 5190	0.0 KY 122	2.5 Mine
Weight Limit - Bridge over Left Fork of Beaver Creek		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
* Little Muddy Creek Road		
CR 5197	0.0 KY 2030	2.5 Upper Wolfpen BR RD ~~[3.0 Bebe Mine]~~
* Upper Wolfpen Branch Road		
CR 5197B	0.0 Little Muddy Creek Road	0.7 ~~[1.0]~~ Mine
* Morgan Fork RD		

CR 5198	0.0 Little Muddy Creek RD	1.1 Mine
[* ~~Mud Creek RD~~		
~~CR 5202~~	~~0.0 Little Muddy Creek RD~~	~~0.4 Mine~~
* ~~Hite Road~~		
~~CR 5220~~	~~1.0 Mine~~	~~1.8 Hite RD KY 122~~
* ~~Hite Road KY 122 Connector Road~~		
~~CR 5220A~~	~~0.0 KY 122~~	~~0.1 Hite RD]~~
* Stonecoal Branch RD		
CR 5234	0.0 KY 1101	1.4 Mine
* Simpson Branch RD		
CR 5239	0.0 KY 1101	1.3 Mine
* Step Branch RD		
CR 5247	0.0 KY 122	0.1 Mine
* Grassy Road		
CR 5266 E	0.0 KY 7	0.2 Tipple
* Head of Turkey Creek RD		
CR 5268	0.0 KY 777	2.0 Mine
* Goose Creek RD		
CR 5273	0.0 KY 680	1.2 Mine
[* ~~Vine Street (Eastern)~~		
~~CR 5283C~~	~~0.0 KY 80~~	~~0.1 Pitts Fork RD~~
~~Weight Limit - Bridge over Right Fork of Beaver Creek~~		
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons]~~		
* Pitts Fork Road		
CR 5288	0.0 KY 850	0.9 [~~0.3~~] Mine

FRANKLIN COUNTY

ROAD	FROM	TO
* US 60	0.0 Shelby CO LN	6.5 US 127
Weight Limit - Bridge over South Benson Creek @ milepoint 2.72		
TY I = 20 tons, TY II = 23 tons, TY III = 26 tons, TY IV =41 tons		
	12.0 KY 676	14.0 Woodford CO LN
* US 127	5.2 KY 676	6.1 US 60
* KY 676	0.0 US 127	5.3 US 60

GREENUP COUNTY

ROAD	FROM	TO
* US 23	0.0 Boyd CO LN	7.6 KY 503
* KY 207	11.2 Collins Crossing RD	12.4 KY 503 North
* KY 503	5.5 KY 207	9.1 US 23 [~~9.3 KY 3105 (Old US 23)~~]
[* ~~Rockhouse Fork RD~~		
~~CR 5150~~	~~0.0 Boyd CO LN~~	~~1.0 Mine]~~

HANCOCK COUNTY

ROAD	FROM	TO
* US 60	0.0 Daviess CO LN	7.3 KY 271 South [~~5.6 Mine~~]
* KY 69	0.0 Ohio CO LN	4.6 KY 144
Weight Limit - Bridge B0007 @ mile 3.23		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
Weigth Limit - Bridge B0008 @ milepoint 4.18		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
* KY 144	0.0 Daviess CO LN	3.0 KY 69
Weight Limit - Bridge over Horse Fork @ milepoint 2.92		
TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons		
* KY 271	0.0 KY 1389	6.0 KY 334
* KY 334	14.7 Power Plant	16.4 KY 271
* KY 1389	0.0 Daviess CO LN	KY 271
* KY 3092	0.0 KY 271	2.0 KY 334

HARLAN COUNTY

ROAD	FROM	TO
* US 119	0.0 Bell CO LN	24.4 Mine
	26.4 Tipple	28.2 Mine
* US 421	0.0 Virginia State LN	17.9 US 119
Weight Limit - Bridge over Cranks Creek @ milepoint 2.70		
TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 43 tons		
Weight Limit - Bridge over Fork of Crummies Creek @ milepoint 7.36		

TY I = 20 tons, TY II = 29 [~~31~~] tons, TY III = 32 tons, TY IV = 42 [~~41~~] tons
Weight Limit - Bridge over KY 840, L&N RR, Clover Fork @ milepoint 17.51
TY I = 20 tons, TY II = 43 [~~42~~] tons, TY III = 45 [~~43~~] tons, TY IV = 51 [~~50~~] tons

		23.9 KY 221 West	27.6 Leslie CO LN
*	KY 38	0.0 US 421	29.5 Virginia State LN

Weight Limit - Bridge over Clover Fork Cumberland River @ milepoint 8.21
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 55 tons
Weight Limit - Bridge over Yocum Creek @ milepoint 8.60
TY I = 8 tons, TY II = 8 tons, TY III = 8 tons, TY IV = 8 tons
Weight Limit - Bridge over Fugett Creek @ milepoint 17.11
TY I = 20 tons, TY II = 31 tons, TY III = 36 tons, TY IV = 59 tons

*	KY 72	2.5 Tipple	4.2 Tom's Branch RD
		[~~1.9 KY 2005~~	~~4.9 Rockhouse BR RD~~

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

		7.1 KY 1216 [~~5.4 Tipple~~]	11.3 US 421

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

~~*~~	~~KY 179~~	~~0.0 KY 38~~	~~0.6 Mine~~
		~~7.1 Tipple Road~~	~~7.2 Mine~~]
*	KY 215	0.0 KY 38	1.7 Pounding Mill BR RD [~~0.2 Tipple~~]

Weight Limit - Bridge B00017 over Yocum Creek @ milepoint 1.055
TY I = 20 tons, TY II = 37 tons, TY III = 43 tons, TY IV = 60 tons
Weight Limit - Bridge B00018 over Yocum Creek @ milepoint 1.40
TY I = 20 tons, TY II = 27 tons, TY III = 29 tons, TY IV = 39 tons

*	KY 221	0.0 Bell CO LN	8.9 US 421 (South)
		8.9 US 421 (North)	11.4 KY 2009 [~~21.6 KY 2008~~
~~*~~	~~KY 987~~	~~8.9 Mine~~	~~18.5 US 421~~

~~Weight Limit - Bridge over Martins Fork @ milepoint 14.89~~
~~TY I = 20 tons, TY II = 34 tons, TY III = 39 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Crummies Creek @ milepoint 18.52~~
~~TY I = 20 tons, TY II = 34 tons, TY III = 37 tons, TY IV = 41 tons~~]

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

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

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

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

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

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

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

Weight Limit - Bridge over Fork of Laurel Fork Creek @ milepoint 1.51
TY I = 20 tons, TY II = 26 tons, TY III = 30 tons, TY IV = 51 tons

*	KY 2425	0.0 Crawford Branch	0.4 KY 72
*	KY 2430	0.0 KY 38	0.1 [~~1.3~~] Mine
*	KY 3449	0.0 Forester's Creek RD	1.1 Kentucky Harlan Tipple
*	KY 3451	1.4 [~~0.0~~] Mine	2.2 US 119

Weight Limit - Bridge over Ewing Creek @ milepoint 1.60
TY I = 20 tons, TY II = 32 [~~25~~] tons, TY III = 38 [~~29~~] tons, TY IV = 60 [~~49~~] tons
Weight Limit - Bridge over Cumberland River @ milepoint 2.15
TY I = 20 tons, TY II = 23 tons, TY III = 25 tons, TY IV = 32 tons

[~~*~~	~~KY 3457~~	~~0.0 KY 38~~	~~0.5 End of State Maintenance~~
~~*~~	~~KY 3465~~	~~0.0 KY 221~~	~~1.7 End of State Maintenance~~
~~*~~	~~Totz Road~~		
	~~CR 5007B~~	~~0.0 US 119~~	~~0.1 Totz Washer~~]

*	Clover Lick Creek RD		
	CR 5027	0.0 KY 2006	0.4 Mine
*	Pounding Mill Branch RD		
	CR 5108H	0.0 KY 215	0.8 Mine
[*	~~Leonard Lane~~		
	~~CR 5032~~	~~0.0 KY 38~~	~~0.2 Mine~~
*	~~Mill Branch RD~~		
	~~CR 5033~~	~~0.0 KY 38~~	~~0.3 Mine~~
*	~~Jones Creek RD~~		
	~~CR 5102~~	~~0.0 KY 1601~~	~~0.7 Mine~~
*	~~Kelly Branch Road~~		
	~~CR 5122F~~	~~0.0 Mine~~	~~0.2 KY 38~~
*	~~Slack Cemetery Road~~		
	~~CR 5140~~	~~0.0 US 421 (North)~~	~~0.4 Tipple~~]
*	Grays Branch Road		
	CR 5206K	0.0 US 421 @ Grays Knob	0.4 Tipple
	Weight Limit - Bridge over Martins Fork		
	TY I = 20 tons, TY II = 20 tons, TY III = 20 tons, TY IV = 20 tons		
*	Rockhouse [~~Branch~~] Road		
	CR 5256	0.2 Tipple [~~0.0 KY 72~~]	0.8 Mine
*	River Road		
	CR 5326E	0.0 KY 38	0.1 Brookside Tipple
[*	~~Abner Branch RD~~		
	~~CR 5338~~	~~0.0 KY 3465~~	~~2.2 Leslie CO LN~~]
*	Ages Creek RD		
	CR 5326M	0.0 Tipple	0.3 Tipple

HARRISON COUNTY

	ROAD	FROM	TO
*	US 27	0.0 Bourbon CO LN	19.5 Pendleton CO LN
	Weight Limit - Bridge over South Fork Licking River @ milepoint 5.65		
	TY I = 20 tons, TY II = 43 tons, TY III = 47 tons, TY IV = 60 tons		
	Weight Limit - Bridge over L&N RR @ milepoint 6.28		
	TY I = 20 tons, TY II = 34 tons, TY III = 37 tons, TY IV = 42 tons		
	Weight Limit - Bridge over Indian Creek @ milepoint 7.09		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 54 tons		
	Weight Limit - Bridge B00065 over Sycamore Creek @ milepoint 9.09		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Two Lick Creek @ milepoint 10.40		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 50 tons		
	Weight Limit - Bridge over Curry Creek @ milepoint 13.27		
	TY I = 20 tons, TY II = 31 tons, TY III = 35 tons, TY IV = 51 tons		
	Weight Limit - Bridge over Richland Creek @ milepoint 19.18		
	TY I = 20 tons, TY II = 34 tons, TY III = 40 tons, TY IV = 60 tons		

HENDERSON COUNTY

	ROAD	FROM	TO
*	Audubon PKWY	0.0 Pennyrile PKWY	15.9 Davis CO LN
	Weight Limit - Bridge over Green River @ milepoint 15.78		
	TY I = 20 tons, TY II = 37 tons, TY III = 44 tons, TY IV = 54 tons		
*	Pennyrile PKWY	65.3 Webster CO LN	78.4 US 41
*	US 41	0.0 Webster CO LN	0.2 KY 2097
		10.9 KY 425	13.0 KY 812
		13.4 Pennyrile Parkway	21.2 Indiana State Line
	Weight Limit - Bridge B00049 over Van Wyk RD @ milepoint 15.01		
	TY I = 20 tons, TY II = 40 tons, TY III = 45 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Canoe Creek @ milepoint 15.17		
	TY I = 20 tons, TY II = 40 tons, TY III = 45 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Henderson Bypass @ milepoint 15.54		
	TY I = 20 tons, TY II = 40 tons, TY III = 43 tons, TY IV = 56 tons		
	Weight Limit - South End Ohio River Bridge @ milepoint 19.24		
	TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 37 tons		
	Weight Limit - Ohio River Bridge @ milepoint 19.24		
	TY I = 20 tons, TY II = 34 tons, TY III = 39 tons, TY IV = 51 tons		
*	KY 136	18.9 Riverport Road	19.5 KY 425 and US 60
*	KY 416	7.8 Pennyrile Parkway	8.0 KY 2096
		16.7 Private Haul RD [~~15.8 KY 1078~~]	16.9 Audubon Parkway

*	KY 425	0.0 US 60	5.5 Pennyrile PKWY
*	KY 812	5.6 Mine	7.4 US 41
[*	~~KY 1078~~	~~0.8 Mine~~	~~2.1 KY 416~~]
*	KY 2096	0.0 KY 416	3.1 KY 2097
*	KY 2097	0.0 US 41	0.8 KY 2096 Anaconda Aluminum Plant RD
*	Ammonia Plant Road		
	CR 5305	0.0 KY 136	1.2 Dock
*	Riverport Road		
	CR 5360	0.0 KY 136	0.7 Riverport Dock

HOPKINS COUNTY

	ROAD	FROM	TO
*	Western Kentucky Parkway		
		21.8 Caldwell CO LN	24.4 KY 109
		38.3 Pennyrile PKWY	43.4 Muhlenberg CO LN

Weight Limit - Bridge over Pennyrile Parkway @ milepoint 38.31
TY I = 20 tons, TY II = 40 tons, TY III = 44 tons, TY IV = 57 tons

*	Pennyrile Parkway	29.6 US 41 (South)	55.0 Webseter CO LN

Weight Limit - Bridge B00016 on exit ramp to U.S. 41 @ milepoint 45.2
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge B00012 over KY 138 @ milepoint 54.07
TY I = 20 tons, TY II = 40 [~~45~~] tons, TY III = 44 [~~47~~] tons, TY IV = 58 [~~60~~] tons

*	US 41	0.0 Christian CO LN	2.3 Pennyrile Parkway (South)

Weight Limit - Bridge over Drakes Creek @ milepoint 0.49
TY I = 20 tons, TY II = 31 tons, TY III = 37 tons, TY IV = 52 tons

		[~~3.3 KY 1751~~	~~11.8 Webster CO LN~~

~~Weight Limit - Bridge over Otter Creek @ milepoint 6.13~~
~~TY I = 20 tons, TY II = 38 tons, TY III = 44 tons, TY IV = 60 tons~~]

*	US 41A	7.1 KY 813	10.7 KY 112
		[~~0.0 US 41~~	~~29.4 Webster CO LN~~

~~Weight Limit - Bridge over Crab Orchard Creek @ milepoint 0.82~~
~~TY I = 20 tons, TY II = 34 tons, TY III = 39 tons, TY IV = 58 tons~~
~~Weight Limit - Bridge over IC RR & Pleasant Run Creek @ milepoint 3.42~~
~~TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 48 tons~~
~~Weight Limit - Bridge over L&N RR @ milepoint 6.59~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 30 tons, TY IV = 35 tons~~
~~Weight Limit - Bridge over Pond Creek @ milepoint 22.86~~
~~TY I = 20 tons, TY II = 27 tons, TY III = 29 tons, TY IV = 46 tons~~]

*		16.1 KY 281	29.4 Webster CO LN
*	US 62	1.7 KY 109	22.2 Muhlenberg CO LN

Weight Limit - Bridge over Copperas Creek @ milepoint 5.76 [~~70~~]
TY I = 20 tons, TY II = 32 [~~36~~] tons, TY III = 37 tons, TY IV = 60 [~~56~~] tons
Weight Limit - Bridge over Cane Run Creek @ milepoint 7.99 [~~94~~]
TY I = 20 tons, TY II = 42 [~~36~~] tons, TY III = 49 [~~37~~] tons, TY IV = 60 [~~56~~] tons
Weight Limit - Bridge B00057 over Fox Run Creek Branch @ milepoint 10.25
TY I = 20 tons, TY II = 33 tons, TY III = 49 tons, TY IV = 60 tons
Weight Limit - Bridge over Pleasant Run @ milepoint 12.56 [~~51~~]
TY I = 20 tons, TY II = 42 [~~39~~] tons, TY III = 49 [~~41~~] tons, TY IV = 60 [~~56~~] tons
Weight Limit - Bridge B00055 over Pleasant Run Branch @ milepoint 12.93
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 52 tons
Weight Limit - Bridge B00061 over BR of Pleasant Run Creek @ milepoint 14.00
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over CSX [~~L&N~~] RR, Fork Pleasant Run @ milepoint 14.94 [~~89~~]
TY I = 20 tons, TY II = 42 [~~38~~] tons, TY III = 46 [~~42~~] tons, TY IV = 60 tons
Weight Limit - Bridge B00048 over US 41 @ milepoint 15.70 [~~64~~]
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
[~~Weight Limit - Bridge over Pleasant Run Creek @ milepoint 16.39~~
~~TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 56 tons~~]
Weight Limit - Bridge over Drakes Creek @ milepoint 16.77 [~~72~~]
TY I = 20 tons, TY II = 39 [~~38~~] tons, TY III = 43 [~~41~~] tons, TY IV = 59 [~~56~~] tons
Weight Limit - Bridge B00052 over Drakes Creek Branch @ milepoint 17.25
Weight Limit - Bridge over Pond River Overflow @ milepoint 21.45 [~~39~~]
TY I = 20 tons, TY II = 38 tons, TY III = 44 tons, TY IV = 60 tons
Weight Limit - Bridge over Pond River Overflow @ milepoint 21.83 [~~78~~]
TY I = 20 tons, TY II = 38 tons, TY III = 44 tons, TY IV = 60 tons
Weight Limit - Pond River Bridge B00049 @ milepoint 22.19 [~~14~~]
TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons

*	KY 70	4.5 Peter Howton Road	7.1 KY 109 [~~18.7 US 41A~~
	~~Weight Limit - Bridge over Richland Creek @ milepoint 11.77~~		
	~~TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons~~		
	~~Weight Limit - Bridge over L&N RR @ milepoint 18.53~~		
	~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~]		
		19.9 Pennyrile PKWY	22.4 KY 1221 [~~26.4 Muhlenberg CO LN~~]
*	KY 109	2.1 US 62	17.2 KY 814
	Weight Limit - Bridge over Western Kentucky Parkway @ milepoint 3.81		
	TY I = 20 tons, TY II = 40 tons, TY III = 43 tons, TY IV = 56 tons		
	Weight Limit - Bridge B00078 over Lick Creek Fork @ milepoint 8.42		
	TY I = 20 tons, TY II = 32 tons, TY III = 48 tons, TY IV = 60 tons		
	Weight Limit - Bridge B00074 @ milepoint 13.37		
	TY I = 20 tons, TY II = 33 tons, TY III = 50 tons, TY IV = 60 tons		
	[~~Weight Limit - Bridge over IC RR @ milepoint 4.50~~		
	~~TY I = 20 tons, TY II = 40 tons, TY III = 45 tons, TY IV = 60 tons~~		
	~~Weight Limit - Bridge over IC RR @ milepoint 6.49~~		
	~~TY I = 20 tons, TY II = 40 tons, TY III = 45 tons, TY IV = 60 tons~~		
	~~Weight Limit - Bridge over Lick Creek @ milepoint 7.24~~		
	~~TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 58 tons~~]		
*	KY 112	9.6 KY 1337	9.8 US 41A
*	KY 260	2.0 Pennyrile PKWY	2.1 KY 2664
*	KY 262	0.0 KY 630	0.1 Tipple [~~2.6 Bean Cemetery RD~~]
*	KY 281	0.0 US 41A	0.7 Pennyrile Parkway
	Weight Limit - Bridge B00081 over L&N RR @ milepoint 0.25		
	TY I = 20 tons, TY II = 44 tons, TY III = 47 tons, TY IV = 58 tons		
*	KY 502	0.0 KY 109	6.2 KY 1034
	Weight Limit - Bridge over Clear Creek Branch @ milepoint 1.06		
	TY I = 20 tons, TY II = 39 tons, TY III = 45 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Clear Creek Overflow @ milepoint 2.77		
	TY I = 20 tons, TY II = 35 tons, TY III = 41 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Clear Creek @ milepoint 2.90		
	TY I = 20 tons, TY II = 37 tons, TY III = 43 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Clear Creek Overflow @ milepoint 3.07		
	TY I = 20 tons, TY II = 37 tons, TY III = 43 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Clear Creek @ milepoint 3.23		
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons		
*	KY 630	0.0 KY 262	2.0 US 41A
*	KY 813	2.5 Bailey Street [~~0.8 Claude Young RD~~]	2.8 US 62
		5.4 Drakes Creek RD	6.1 [~~5.6~~] Mine
*	KY 814	0.0 KY 109	1.4 Webster CO LN
[*	~~KY 879~~	~~0.0 KY 112~~	~~0.2 Southard Church Road~~
		~~(Extended weights shall be available only for Types III and IV vehicles.)~~]	
*	KY 1034	4.2 KY 502	8.7 KY 630
	Weight Limit - Bridge over Pond Creek @ milepoint 7.02		
	TY I = 20 tons, TY II = 23 tons, TY III = 29 tons, TY IV = 41 tons		
	Weight Limit - Bridge over New Pond Creek @ milepoint 7.06		
	TY I = 20 tons, TY II = 23 tons, TY III = 29 tons, TY IV = 41 tons		
*	KY 1221	0.0 Frank Lama RD	4.1 KY 70
[*	~~KY 1751~~	~~0.0 US 41A~~	~~1.4 US 41~~
	~~Weight Limit - Bridge over L&N RR @ milepoint 1.14~~		
	~~TY I = 20 tons, TY II = 40 tons, TY III = 44 tons, TY IV = 60 tons~~]		
*	KY 2086	0.0 Walnut Grove RD	1.2 KY 109
*	KY 2171	0.0 US 41A	3.1 Pennyrile Parkway
[*	~~KY 2644~~	~~0.0 US 62~~	~~0.9 C.B. Williams (E. Russ Hill) RD~~]
*	KY 2647	0.0 KY 2648	0.6 McIntosh Chapel RD
*	KY 2648	0.0 Clarence Prowse RD	0.2 KY 2647 (McIntosh Chapel RD)
*	KY 2664	0.0 KY 260	1.6 End of State Maintenance
*	Airport RD		
	CR 5130	0.0 Seebree Avenue	0.8 Private Haul RD [~~1.6 Mine~~]
*	Hecla Street		
	CR 5134A	0.0 CR 5134G	0.8 CR 5130
*	Seebree Avenue		
	CR 5134G	0.0 KY 112	0.4 [~~0.3~~] Airport RD
*	Farmers Crossing Road		
	CR 5161	0.0 Drakes Creek RD	2.9 Mine
[*	~~Oglesby RD~~		
	~~CR 5163~~	~~0.0 Mt. Caramel Pond RD~~	~~0.7 Mine~~

~~*~~	~~Mt. Caramel Pond RD~~		
	~~CR 5165~~	~~0.0 KY 813~~	~~1.5 Oglesby RD~~
~~*~~	~~Claude Young Road~~		
	~~CR 5169~~	~~0.0 KY 813~~	~~1.7 Orton Bridge RD~~
~~*~~	~~Orton Bridge Road~~		
	~~CR 5170~~	~~1.0 Claude Young RD~~	~~1.3 Private Haul Road]~~
*	Goat Lane		
	CR 5179	0.0 US 62	0.4 Drakes Creek RD
*	Drakes Creek RD		
	CR 5180	0.0 Farmers Crossing RD	0.2 KY 813
		1.8 Goat Lane	1.9 KY 813
		~~[1.3 Goat Lane~~	~~1.5 KY 813]~~
*	Stone's Chapel Road		
	CR 5187	0.0 Charolais Mine	0.2 CR 5189
*	McIntosh Chapel Road		
	CR 5189	0.0 Stone's Chapel Road	1.7 KY 2647
*	Clarence Prowse Road		
	CR 5190	0.0 KY 2648	0.7 US 41
*	Buttermilk Road		
	CR 5268	0.0 US 62	2.5 Mine
~~[*~~	~~McGregor RD~~		
	~~CR 5269~~	~~0.0 US 62~~	~~2.4 Mine]~~
*	Walnut Grove Road		
	CR 5301	0.0 Mine	0.6 KY 2086
*	Lee Johnson RD		
	CR 5329	0.0 KY 70	0.3 Mine
*	Manitou/Richland RD		
	CR 5393	2.6 Mine	4.6 Private Haul RD
		~~[0.0 KY 70~~	~~4.7 KY 630]~~

JACKSON COUNTY

	ROAD	FROM	TO
*	US 421	~~[0.0 Clay CO LN]~~ 4.6 KY 30 East	8.0 Kelly RD
	Weight Limit - Bridge over Flat Lick Creek @ milepoint 6.26		
	TY I = 20 tons, TY II = 30 tons, TY III = 37 tons, TY IV = 58 tons		
*	KY 30	0.0 Laurel CO LN	12.5 US 421 (South)
	Weight Limit - Bridge over Moores Creek @ milepoint 0.59		
	TY I = 20 tons, TY II = 32 tons, TY III = 35 tons, TY IV = 50 tons		
	Weight Limit - Bridge over Pond Creek @ milepoint 2.64		
	TY I = 20 tons, TY II = 32 tons, TY III = 35 tons TY IV = 50 tons		
	Weight Limit - Bridge over Pond Lick Creek @ milepoint 5.86		
	TY I = 20 tons, TY II = 41 tons, TY III = 49 tons, TY IV = 60 tons		
		~~[12.5 US 421 (North)~~	~~20.9 Owsley CO LN~~
	~~Weight Limit - Sturgeon Creek Bridge @ milepoint 18.80~~		
	~~TY I = 20 tons, TY II = 38 tons, TY III = 43 tons, TY IV = 60 tons~~		
~~*~~	~~KY 587~~	~~5.1 Bruchy Fork RD~~	~~10.7 Owsley CO LN~~
~~*~~	~~Bruchy Fork RD~~		
	~~CR 5041~~	~~0.0 KY 587~~	~~1.2 Owsley CO LN]~~

JEFFERSON COUNTY

	ROAD	FROM	TO
*	US 31E	0.0 Bullitt CO LN	6.1 KY 1066
		16.7 US 42 ~~[16.4 Liberty Street]~~	17.8 US 31W @ Second Street
*	US 31W	3.2 Kosmos Cement CO	7.4 KY 841
		18.5 Wilson Avenue	22.1 US 31E @ Second Street
*	US 42	0.0 US 31E	0.8 US 60
	Weight Limit - Bridge B00347 over Beargrass Creek @ milepoint 0.23		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	US 60	0.0 US 42 (Westbound)	17.4 Shelby CO LN
	Weight Limit - Bridge over Beargrass Creek @ milepoint 0.11		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Floyd's Fork @ milepoint 13.56		
	TY I = 20 tons, TY II = 40 tons, TY III = 44 tons, TY IV = 58 tons		
	Weight Limit - Bridge over Longrun Creek @ milepoint 15.79		
	TY I = 20 tons, TY II = 35 ~~[37]~~ tons, TY III = 40 ~~[39]~~ tons, TY IV = 60 tons		
*	KY 841	0.0 US 31W	10.2 I-65 ~~[6.1 Consumer]~~
	Weight Limit - Bridge over New Cut Road @ milepoint 6.032		

TY I = 20 tons, TY II = 45 tons, TY III = 50 tons, TY IV = 54 tons

*	KY 864	4.3 KY 1065	4.5 KY 1065
*	KY 1065	1.0 New Cut Road (KY 1865)	11.9 US 31E

Weight Limit - Bridge over Northern Ditch @ milepoint 1.40
TY I = 20 tons, TY II = 27 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over I-65 @ milepoint 4.75
TY I = 20 tons, TY II = 40 tons, TY III = 45 tons, TY IV = 60 tons

*	KY 1230	7.5 Port Access RD	7.7 Smith Lane
*	KY 1865	0.9 KY 841	1.3 KY 1065
*	KY 1934	1.1 River Port Drive [~~5.7 Ralph AVE~~]	3.3 KY 2051
		5.7 Ralph AVE	7.1 KY 1834 Cane Run RD [~~8.4 US 31W~~]
*	KY 2051	2.0 Cane Run RD	4.8 Consumer
		[~~5.1 Consumer~~	~~6.4 KY 1934~~]
*	KY 2054	0.7 KY 1934	1.6 Dixie Highway (US 31W)
*	KY 2056	0.4 Consumer	1.6 KY 1934 Cane Run RD
[*	~~Baxter Avenue (Louisville)~~		
		~~Liberty Street~~	~~US 60 (Main Street)~~]
*	Ralph Avenue (Louisville)		
	CS 1RA	0.5 Consumer	1.8 KY 1934
*	Dixie Highway	0.5 Hill Street	0.9 Wilson Avenue
*	Wilson Avenue	0.0 US 31W	0.3 Dixie Highway
*	Smith Riverport RD		
	CS 47sr	0.0 KY 1230	0.9 KY 1934

JOHNSON COUNTY

	ROAD	FROM	TO
*	US 23	8.8 US 460 [~~4.3 KY 1428~~]	18.4 Lawrence CO LN
*	US 460	0.0 Magoffin CO LN	8.3 US 23
*	KY 3	0.0 Floyd CO LN	4.6 Martin CO LN
*	KY 40	8.7 US 23	11.1 KY 1107
*	KY 302	0.0 Floyd County Line	0.1 KY 3
*	KY 581	0.0 KY 40	0.5 KY 1145
*	KY 1107	3.3 KY 40	3.9 Mine
*	KY 1428	3.4 US 23	3.8 Tipple
[*	~~KY 1559~~	~~4.0 CR 5066~~	~~5.7 US 23~~
*	~~Old Salem Slaughter Road~~		
	~~CR 5066~~	~~0.0 KY 1559~~	~~0.4 Mine~~]
*	Lackey Branch RD		
	CR 5128	0.0 KY 3	0.5 Tipple
[*	~~Old KY 3 RD~~		
	~~CR 5163~~	~~0.0 KY 3~~	~~0.3 Martin CO LN~~]

KNOTT COUNTY

	ROAD	FROM	TO
*	KY 7	0.0 Letcher CO LN [~~2.5 KY 1498~~]	16.0 Floyd CO LN

Weight Limit - Bridge over Beaver Fork @ milepoint 6.10
TY I = 20 tons, TY II = 39 tons, TY III = 44 tons, TY IV = 60 tons

*	KY 15	0.0 Letcher CO LN	9.4 Perry CO LN

Weight Limit - Bridge over Carr Fork Lake @ milepoint 5.64
TY I = 20 tons, TY II = 37 tons, TY III = 44 tons, TY IV = 60 tons

*	KY 80	0.0 Perry CO LN	20.1 Floyd CO LN
*	KY 160	0.0 KY 15	12.5 KY 80 [~~14.5 Mine~~]

Weight Limit - Bridge over Carr Fork Lake @ milepoint 1.74
TY I = 20 tons, TY II = 46 tons, TY III = 48 [~~47~~] tons, TY IV = 58 [~~57~~] tons

*	KY 550	0.0 Perry County Line	9.6 Ogden Creek-Best Road

Weight Limit - Bridge over Montgomery Creek @ milepoint 4.12
TY I = 20 tons, TY II = 30 tons, TY III = 37 tons, TY IV = 57 tons

		22.8 Blue Springs Branch RD	26.6 Floyd CO LN

Weight Limit - Bridge over Jones Fork @ milepoint 25.30
TY I = 20 tons, TY II = 28 tons, TY III = 32 tons, TY IV = 45 tons

*	KY 582	0.0 KY 160 [~~3.7 KY 1393~~] [~~0.0 KY 160~~]	5.0 Willard Branch RD
		11.8 Brighton Fork of Bill Dees BR	12.7 KY 7

Weight Limit - Bridge over Right Fork Beaver Creek @ milepoint 12.69
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 44 tons

*	KY 777	0.0 KY 80	0.1 Floyd CO LN
*	KY 899	0.0 KY 160	2.1 KY 1393

*	KY 1087	1.4 KY 1102	3.4 [~~1.7~~] Mine
		13.2 KY 1098	13.8 KY 80
*	KY 1088	6.9 Haul RD	9.4 KY 15
	Weight Limit - Bridge over Yellow Creek @ milepoint 9.12		
	TY I = 20 tons, TY II = 27 [~~31~~] tons, TY III = 31 [~~37~~] tons, TY IV = 52 [~~60~~] tons		
	Weight Limit - Bridge over Carr Creek @ milepoint 9.36		
	TY I = 20 tons, TY II = 34 [~~36~~] tons, TY III = 38 [~~40~~] tons, TY IV = 54 [~~57~~] tons		
*	KY 1098	9.7 Mine [~~0.0 Breathitt CO LN~~]	12.0 KY 1087
	[~~Weight Limit - Bridge over Laurel Fork Quicksand Creek @ milepoint 6.94~~		
	~~TY I = 20 tons, TY II = 29 tons, TY III = 33 tons, TY IV = 56 tons~~]		
*	KY 1102	1.1 Sandlick Branch RD	2.7 KY 80
*	KY 1231	0.0 KY 15	8.0 KY 550
	Weight Limit - Bridge over Troublesome Creek @ milepoint 7.97		
	TY I = 20 tons, TY II = 31 tons, TY III = 35 tons, TY IV = 55 tons		
*	KY 1393	0.0 KY 582	2.8 KY 899
*	KY 1410	0.0 KY 160	4.7 Letcher CO LN
	Weight Limit - Bridge over Carr Fork @ milepoint 0.01		
	TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 57 tons		
*	KY 1498	0.0 KY 7	1.0 Mine
*	KY 2759	0.0 KY 550	1.2 KY 160
*	KY 3209	0.0 KY 80	0.4 KY 1087
	Weight Limit - Bridge over Ball Fork @ milepoint 0.05		
	TY I = 20 tons, TY II = 39 tons, TY III = 44 tons, TY IV = 60 tons		
[~~*	KY 3391~~	~~0.0 KY 1231~~	~~1.8 Irishman Creek RD~~]
*	Potato Branch Road		
	CR 5005	0.0 KY 7	0.2 [~~0.5~~] Mine
[~~*	Right Fork of Fourmile Branch RD~~		
	~~CR 5030~~	~~0.0 Fourmile BR RD~~	~~0.1 Mine~~]
*	Big Springs Branch Road		
	CR 5032	0.0 KY 550	0.1 Tipple
*	Plum Branch RD		
	CR 5037C	0.0 KY 777	0.5 Mine
*	Hunter Branch RD		
	CR 5038	0.0 KY 80	0.5 Mine
*	Left Fork of Hollybush Creek RD		
	CR 5113	0.0 KY 3393	1.0 Mine
*	Mullins Branch RD		
	CR 5114	0.0 KY 7	2.4 [~~2.8~~] Left Fork Hollybush RD
*	Righthand Fork of Bill Dees Branch RD		
	CR 5115	0.0 KY 582	0.5 [~~1.3~~] Mine
*	Bates Branch Road		
	CR 5117	0.0 KY 7	1.4 Wheelwright Mine
*	Puncheon Branch RD		
	CR 5119	0.0 KY 7	2.4 Crager Fork RD
*	Crager Fork RD		
	CR 5121	0.0 Puncheon BR RD	0.7 Mine
*	Arnold Fork Road		
	CR 5122	0.0 KY 1498	2.0 [~~0.7~~] Mine
*	Mudlick Branch Road		
	CR 5123	0.0 Arnold Fork Road	0.4 [~~0.2~~] Mine
*	Willard Branch RD		
	CR 5133	0.0 KY 582	0.5 [~~0.4~~] Mine
*	Wolfpen Branch RD		
	CR 5139	0.0 KY 1410	1.0 Mine
[~~*	Runnells Branch Road~~		
	~~CR 5156~~	~~0.0 KY 160~~	~~0.5 Left FK Runnells BR RD~~
~~*	Left Fork of Runnells Branch Road~~		
	~~CR 5156A~~	~~0.0 Runnells Branch RD~~	~~0.3 Golden Oak Mine~~
~~*	Cave Branch RD~~		
	~~CR 5202~~	~~0.0 KY 160~~	~~1.1 Mine~~
~~*	Irishman Creek Road~~		
	~~CR 5203~~	~~0.0 KY 1231~~	~~0.3 Tipple~~
~~*	Alum Cave Branch RD~~		
	~~CR 5205~~	~~0.0 Irishman Creek RD~~	~~0.4 Mine~~]
*	HEC Mine Road		
	CR 5207A	0.0 KY 1231	0.3 Mine
[~~*	Defeated Creek Road~~		

	~~CR 5212~~	~~0.0 KY 15~~	~~3.2 Meade & Shepherd Mine]~~
*	Lick Branch Road		
	CR 5250	0.0 KY 550	0.6 Mine
*	Walkers Branch Road		
	CR 5251	0.0 KY 550	1.7 Mine
	~~[* Right Fork RD~~		
	~~CR 5261~~	~~0.0 KY 1231~~	~~0.7 Mine]~~
*	Sandlick Branch Road		
	CR 5336	0.0 KY 1102	1.1 Mine

KNOX COUNTY

	ROAD	FROM	TO
*	US 25E	5.3 Mine ~~[7.2 KY 1304]~~	15.6 CR 5305E
*	KY 6	8.5 Mine	14.7 KY 11
*	KY 11	0.0 Whitley CO LN	10.1 US 25E
	Weight Limit - Bridge over Little Poplar Creek @ milepoint 2.17		
	TY I = 20 tons, TY II = 38 ~~[36]~~ tons, TY III = 42 ~~[37]~~ tons, TY IV = 56 ~~[45]~~ tons		
*	KY 225	13.9 Tipple ~~[9.2 Little Brushy Creek RD]~~	14.8 KY 2421
*	KY 1304	0.0 US 25E	1.4 Powell Branch RD
*	KY 1809	0.0 Whitley CO LN	5.0 Stony Fork RD
		6.1 KY 11	6.3 KY 11
*	KY 2421	0.0 KY 225	0.9 KY 11
*	Powell Branch RD		
	CR 5010	0.0 KY 1304	0.5 Mine
	~~[* Little Brush Creek Road~~		
	~~CR 5166~~	~~0.0 KY 225~~	~~2.5 Hubbs Creek RD~~
	~~Weight Limit - Bridge over Brush Creek~~		
	~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~		
*	~~Lay Branch Road~~		
	~~CR 5169~~	~~0.0 Little Brush CK RD~~	~~0.9 Mine~~
*	~~Swan Pond Road~~		
	~~CR 5209~~	~~0.0 KY 11~~	~~2.1 Mine~~
*	~~Stoney Fork Road~~		
	~~CR 5210~~	~~0.0 KY 1809~~	~~2.4 Mine]~~
*	O. Prichard Hollow RD		
	CR 5212	0.0 KY 1809	0.6 Mine
*	Hubbs Road		
	CR 5214	0.0 KY 1809	1.2 Mine ~~[3.5 Little Brushy Creek RD]~~
	Weight Limit - Bridge over Hubbs Creek east of Bryant's Store		
	TY I = 20 tons, TY II = 24 tons, TY III = 28 tons, TY IV = 47 tons		
	Weight Limit - Bridge over Hubbs Creek @ Bain Branch		
	TY I = 3 tons, TY II = 3 tons, TY III = 3 tons, TY IV = 3 tons		
*	Sugartree Road		
	CR 5216	0.0 Hubbs Road	0.5 Mine
*	Goldens Creek RD		
	CR 5222	0.0 Whitley CO LN	1.0 Mine
	~~[* Little Indian Creek RD~~		
	~~CR 5245~~	~~0.0 KY 6~~	~~0.2 Mine~~
*	~~Old US 25E Loop Number 6~~		
	~~CR 5304~~	~~0.6 US 25E~~	~~1.0 Bailey Branch RD~~
*	~~Bailey Branch RD~~		
	~~CR 5305~~	~~0.0 Old US 25E Loop 6~~	~~0.5 Tipple]~~
*	Bailey Branch Loop		
	CR 5305E	0.0 US 25E	0.3 CR 5305F
*	Bailey Hollow		
	CR 5305F	0.0 CR 5305E	0.2 Tipple

LAUREL COUNTY

	ROAD	FROM	TO
*	Daniel Boone Parkway	0.0 US 25	10.6 Clay CO LN
	Weight Limit - Bridge over Little Laurel River @ milepoint 3.40		
	TY I = 20 tons, TY II = 42 tons, TY III = 45 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Sallys Branch Rd. @ milepoint 4.18		
	TY I = 20 tons, TY II = 43 ~~[42]~~ tons, TY III = 47 ~~[42]~~ tons, TY IV = 60 tons		
	Weight Limit - Bridge over KY 1305 @ milepoint 6.42		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 49 tons		
	Weight Limit - Bridge over Lick Creek Road @ milepoint 7.64		

TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 49 tons
Weight Limit - Bridge over KY 488 @ milepoint 8.57
TY I = 20 tons, TY II = 40 tons, TY III = 45 tons, TY IV = 60 tons

*	US 25	13.6 KY 80 & Daniel Boone Parkway	16.3 KY 490
*	KY 30	1.4 KY 490	9.8 Jackson CO LN
*	KY 80	0.0 Pulaski CO LN	11.1 US 25

Weight Limit - Bridge over I-75 @ milepoint 10.59
TY I = 20 tons, TY II = 40 tons, TY III = 43 tons, TY IV = 53 tons

		21.2 KY 1803	24.7 Clay CO LN

Weight Limit - Bridge over Hooppoole Creek @ milepoint 22.22
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 44 tons

*	KY 192	20.9 [~~20.1~~] US 25	22.0 Daniel Boone PKWY
*	KY 490	0.0 US 25	0.9 KY 30

Weight Limit - Bridge over L&N RR @ milepoint 0.10
TY I = 20 tons, TY II = 29 tons, TY III = 32 tons, TY IV = 45 tons

*	KY 1803	2.1 Mine	4.3 KY 80 at Lida

Weight Limit - Bridge over Laurel River @ milepoint 3.52
TY I = 20 tons, TY II = 31 tons, TY III = 36 tons, TY IV = 60 tons

LAWRENCE COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Johnson CO LN	28.9 Boyd CO LN
*	KY 3	14.9 KY 3 Spur [~~5.6 Dredge~~]	17.1 US 23

[~~Weight limit - Bridge over Levisa & Tug Forks @ milepoint 14.87~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~]

*	KY 3S	0.0 KY 3	0.1 West Virginia State LN
*	KY 32	28.5 KY 2565	29.2 KY 3
*	KY 645	0.0 US 23	5.2 Martin CO LN
*	KY 2565	0.0 US 23	3.0 KY 32
*	KY 3398	2.3 US 23	2.3 Tipple

LEE COUNTY

	ROAD	FROM	TO
*	KY 11	1.6 KY 587 [~~0.0 Owsley CO LN~~]	9.4 KY 498

Weight Limit - Bridge over South Fork Kentucky River @ milepoint 3.91
TY I = 20 tons, TY II = 28 tons, TY III = 37 [~~31~~] tons, TY IV = 44 tons
Weight Limit - Bridge B0005 over the North Fork of the KY River @ milepoint 4.17
TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 53 tons

*	KY 52	[~~0.0 Estill CO LN~~	~~7.3 KY 498~~]
		12.9 KY 11	16.7 Dunigan BR RD [~~24.5 Breathitt CO LN~~]
*	KY 399	1.8 KY 587 South [~~0.0 Owsley CO LN~~]	1.9 KY 587 north
[~~*~~	~~KY 498~~	~~0.0 KY 52~~	~~2.5 KY 11~~]
*	KY 587	5.2 KY 587 South [~~0.0 Jackson CO LN~~]	12.3 KY 11

Weight Limit - Bridge over Sturgeon Creek @ milepoint 5.32
TY I = 20 tons, TY II = 40 tons, TY III = 44 [~~45~~] tons, TY IV = 59 tons

*	Dunigan Branch RD		
	CR 5115	0.0 KY 52	0.1 Tipple
*	Ernestville Road		
	CR 5223	0.0 KY 587	2.1 Owsley CO LN

LESLIE COUNTY

	ROAD	FROM	TO
*	Daniel Boone Parkway	35.9 Clay CO LN	51.0 Perry CO LN
*	US 421	0.0 Harlan CO LN	7.2 Stone Coal Branch RD
		[~~20.6 KY 2431~~	~~21.7 KY 80 East~~]
		27.3 Puncheon Camp Branch Road	35.4 Clay CO LN
*	KY 66	0.0 Clay CO LN	2.8 Clay CO LN

Weight Limit - Bridge over Red Bird River @ milepoint 2.705
TY I = 20 tons, TY II = 31 tons, TY III = 33 tons, TY IV = 45 tons

*	KY 80	2.9 Hurricane Creek RD [~~0.0 US 421~~]	9.7 Perry CO LN

Weight Limit - Bridge over Cutshin Creek @ milepoint 5.15
TY I = 20 tons, TY II = 25 tons, TY III = 29 tons, TY IV = 44 tons
Weight Limit - Bridge over Wooton Creek @ milepoint 6.12
TY I = 20 tons, TY II = 24 tons, TY III = 28 tons, TY IV = 47 tons
Weight Limit - Bridge over MacIntosh Creek @ milepoint 8.84
TY I = 18 tons, TY II = 19 tons, TY III = 23 tons, TY IV = 40 tons

*	KY 699	0.0 KY 80	3.2 KY 2057 at Similax

Weight Limit - Bridge over Cutshin Creek @ milepoint 1.96
TY I = 20 tons, TY II = 33 tons, TY III = 36 tons, TY IV = 44 tons

*	KY 1807	0.0 KY 80	3.6 Mine Access RD at end of State Maintenance
[*	~~KY 2008~~	~~5.1 Mine~~	~~8.2 Harlan CO LN~~]
*	KY 2009	0.0 Harlan CO LN	5.4 Bledsoe Tipple

Weight Limit - Bridge over Greasy Creek @ milepoint 3.58
TY I = 8 tons, TY II = 8 tons, TY III = 8 tons, TY IV = 8 tons

*	KY 2057	0.0 KY 4699 at Similax	2.9 Mine
[*	~~KY 2431~~	~~0.0 US 421~~	~~0.1 Leslie CO High School (Wendover RD)~~

~~Weight Limit - Bridge over Middle Fork Kentucky River @ milepoint 0.01~~
~~TY I = 20 tons, TY II = 26 tons, TY III = 28 tons, TY IV = 31 tons~~

*	~~Wendover Road~~		
	~~CR 5001~~	~~0.0 KY 2431~~	~~1.6 Hurricane Creek RD~~]
*	Hurricane Creek Road		
	CR 5002	0.0 KY 80	0.7 CR 5006
		[~~2.2 Camp Creek RD~~	~~3.3 Wendover RD~~
*	~~Camp Creek Road~~		
	~~CR 5005~~	~~0.0 Hurricane Creek RD~~	~~0.7 Tipple Access~~]
*	Big Branch - Hurricane Creek Road		
	CR 5006	0.0 CR 5002	1.2 Mine
*	Bailey Branch Road		
	CR 5027	0.0 KY 1807	0.3 Mine
[*	~~Abner Branch Road~~		
	~~CR 5133~~	~~0.0 KY 2008~~	~~1.3 Harlan CO LN~~]
*	Stone Coal Branch RD		
	CR 5214	0.0 US 421	0.3 Mine
*	Laurel Creek RD		
	CR 5331	0.0 US 421	0.4 Mine

LETCHER COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Virginia State LN	7.1 Pike CO LN

Weight Limit - Bridge over Elkhorn Creek @ milepoint 5.83
TY I = 20 tons, TY II = 28 tons, TY III = 25 tons, TY IV = 40 tons

*	US 119	[~~2.3 KY 3404~~	~~7.0 Scotia Mine Tipple~~]
		17.3 [~~17.6~~] KY 15	27.8 US 23 at Payne Gap [~~28.1 US 23~~]

Weight Limit - North Fork KY River Bridge @ milepoint 17.39 [~~62~~]
TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 57 tons

*	KY 7	0.0 Perry CO LN	27.6 Knott CO LN [~~25.2 KY 317~~]

Weight Limit - Bridge over Line Fork @ milepoint 0.170
TY I = 20 tons, TY II = 22 tons, TY III = 28 tons, TY I IV = 33 tons
Weight Limit - Bridge over CSX RR and North Fork KY River @ milepoint 2.610
TY I = 20 tons, TY II = 28 tons, TY III = 33 tons, TY IV = 49 tons
Weight Limit - Bridge over Elk Creek @ milepoint 5.283
TY I = 20 tons, TY II = 33 [~~35~~] tons, TY III = 39 [~~36~~] tons, TY IV = 60 [~~50~~] tons
Weight Limit - Bridge over Caudill Branch @ milepoint 8.04
TY I = 20 tons, TY II = 41 tons, TY III = 48 [~~43~~] tons, TY IV = 60 [~~59~~] tons
[~~Weight Limit - Bridge over Rockhouse Creek @ milepoint 19.476~~
~~TY I = 20 tons, TY II = 30 tons, TY III = 30 tons, TY IV = 30 tons~~]
Weight Limit - Bridge over Rockhouse Creek @ milepoint 22.31
TY I = 20 tons, TY II = 35 tons, TY III = 41 tons, TY IV = 60 tons
Weight Limit - Bridge over Rockhouse Creek @ milepoint 24.78
TY I = 20 tons, TY II = 33 tons, TY III = 37 tons, TY IV = 50 tons

*	KY 15	0.0 US 119	9.3 KY 7

Weight Limit - Bridge B00105 over North Fork KY River and RR Bridge @ milepoint 0.10
TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 47 tons
Weight Limit - Bridge B00104 over North Fork KY River @ milepoint 0.41
TY I = 20 tons, TY II = 45 [~~46~~] tons, TY III = 49 tons, TY IV = 56 tons
[~~Weight Limit - Depot Street Connector Bridge @ milepoint 1.33~~
~~TY I = 20 tons, TY II = 39 tons, TY III = 48 tons, TY IV = 60 tons~~]

		9.3 KY 7	10.7 Knott CO LN
[*	~~KY 15X~~	~~2.6 KY 931~~	~~2.8 KY 15~~]
*	KY 113	0.0 KY 805	4.1 Mine

Weight Limit - Bridge over North Fork of KY River @ milepoint 1.49
TY I = 16 tons, TY II = 17 tons, TY III = 19 tons, TY IV = 24 tons
Weight Limit - Bridge over Millstone Creek @ milepoint 2.48
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 58 tons

Weight Limit - Bridge over Left Fork Millstone Creek @ milepoint 3.25
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 37 tons

*	KY 160	15.4 KY 588	21.8 KY 15
*	KY 317	0.0 KY 805	3.8 Mine
		6.8 KY 1469	8.9 KY 7
*	KY 343	0.0 KY 317	1.5 #2 Hollow Road

Weight Limit - Bridge over Wright Fork @ milepoint 0.46
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons

Weight Limit - Bridge over Wright Fork @ milepoint 0.65
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons

*	KY 510	5.0 Koyle Branch RD	7.9 KY 463
*	KY 588	3.9 Tipple	5.0 KY 160
*	KY 803	0.0 113	1.2 0.15 mile south of Lick Fork RD
*	KY 805	0.0 US 119	9.2 US 23

Weight Limit - Bridge over Potters Fork @ milepoint 6.98
TY I = 20 tons, TY II = 29 tons, TY III = 32 tons, TY IV = 44 tons

Weight Limit - Bridge over Potters Fork @ milepoint 8.18
TY I = 20 tons, TY II = 33 tons, TY III = 38 tons, TY IV = 60 tons

Weight Limit - Bridge over Potters Fork @ milepoint 8.92
TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 51 tons

*	KY 931	8.6 Brown BR RD	10.2 KY 15
		16.4 Clay Hollow RD	18.4 KY 7

~~[Weight Limit - Bridge over Sandlick Creek @ milepoint 10.94~~
~~TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 53 tons]~~

*	KY 1103	3.3 Defeated Creek RD	6.0 Private Haul RD
*	KY 1410	0.0 Knott CO LN	1.6 KY 7
*	KY 1469	0.0 KY 317	2.3 Mine
*	KY 1862	6.0 Mine	10.0 KY 931
*	KY 2034	4.0 Company Branch RD	4.9 Crafts Colly Creek RD
~~[*~~	~~KY 3404~~	~~0.0 Mine~~	~~0.8 US 119~~
~~*~~	~~KY 3409~~	~~0.0 Port Creek Cram RD~~	~~0.3 Mine]~~
*	Wright Fork Crafts Colly Creek RD		
	CR 5008	0.0 KY 2034	1.9 Private Haul RD
*	Clay Hollow Road		
	CR 5010	0.0 KY 931	0.2 Golden Oak Mine
*	Stinking Branch RD		
	CR 5012	0.0 KY 1682	0.7 Mine
*	Millstone - Democrat RD		
	CR 5020	0.0 KY 7	2.7 Mine
*	Millstone - Deane RD		
	CR 5038	0.0 KY 803	0.9 Mine
*	Wright Branch RD		
	CR 5046	0.0 CR 5020	0.7 Mine
~~[*~~	~~Beaver Dam Branch RD~~		
	~~CR 5047~~	~~0.0 KY 7~~	~~1.6 Mine]~~
*	Lower Appletree RD		
	CR 5052	0.0 KY 7	0.8 Mine
*	Razorblade Branch RD		
	CR 5053	0.0 KY 7	0.4 Mine
*	Bottom Fork Road (Fleming)		
	CR 5068L	0.2 #2 Hollow RD	0.7 Mine
*	#2 Hollow Road (Fleming)		
	CR 5068M	0.0 KY 343	0.6 Mine
*	John's Fork-Joe's Branch RD		
	CR 5097	0.0 US 23	3.0 Mine
~~[*~~	~~US 119 - Eolia - Virginia State LN RD~~		
	~~CR 5188~~	~~0.0 Virginia ST LN~~	~~0.1 Black Mountain W RD~~
~~*~~	~~Black Mountain West RD~~		
	~~CR 5195~~	~~0.0 US 119 - Eolia - VA ST~~	~~3.5 Mine]~~
*	Brown Branch Road		
	CR 5225	0.0 KY 931	0.2 Mine
*	Big Branch-Tolson Branch Road		
	CR 5258	0.0 KY 588	3.6 Mine
*	Defeated Creek Road		
	CR 5265	5.1 Southeast Mine	5.6 KY 1103

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

*	Koyle Branch RD CR 5268	0.0 KY 510	0.8 Mine
*	Bee Tree Branch Road CR 5311	0.0 KY 160	1.0 Lake Coal Mine
*	Caudill Creek Road CR 5354	0.0 KY 7	2.3 Golden Oak Mine
*	Crases Branch Road CR 5357	0.0 KY 7	0.9 Mine

LINCOLN COUNTY

	ROAD	FROM	TO
*	US 27	0.0 Pulaski CO LN	18.0 US 150 Bypass
*	US 150	0.0 Boyle CO LN	4.3 US 150 Bypass
*	US 150B	0.0 US 150	1.1 US 27

LIVINGSTON COUNTY

	ROAD	FROM	TO
*	US 62	0.8 Barge Dock ~~[0.0 Marshall CO LN~~	2.9 Lyon CO LN

~~[Weight Limit - Bridge over Kentucky Lake Dam Lock @ milepoint 0.31~~
~~TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 53 tons~~
~~Weight Limit - Bridge over I.C. Gulf R.R. @ milepoint 0.64~~
~~TY I = 20 tons, TY II = 35 tons, TY III = 41 tons, TY IV = 53 tons]~~
Weight Limit - Bridge over Reed's Haul Road @ milepoint 0.97
TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 56 tons
Weight Limit - Bridge over Cumberland River @ milepoint 2.78
TY I = 20 tons, TY II = 26 tons, TY III = 29 tons, TY IV = 38 tons

*	KY 453	0.5 Barge Dock	4.2 I-24

Weight Limit - Bridge over IC RR @ milepoint 1.92
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons
Weight Limit - Bridge over Reed's Haul RD and RR @ milepoint 3.08
TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 55 tons

~~[LOGAN COUNTY~~

	ROAD	FROM	TO
*	~~US 79~~	~~11.8 US 431 South~~	~~12.1 US 431 North]~~

LYON COUNTY

	ROAD	FROM	TO
*	Western Kentucky Parkway	0.0 I-24 ~~[3.7 US 62]~~	5.6 Caldwell CO LN
*	US 62	0.0 Livingston CO LN	12.2 Western Kentucky Parkway

McCREARY COUNTY

	ROAD	FROM	TO
*	US 27	4.6 KY 92 ~~[0.0 Tennessee State LN]~~	22.3 Pulaski CO LN
*	KY 92	16.6 US 27	25.7 Whitley CO LN

Weight Limit - Bridge over Marsh Creek @ milepoint 22.69
TY I = 20 tons, TY II = 37 tons, TY III = 42 tons, TY IV = 60 tons

McLEAN COUNTY

	ROAD	FROM	TO
*	US 431	9.3 Barrett Hill RD ~~[8.3 KY 1080]~~	11.6 Daviess CO LN

~~[Weight Limit - Bridge over Buck Creek @ milepoint 9.13~~
~~TY I = 20 tons, TY II = 33 tons, TY III = 38 tons, TY IV = 60 tons]~~

*	KY 81	12.8 KY 136	18.3 Daviess CO LN

Weight Limit - Bridge over Myer Creek @ milepoint 13.68
TY I = 20 tons, TY II = 37 tons, TY III = 50 tons, TY IV = 60 tons

*	KY 136	11.1 KY 1792	12.9 KY 81

Weight Limit - Bridge over Long Falls Creek @ milepoint 11.26
TY I = 20 tons, TY II = 36 tons, TY III = 40 tons, TY IV = 57 tons

*	KY 140	0.0 KY 256	0.1 KY 1792
~~[*~~	~~KY 1080~~	~~2.6 US 431~~	~~3.2 Mine]~~
*	KY 1792	0.0 KY 140	2.6 KY 136

Weight Limit - Bridge over Porters Drainage Ditch @ milepoint 0.92
TY I = 20 tons, TY II = 27 tons, TY III = 32 tons, TY IV = 52 tons

*	Barrett Hill RD CR 5014	0.0 US 431	2.9 Ohio CO LN
*	Cane Run Road		

	CR 5203	0.0 KY 256	0.2 Mine

MADISON COUNTY

	ROAD	FROM	TO
*	KY 876	7.2 I-75	8.1 KY 52

MAGOFFIN COUNTY

	ROAD	FROM	TO
*	Mountain PKWY	63.1 Morgan CO LN	75.6 US 460
	Weight Limit - Bridge over Licking River @ milepoint 74.51		
	TY I = 20 tons, TY II = 39 tons, TY III = 42 tons, TY IV = 52 tons		
*	US 460	12.5 Mountain PKWY	20.4 Johnson CO LN
*	KY 7	6.8 Mine [~~0.0 Floyd CO LN~~]	8.2 KY 404
		9.3 KY 542	23.9 Mountain Parkway
	[~~Weight Limit - Bridge over Licking River @ milepoint 5.79~~		
	~~TY I = 20 tons, TY II = 31 tons, TY III = 36 tons, TY IV = 58 tons~~]		
*	KY 30	1.9 Spruce Pine Fork RD [~~1.0 Mine~~]	8.9 Mountain Parkway
	Weight Limit - Bridge over Middle Fork @ milepoint 7.55		
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 49 tons		
*	KY 114	0.0 US 460	5.0 Floyd CO LN
*	KY 404	0.0 KY 7	2.7 Floyd CO LN
*	KY 542	0.0 Breathitt CO LN	5.8 KY 7
	Weight Limit - Bridge over Licking River @ milepoint 5.81		
	TY I = 20 tons, TY II = 35 tons, TY III = 39 tons, TY IV = 58 tons		
*	KY 867	4.7 KY 1635	5.7 KY 7
[*	~~KY 1397~~	~~1.8 Mine~~	~~3.0 KY 30~~]
*	KY 1635	0.0 Tiptop-Bettsmann RD	5.7 KY 867
[*	~~Beetree Branch of Oakley Creek RD~~		
	~~CR 5223~~	~~0.0 KY 1635~~	~~0.2 Mine~~]
*	Tiptop Betts Branch RD		
	CR 5225B	0.0 KY 1635	0.7 Breathitt CO LN
*	Spruce Pine Fork RD		
	CR 5231	0.0 KY 30	0.5 Mine

[~~MARSHALL COUNTY~~

	~~ROAD~~	~~FROM~~	~~TO~~
*	~~US 62~~	~~11.0 US 641~~	~~12.1 Livingston CO LN~~
	~~Weight Limit - Bridge over Tennessee River Dam Gates @ milepoint 11.94~~		
	~~TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV 48 tons~~]		

MARTIN COUNTY

	ROAD	FROM	TO
*	KY 3	0.0 Johnson CO LN	10.0 KY 645
		11.4 KY 40	12.6 Mine
*	KY 40	5.3 KY 1224	10.2 KY 3 [~~9.1 KY 645~~]
	Weight Limit - Bridge over Rockhouse Fork @ milepoint 6.945		
	TY I = 20 tons, TY II = 35 tons, TY III = 39 tons, TY IV = 55 tons		
	Weight Limit - Bridge over Rockcastle Creek @ milepoint 10.14		
	TY I = 20 tons, TY II = 41 tons, TY III = 47 tons, TY IV = 60 tons		
		11.9 KY 645 (West) [~~10.8 KY 645 (East)~~]	20.3 West Virginia ST LN
*	KY 292	0.0 Pike CO LN	14.6 Mine
	Weight Limit - Bridge over Wolfe Creek @ milepoint 11.99		
	TY I = 20 tons, TY II = 33 tons, TY III = 36 tons, TY IV = 45 tons		
*	KY 645	0.0 Lawrence CO LN	6.6 KY 3 (North)
		6.6 KY 3 (South)	7.6 KY 40
*	KY 1224	4.7 CR 5343	5.2 KY 40
*	KY 1439	6.5 Tipple [~~5.1 Middle Fork of Wolf Creek~~]	6.6 Whitecabin BR RD
		7.0 Mine	10.7 KY 2032 [~~11.2 KY 1714~~]
*	KY 1714	8.2 Little Peter Cave Branch RD [~~5.2 KY 1439~~]	10.8 KY 292
*	KY 2032	0.0 KY 1439	4.0 KY 40
*	Saw Mill Hollow RD		
	CR 5026	0.0 KY 3	0.3 Mine
*	White Cabin Branch RD		
	CR 5121	0.0 KY 1439	0.6 [~~0.7~~] Haul Rd

	5.0 CR 5205	11.7 KY 1439
* Middle Fork of Wolf Creek Road CR 5205	0.0 KY 3	4.8 [4.2] Mine
	5.2 Mine [5.0 Haul Road]	11.7 KY 1439
[* ~~Venters Branch RD CR 5212~~	~~0.0 KY 3~~	~~0.6 Mine~~]
* Airport Road CR 5223	0.0 KY 3	3.0 Mine
* Lower Wolfe Branch Road CR 5343	0.0 KY 1224	0.5 Mine

MASON COUNTY

ROAD	FROM	TO
* US 62	12.7 US 68	14.0 KY 546
	17.0 KY 11	18.0 Ohio State LN [~~17.3 KY 10~~]
Weight Limit - Bridge over Ohio River @ milepoint 17.51		
TY I = 20 tons, TY II = 23 tons, TY III = 25 tons, TY IV = 37 tons		
* US 68	0.0 Fleming CO LN	11.9 US 62
* KY 9	0.0 Bracken CO LN	9.3 US 62
* KY 10	4.0 KY 546	10.2 Spring Creek RD
Weight Limit - Bridge over Bull Fork @ milepoint 7.65		
TY I = 20 tons, TY II = 39 tons, TY III = 42 tons, TY IV = 60 tons		
[~~Weight Limit - Bridge over L&N RR @ milepoint 9.79~~		
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~]		
* KY 11	0.0 Fleming CO LN	11.2 [~~11.3~~] US 62
Weight Limit - Bridge B00064 over Mill Creek @ milepoint 0.16		
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons		
[~~* KY 546~~	~~0.0 Bracken CO LN~~	~~12.0 KY 11~~]
* Spring Creek Road CR 5012	0.0 KY 10	1.8 Cabin Creek PK
Weight Limit - Bridge over Spring Creek 1.2 miles east of Plumville		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
Weight Limit - Bridge over Spring Creek @ Cabin Creek Pike		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
* Cabin Creek Pike CR 5013	0.0 Spring Creek RD	0.7 Dravo Lime CO

MERCER COUNTY

ROAD	FROM	TO
* Bluegrass PKWY	52.3 Anderson CO LN	56.3 Anderson CO LN
* KY 342	3.2 Dix Dam RD	4.6 KY 33

MONTGOMERY COUNTY

ROAD	FROM	TO
* US 460	7.3 KY 11 (North)	8.3 KY 686 [~~9.5 US 60~~]
* KY 11	0.0 Powell CO LN	9.2 KY 686 [~~10.0 US 460 East~~]
	10.0 US 460 West	15.4 Bath CO LN
* KY 686	0.0 US 460 West	2.7 KY 11

MORGAN COUNTY

ROAD	FROM	TO
* Mountain PKWY	57.7 Wolfe CO LN	63.1 Magoffin CO LN
Weight Limit - Bridge over KY 134 and Red River @ milepoint 60.40		
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons		
Weight Limit - Bridge over KY 134 and Johnson Creek @ milepoint 62.12		
TY I = 20 tons, TY II = 41 tons, TY III = 41 tons, TY IV = 60 tons		

MUHLENBERG COUNTY

ROAD	FROM	TO
* Western Kentucky Parkway	43.4 Hopkins CO LN	65.7 Ohio CO LN
Weight Limit - Bridge over Pond River Relief @ milepoint 43.60		
TY I = 20 tons, TY II = 38 tons, TY III = 45 tons, TY IV = 60 tons		
Weight Limit - Bridge over KY 175-IC RR - Unnamed Creek @ milepoint 48.05		
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons		
Weight Limit - Bridge over IC RR @ milepoint 55.51		
TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons		
Weight Limit - Bridge over Green River @ milepoint 65.38		

TY I = 20 tons, TY II = 34 tons, TY III = 39 tons, TY IV = 60 tons

*	US 62	0.0 Hopkins CO LN	10.5 KY 172 [~~26.0 Ohio CO LN~~]

Weight Limit - Bridge over Branch of Thompson Creek @ milepoint 3.68
TY I = 20 tons, TY I = 28 tons, TY III = 31 tons, TY IV = 40 tons
Weight Limit - Bridge over I.C. & Gulf R.R. @ milepoint 5.40
TY I = 20 tons, TY II = 42 tons, TY III = 45 tons, TY IV = 59 tons

		14.7 KY 189	26.0 Ohio CO LN

Weight Limit - Bridge over L&N RR & Little Cypress Creek Bridge @ milepoint 17.76
TY I = 20 tons, TY II = 42 tons, TY III = 47 tons, TY IV = 60 tons
Weight Limit - Bridge over I.C. RR @ milepoint 24.76
TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 37 tons

*	US 431	11.5 KY 176 [~~8.0 KY 246~~]	24.2 Green River Power Plant RD
[~~* KY 70~~		~~0.0 Hopkins County Line~~	~~15.4 US 431~~
		~~23.6 Barge Dock~~	~~23.8 Butler CO LN~~

~~Weight Limit - Bridge over Mud River @ milepoint 23.75~~
~~TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 48 tons~~]

*	KY 176	0.0 US 62	11.7 [~~12.0~~] T V A Paradise Plant

Weight Limit - Bridge @ milepoint 1.01
TY I = 20 tons, TY II = 37 tons, TY III = 50 tons, TY IV = 60 tons
Weight Limit - Bridge over @ milepoint 2.38
TY I = 20 tons, TY II = 32 tons, TY III = 49 tons, TY IV = 60 tons
Weight Limit - Bridge over @ milepoint 4.29
TY I = 20 tons, TY II = 42 tons, TY III = 49 tons, TY IV = 60 tons
Weight Limit - Bridge over @ milepoint 6.38
TY I = 20 tons, TY II = 32 tons, TY III = 49 tons, TY IV = 60 tons

*	KY 181	15.2 Western KY Parkway	17.5 Tipple [~~19.0 KY 70~~]
*	KY 189	8.8 [~~14.0~~] US 62	15.3 KY 70 (North Junction)
[~~* KY 246~~		~~1.9 Railroad ST~~	~~3.8 US 431~~
~~* Green River Power Plant Road~~			
	~~CR 5045~~	~~0.0 US 431~~	~~0.7 KY Utilities Plant~~
~~* Wherry RD~~			
	~~CR 5111~~	~~1.7 Mine~~	~~3.7 Riverside Church RD~~]
*	Riverside Church RD		
	CR 5112	0.0 Power Plant Haul RD	3.5 Mine
		[~~2.6 Wherry RD~~	~~3.6 Power Plant~~
~~* Railroad ST (Beech Creek)~~			
	~~CR 5206D~~	~~0.0 KY 246~~	~~0.3 Mine~~]
*	Cypress Valley RD		
	CR 5419	0.0 Haul RD	0.3 Locketown RD
*	Locketown RD		
	CR 5420	0.0 Graham Ballfield RD	0.3 Cypress Valley RD
*	Graham Ballfield RD		
	CR 5421	0.0 Locketown RD	0.4 [~~0.7~~] Mine

NELSON COUNTY

	ROAD	FROM	TO
*	Bluegrass PKWY	33.3 KY 55	39.3 Washington CO LN
*	US 31E	15.4 KY 245	27.6 Spencer CO LN
*	US 150	1.7 KY 245	1.9 Bluegrass PKWY
[~~* US 62~~		~~15.9 KY 245~~	~~25.0 KY 55~~

~~Weight Limit - Bridge over East Fork of Simpson Creek @ milepoint 24.96~~
~~TY I = 20 tons, TY II = 34 tons, TY III = 38 tons, TY IV = 54 tons~~

~~*~~	~~KY 55~~	~~3.1 Bluegrass Parkway~~	~~3.8 US 62~~

~~Weight Limit - Bridge over East Fork of Simpson Creek @ milepoint 3.77~~
~~TY I = 20 tons, TY II = 32 tons, TY III = 37 tons, TY IV = 60 tons~~]

*	KY 245	0.0 US 150 [~~2.3 US 62~~]	3.3 US 31E

NICHOLAS COUNTY

	ROAD	FROM	TO
*	US 68	0.0 Bourbon CO LN	12.2 Robertson CO LN

Weight Limit - Bridge over Stony Creek @ milepoint 9.72
TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons

OHIO COUNTY

	ROAD	FROM	TO
*	Western KY PKWY	74.6 US 231 [~~65.7 Muhlenberg CO LN~~]	76.8 Green River Parkway

[~~Weight Limit - Bridge over KY 369 @ milepoint 72.43~~

~~[TY I = 20 tons, TY II = 39 tons, TY III = 43 tons, TY IV = 59 tons]~~
Weight Limit - Bridge over US 231 @ milepoint 74.56
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons

*	Green River PKWY	35.1 Butler CO LN	41.3 Western KY PKWY
		47.8 KY 69	59.5 Daviess CO LN

Weight Limit - Bridge over Rough River @ milepoint 49.34
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 56 tons

*	US 62	0.0 Muhlenberg CO LN	13.2 Mine

Weight Limit - Bridge over Green River @ milepoint 0.01
TY I = 20 tons, TY II = 27 tons, TY III = 32 tons, TY IV = 38 tons
~~[Weight Limit - Bridge over Lewis Creek @ milepoint 1.45~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 32 tons, TY IV = 40 tons]~~
Weight Limit - Bridge over Branch of Three Lick Fork @ milepoint 11.91
TY I = 20 tons, TY II = 31 tons, TY III = 37 ~~[36]~~ tons, TY IV = 50 tons
Weight Limit - Bridge over Three Lick Fork @ milepoint 12.03
TY I = 20 tons, TY II = 30 tons, TY III = 36 tons, TY IV = 54 tons
Weight Limit - Bridge over Muddy Creek @ milepoint 12.30
TY I = 20 tons, TY II = 30 tons, TY III = 37 ~~[36]~~ tons, TY IV = 52 tons
Weight Limit - Bridge @ milepoint 12.46
TY I = 20 tons, TY II = 35 tons, TY III = 50 tons, TY IV = 60 tons

*	US 231	5.8 KY 269	13.2 KY 69

Weight Limit - Bridge over Three Lick Fork Branch @ milepoint 9.78
TY I = 20 tons, TY II = 35 tons, TY III = 50 tons, TY IV = 60 tons
Weight Limit - North Fork Muddy Creek Bridge @ milepoint 12.30
TY I = 20 tons, TY II = 32 tons, TY III = 37 tons, TY IV = 60 tons
Weight Limit - Bridge @ milepoint 12.46
TY I = 20 tons, TY II = 35 tons, TY III = 50 tons, TY IV = 60 tons

		23.6 KY 2115 ~~[20.8 Buford RD]~~	24.3 Daviess CO LN

~~[Weight Limit - Bridge over BR of North Fork of Barnett Creek @ milepoint 23.223~~
~~TY I = 20 tons, TY II = 38 tons, TY III = 50 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over North Fork of Barnett Creek @ milepoint 23.305~~
~~TY I = 20 tons, TY II = 38 tons, TY III = 50 tons, TY IV = 60 tons]~~

*	KY 69	7.6 KY 85 (South)	15.0 Green River PKWY
		~~[6.7 KY 85 (North)~~	~~7.6 KY 85 (South)~~
		~~13.7 US 231 (South)~~	~~15.0 Green River PKWY]~~
*	KY 85	35.7 Aetnaville-Haynesville RD	37.3 Hancock CO LN
		1.0 Landfill Entrance	1.9 Landfill Entrance #2
		7.2 KY 69 (East)	11.3 US 62

Weight Limit - Bridge over Branch West Fork Lewis Creek @ milepoint 9.62
TY I = 20 tons, TY II = 30 tons, TY III = 37 ~~[36]~~ tons, TY IV = 58 tons

*	KY 269	0.8 Schultztown-Cool Springs RD	5.6 US 231
*	KY 273	0.0 KY 69	1.6 Mine
*	KY 1903	0.0 US 62	0.7 Lewis Creek Dock
*	Aetnaville-Haynesville RD		
	CR 5064	0.0 Mine	1.3 KY 69
*	Sandefur Crossing RD		
	CR 5172	0.0 US 62	1.0 W.D. Leech RD
*	Roscoe Stewart RD		
	CR 5179	0.0 Springs RD	1.0 Mine
*	W.D. Leech RD		
	CR 5205	0.0 Sandefur Crossing RD	1.0 Mine
*	Springs RD		
	CR 5267	0.0 KY 269	1.2 Roscoe Stewart RD
~~[*~~	~~Buford RD~~		
	~~CR 5386~~	~~0.0 US 231~~	~~0.3 Mosley RD~~
~~*~~	~~Mosley RD~~		
	~~CR 5391~~	~~0.0 Buford RD~~	~~0.9 Mine]~~

OWSLEY COUNTY

	ROAD	FROM	TO
*	KY 11	14.2 KY 30 ~~[0.0 Clay CO LN]~~	17.3 Lee CO LN

~~[Weight Limit - Bridge over Sexton Creek @ milepoint 1.80~~
~~TY I = 20 tons, TY II = 39 tons, TY III = 42 tons, TY IV = 55 tons~~
~~Weight Limit - Bridge over Island Creek @ milepoint 4.02~~
~~TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 57 tons~~
~~Weight Limit - Bridge over White Oak Creek @ milepoint 6.18~~
~~TY I = 20 tons, TY II = 33 tons, TY III = 34 tons, TY IV = 47 tons~~

~~* KY 30 0.0 Jackson CO LN 6.8 KY 399~~
~~Weight Limit - Bridge over Little Sturgeon Creek @ milepoint 3.42~~
~~TY I = 18 tons, TY II = 19 tons, TY III = 22 tons, TY IV = 37 tons~~
~~Weight Limit - Bridge over Little Sturgeon Creek @ milepoint 4.88~~
~~TY I = 20 tons, TY II = 37 tons, TY III = 43 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Little Sturgeon Creek @ milepoint 5.15~~
~~TY I = 20 tons, TY II = 18 tons, TY III = 22 tons, TY IV = 34 tons~~
~~* KY 399 0.0 KY 30 1.9 Lee CO LN~~
~~* KY 587 0.0 Jackson CO LN 0.5 Lee CO LN]~~

PENDLETON COUNTY

	ROAD	FROM	TO
*	US 27	0.0 Harrison CO LN	19.4 Campbell CO LN
	Weight Limit - Bridge over Blanket Creek near Four Oak @ milepoint 4.41		
	TY I = 20 tons, TY II = 39 tons, TY III = 46 tons, TY IV = 60 tons		
	Weight Limit - Bridge over L&N RR @ milepoint 7.57		
	TY I = 20 tons, TY II = 29 tons, TY III = 31 tons, TY IV = 53 tons		
	Weight Limit - Bridge over L&N RR-CR 5011-Kennedy Br. @ milepoint 15.78		
	TY I = 20 tons, TY II = 39 tons, TY III = 43 tons, TY IV = 60 tons		
*	KY 8	0.0 Campbell CO LN ~~[2.2 Black River Lime]~~	2.2 KY 154
~~[*~~	~~KY 154~~	~~4.5 KY 546~~	~~5.7 KY 8~~
~~*~~	~~KY 546~~	~~0.0 Campbell CO LN~~	~~4.3 Bracken CO LN]~~

PERRY COUNTY

	ROAD	FROM	TO
*	Daniel Boone Parkway	51.0 Leslie CO LN	59.1 KY 15
*	KY 7	0.0 KY 15	13.6 Letcher CO LN
	Weight Limit - Bridge over Maces @ milepoint 2.14		
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 54 tons		
*	KY 15	0.0 Knott CO LN	25.2 Breathitt CO LN
	Weight Limit - Bridge over Main Street, Carr Fork, & L&N RR @ milepoint 0.20		
	TY I = 20 tons, TY II = 40 tons, TY III = 44 tons, TY IV = 57 tons		
	Weight Limit - Bridge over KY 80 and North Fork KY River @ milepoint 13.57		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 51 tons		
	Weight Limit - Bridge over First Creek & L&N RR @ milepoint 15.95		
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 58 tons		
*	KY 28	11.9 KY 451 ~~[11.4 Barwick Rd]~~	18.1 KY 15
	Weight Limit - Bridge over Grapevine Creek @ milepoint 15.02		
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 55 ~~[56]~~ tons		
*	KY 80	0.0 Leslie CO LN	7.9 KY 15 Underpass
	Weight Limit - Bridge over Right Fork of Big Creek @ milepoint 1.57		
	TY I = 20 tons, TY II = 24 tons, TY III = 28 tons, TY IV = 47 tons		
	Weight Limit - Bridge over Big Creek @ mile point 5.27		
	TY I = 20 tons, TY II = 28 ~~[27]~~ tons, TY III = 24 ~~[30]~~ tons, TY IV = 40 ~~[44]~~ tons		
	Weight Limit - Bridge over L & N R.R. & Kentucky River @ milepoint 7.09		
	TY I = 20 tons, TY II = 33 ~~[37]~~ tons, TY III = 39 tons, TY IV = 44 ~~[43]~~ tons		
		7.9 D Boone Parkway & KY 15	15.9 Knott CO LN
*	KY 267	2.0 KY 15	3.2 Tipple
		9.3 KY 1146	10.7 Mine
*	KY 451	7.7 Daniel Boone PKWY	7.8 KY 80
		17.2 Lick Branch RD	20.0 KY 28
*	KY 463	1.4 Jackson Fork RD	6.5 KY 699
	Weight Limit - Bridge over Leatherwood Creek @ milepoint 6.34		
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 60 tons		
*	KY 476	7.5 Dwarf-Engle Fork RD ~~[0.0 KY 15]~~	22.3 Breathitt CO LN
	Weight Limit - Bridge over Troublesome Creek @ milepoint 8.72		
	TY I = 20 tons, TY II = 28 tons, TY III = 31 ~~[36]~~ tons, TY IV = 40 tons		
	Weight Limit - Bridge over Ball Fork @ milepoint 12.36		
	TY I = 20 tons, TY II = 30 tons, TY III = 37 tons, TY IV = 48 tons		
	Weight Limit - Bridge over Troublesome Creek @ milepoint 18.30		
	TY I = 20 tons, TY II = 25 tons, TY III = 28 tons, TY IV = 40 tons		
*	KY 550	2.5 KY 476 @ Darfork	3.7 Knott CO LN
	Weight Limit - Bridge over Lotts Creek @ milepoint 2.454		
	TY I = 20 tons, TY II = 34 tons, TY III = 37 tons, TY IV = 50 tons		
	Weight Limit - Bridge over Combs Branch @ milepoint 2.523		
	TY I = 18 tons, TY II = 19 ~~[18]~~ tons, TY III = 22 tons, TY IV = 36 tons		

Weight Limit - Bridge over Troublesome Creek @ milepoint 3.155
TY I = 20 tons, TY II = 24 tons, TY III = 26 tons, TY IV = 34 tons

*	KY 699	1.6 Blue Diamond Coal Camp RD	12.5 KY 7

Weight Limit - Bridge over Leatherwood Creek @ milepoint 4.75
TY I = 20 tons, TY II = 33 tons, TY III = 35 tons, TY IV = 59 tons
Weight Limit - Bridge over Leatherwood Creek @ milepoint 8.01
TY I = 20 tons, TY II = 37 tons, TY III = 40 tons, TY IV = 60 tons
Weight Limit - Bridge over Big Leather Creek @ milepoint 10.77
TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 60 tons

*	KY 1067	0.0 KY 15	2.7 KY 2446
*	KY 1087	0.0 KY 476	0.7 Lick Branch RD
[*	~~KY 1088~~	~~0.0 KY 476~~	~~1.1 Mine~~]
*	KY 1095	0.0 Fusonia-Kodak RD	2.9 KY 15

Weight Limit - Bridge over Carr Fork @ milepoint 2.55
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons

*	KY 1096	0.0 KY 80	5.1 Tipple [~~5.9 Mine~~]

Weight Limit - Bridge B00053 over Big Creek @ milepoint 0.02
TY I = 20 tons, TY II = 39 tons, TY III = 38 tons, TY IV = 46 tons
Weight Limit - Bridge over Big Creek @ milepoint 3.55
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	KY 1146	4.0 KY 80	9.3 KY 267
*	KY 2446	0.5 Fifteen Mile Creek RD	3.2 Mine
*	KY 2447	0.0 KY 7 near Fusonia	0.2 End State Maintenance

Weight Limit - Bridge over North Fork @ Kentucky River milepoint 0.01
TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 55 tons

*	KY 3348	0.0 Begin State Maintenance	3.9 KY 699

Weight Limit - Bridge B00108 over Little Leatherwood Creek @ milepoint 1.44
TY I = 20 tons, TY II = 36 tons, TY III = 41 tons, TY IV = 60 tons
Weight Limit - Bridge over Little Leatherwood Creek @ milepoint 2.32
TY I = 20 tons, TY II = 40 tons, TY III = 49 tons, TY IV = 60 tons

*	Wayne Davidson Road CR 5005	0.3 Cumberland Elk Tipple	0.5 KY 15
*	Dwarf-Engle Fork Road CR 5032	0.0 KY 476	0.5 Engle Fork RD [~~0.1 Highland Coal Mine~~]
*	Engle Fork Road CR 5033	0.0 Dwarf-Engle Fork Road	0.3 Mine
[*	~~Coates Branch Road~~ ~~CR 5044~~	~~0.0 Ky 476~~	~~0.5 Ball Branch Mine~~]
*	Lick Branch Road CR 5045	0.0 KY 1087	0.6 Star Fire Mine
[*	~~Cockrell Fork - Noble Branch RD~~ ~~CR 5050~~	~~0.0 KY 476~~	~~1.7 Mine~~
*	~~Buckhorn Creek Road~~ ~~CR 5070~~	~~0.0 KY 476~~	~~0.1 Breathitt CO LN~~

~~Weight Limit - Bridge over Troublesome Creek~~
~~TY I = 16 tons, TY II = 16 tons, TY III = 16 tons, TY IV = 16 tons~~

*	~~Jeff - Knott County LN RD~~ ~~CR 5100~~	~~0.0 Old KY 15 Loop #1~~	~~1.6 Mine~~
*	~~Old KY 15 Loop #1 Road~~ ~~CR 5102~~	~~0.0 KY 15~~	~~0.2 Kentucky Prince Tipple~~]
*	George Branch RD CR 5115	0.0 KY	0.1 Tipple
*	Bible Avenue (Vicco) CR 5118H	0.0 KY 1095	0.3 KY 15
*	Montgomery Creek RD CR 5120	0.3 Mine	1.5 KY 1095
*	Fusonia-Fort Branch RD CR 5123	4.4 Mine	4.9 KY 2447
*	Straight Creek RD CR 5140	0.0 KY 3348	0.5 Mine
*	Beech Fork Road CR 5146	0.0 KY 3196	0.5 Tipple
*	Old House Branch RD CR 5148	0.0 KY 463	1.6 Mine
[*	~~Jackson Fork Road~~ ~~CR 5152~~	~~0.0 KY 463~~	~~0.4 Blue Diamond Mine~~]
*	Sam Campbell Branch Road (Old Pigeon Roose-Hull School RD)		

	CR 5219	0.0 KY 1096	0.7 Mine
*	Whitaker Fork Road		
	CR 5319	2.9 Clear Fork RD [~~CR 5320~~]	4.8 Tipple
*	Clear Fork Road		
	CR 5320	0.0 KY 28	2.3 CR 5319
*	Trace Branch-Tenmile Creek Road		
	CR 5326	0.0 KY 28	1.0 Mine
[~~*~~	~~Barwick Road~~		
	~~CR 5330~~	~~0.0 KY 28~~	~~0.8 Breathitt CO LN~~]
*	Right Fork Spencer Creek Road		
	CR 5332	0.0 Spencer Creek-Napfor BR RD	1.0 Vires Coal Mine
*	Spencer Creek-Napfor Branch Road		
	CR 5333	0.0 KY 28	2.7 Napfor Branch RD [~~2.2 Mine~~]
*	Napier Branch Road		
	CR 5344	0.0 KY 451	0.8 Mine

PIKE COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Letcher CO LN	35.1 Floyd CO LN
	Weight Limit - Levisa Fork Bridge @ milepoint 20.93		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	US 119	0.0 US 23 (North of Pikeville)	29.7 W. Va. State LN
	Weight Limit - Bridge over Raccoon Creek @ milepoint 6.99		
	TY I = 18 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over John's Creek @ milepoint 8.32		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Bent Branch @ milepoint 9.99		
	TY I = 20 tons, TY II = 34 tons, TY III = 37 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Bent Branch @ milepoint 10.23		
	TY I = 13 tons, TY II = 13 tons, TY III = 13 tons, TY IV = 13 tons		
	Weight Limit - Bridge over Bent Branch @ milepoint 10.88		
	TY I = 12 tons, TY II = 12 tons, TY III = 12 tons, TY IV = 12 tons		
	Weight Limit - Bridge over Bent Branch @ milepoint 11.25		
	TY I = 20 tons, TY II = 34 tons, TY III = 37 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Bent Branch @ milepoint 11.40		
	TY I = 20 tons, TY II = 20 tons, TY III = 23 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Bent Branch @ milepoint 11.63		
	TY I = 14 tons, TY II = 14 tons, TY III = 14 tons, TY IV = 14 [~~11~~] tons		
	Weight Limit - Bridge over Fork of Big Creek @ milepoint 16.41		
	TY I = 20 tons, TY II = 18 tons, TY III = 21 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Tug River @ West Virginia State Line @ milepoint 29.7		
	TY I = 20 tons, TY II = 45 tons, TY III = 45 tons, TY IV = 52 tons		
*	US 460	0.0 US 23	25.4 Virginia State LN
	Weight Limit - Bridge over Levisa Fork @ milepoint 5.65 [~~4.26~~]		
	TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 47 tons		
*	KY 80	0.0 US 460	4.3 Upper Branch RD [~~6.6 Wolfpen Branch RD~~]
	Weight Limit - Bridge B00138 over Russell Fork of Big Sandy @ milepoint 3.07		
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 58 tons		
	Weight Limit - Bridge over Russell Fork & CSX [~~Clinchfield~~] R.R. @ milepoint 3.60		
	TY I = 20 tons, TY II = 33 tons, TY III = 38 tons, TY IV = 58 tons		
*	KY 122	2.3 Indian Creek RD	10.4 KY 2167 [~~11.9 Little Creek RD~~]
	Weight Limit - Bridge over Robinson Creek @ milepoint 6.75		
	TY I = 20 tons, TY II = 34 tons, TY III = 38 tons, TY IV = 54 tons		
	Weight Limit - Bridge over Bear Fork north of Jones Chapel @ milepoint 8.28		
	TY I = 20 tons, TY II = 34 tons, TY III = 39 tons, TY IV = 60 tons		
*	KY 194	10.2 Miller Creek-Cowpen RD	26.7 KY 632
		[~~6.1 Sycamore Creek RD~~	~~44.4 Mine~~]
	Weight Limit - Bridge over John's Creek @ milepoint 25.15 [~~62~~]		
	TY I = 20 tons, TY II = 27 tons, TY III = 32 tons, TY IV = 52 tons		
		39.6 KY 1499	43.9 Mine
	Weight Limit - Third Fork Culvert @ milepoint 42.28 [~~71~~]		
	TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons		
		48.0 Mine	60.4 Old KY 319
		[~~50.0 Tipple~~	~~57.5 Mine~~
	~~Weight Limit - Bridge over Peter Creek @ milepoint 51.37~~		
	~~TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons~~]		
		66.0 Lynntrough Branch RD	72.8 Virginia State LN

		~~[67.7 KY 2062~~	~~73.2 Virginia State LN]~~
*	KY 195	0.0 KY 197	3.2 Marrowbone Creek RD
		4.7 Big Branch RD	11.6 US 460
		~~[Weight Limit - Bridge over Brushy Branch @ milepoint 3.27~~	
		~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons]~~	
		Weight Limit - Bridge B00056 over Wolf Pit Branch @ milepoint 9.93	
		TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons	
*	KY 197	0.0 US 23	16.6 KY 80
		Weight Limit - Bridge over Sycamore Creek @ milepoint 6.70	
		TY I = 20 tons, TY II = 32 tons, TY III = 37 [~~38~~] tons, TY IV = 46 tons	
		Weight Limit - Bridge over Elkhorn Creek @ milepoint 13.91	
		TY I = 20 tons, TY II = 32 tons, TY III = 35 tons, TY IV = 51 tons	
[~~* KY 199~~		~~8.2 KY 1056~~	~~11.6 US 119~~
		~~Weight Limit - Bridge over Pond Creek @ milepoint 8.29~~	
		~~TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 59 tons~~	
		~~Weight Limit - Bridge over Pond Creek @ milepoint 8.72~~	
		~~TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons~~	
		~~Weight Limit - Pinson Fork Bridge @ milepoint 8.99~~	
		~~TY I = 20 tons, TY II = 27 tons, TY III = 28 tons, TY IV = 37 tons~~	
		~~Weight Limit - Bridge over Pond Creek @ milepoint 11.34~~	
		~~TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 43 tons]~~	
*	KY 292	0.0 Goody-AFLX-BURNWL RD	4.8 US 119 (South)
		4.8 US 119 (North)	12.7 Martin CO LN
		Weight Limit - Bridge over Big Creek @ milepoint 12.70	
		TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons	
*	KY 319	0.0 KY 1056	7.0 US 119
		Weight Limit - Bridge over Blackberry Fork @ milepoint 5.03	
		TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons	
*	KY 366	0.0 KY 1499 at Feds Creek	4.4 Jones Fork Creek
*	KY 468	0.0 US 119	13.6 KY 292
*	KY 610	0.0 US 23	8.9 KY 122
		Weight Limit - Bridge over Beefhide Creek @ milepoint 1.60	
		TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 60 tons	
		Weight Limit - Bridge over Shelby Creek @ milepoint 2.87	
		TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons	
		Weight Limit - Bridge over Shelby Creek @ milepoint 5.90	
		TY I = 20 tons, TY II = 34 tons, TY III = 37 tons, TY IV 60 tons	
		Weight Limit - Bridge over Shelby Creek @ milepoint 6.95	
		TY I = 20 tons, TY II = 31 tons, TY III = 37 tons, TY IV = 50 tons	
		Weight Limit - Bridge B00070 over Shelby Creek @ milepoint 7.79	
		TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons	
		Weight Limit - Bridge over Long Fork @ milepoint 8.08	
		TY I = 20 tons, TY II = 34 tons, TY III = 38 tons, TY IV = 55 tons	
*	KY 612	0.0 KY 468	3.9 Mine
		Weight Limit - Bridge over Long Fork-Big Creek @ milepoint 1.498	
		TY I = 13 tons, TY II = 13 tons, TY III = 13 tons, TY IV = 13 tons	
		6.6 Mine	8.4 KY 292
*	KY 632	0.0 KY 194 @ Kimper	14.0 KY 194 @ Phelps
		Weight Limit - Bridge B00111 over Johns Creek @ milepoint 1.19	
		TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons	
		Weight Limit - Bridge over Peter Creek @ milepoint 14.00	
		TY I = 20 tons, TY II = 44 tons, TY III = 47 tons, TY IV = 60 tons	
*	KY 881	0.0 US 119	4.5 [~~7.7~~] Mine
*	KY 1056	4.5 Left Fork Blackberry Creek RD	11.6 W.Vir. ST LN
		[~~0.0 KY 199~~]	
		Weight Limit - Bridge over Blackberry Creek @ milepoint 8.316	
		TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons	
		Weight Limit - Bridge @ milepoint 10.09	
		TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 54 tons	
*	KY 1373	4.8 Card Creek-Card Knob Road	6.7 US 460
*	KY 1384	0.0 US 23 @ Boldman	3.8 Dog Fork RD [~~6.9 US 23 North~~]
*	KY 1426	1.4 Hoopwood Branch RD [~~2.0 KY 3417~~]	4.9 US 23
*	KY 1441	7.5 Frozen CR RD	10.1 US 119
		Weight Limit - Bridge over Burning Fork Creek @ milepoint 10.00	
		TY I = 11 [~~20~~] tons, TY II = 11 [~~39~~] tons, TY III = 11 [~~43~~] tons, TY IV = 11 [~~59~~] tons	
*	KY 1460	0.0 US 460	1.5 Upper Chloe Creek Road

*	KY 1469	4.5 KY 3414	14.4 [~~14.6~~] US 23
	Weight Limit - Shelby Creek Bridge @ milepoint 13.09		
	TY I = 20 tons, TY II = 41 tons, TY III = 44 tons, TY IV = 57 tons		
	Weight Limit - Caney Creek Bridge @ milepoint 14.51		
	TY I = 20 tons, TY II = 31 tons, TY III = 37 tons, TY IV = 60 tons		
*	KY 1499	0.0 US 460	6.1 KY 194
	Weight Limit - Bridge over Levisa Fork @ milepoint 6.03		
	TY I = 20 [~~15~~] tons, TY II = 25 tons, TY III = 28 tons, TY IV = 41 tons		
*	KY 1758	6.7 Daugherty Tipple	7.8 KY 632
*	KY 1789	0.0 US 460	0.3 Tipple
*	KY 2059	0.0 KY 194	2.4 Mine
	[~~Weight Limit - Bridge over Knox Creek @ milepoint 1.10~~		
	~~TY I = 3 tons, TY II = 3 tons, TY III = 3 tons, TY IV = 3 tons~~		
*	~~KY 2061~~	~~0.0 US 23~~	~~7.1 KY 194~~
	~~Weight Limit - Bridge over Cowpen Creek @ milepoint 0.81~~		
	~~TY I = 18 tons, TY II = 18 tons, TY III = 22 tons, TY IV = 35 tons~~		
	~~Weight Limit - Bridge over Caney Fork of Johns Creek @ milepoint 6.72~~		
	~~TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons~~		
	~~Weight Limit - Bridge over Johns Creek @ milepoint 7.11~~		
	~~TY I = 20 tons, TY II = 33 tons, TY III = 38 tons, TY IV = 60 tons~~]		
*	KY 2062	0.0 KY 194	3.1 KY 194 @ Stopover
*	KY 2167	0.0 US 23	0.3 KY 122
*	KY 3154	0.0 Meathouse Branch RD	2.7 [~~2.8~~] US 119
	Weight Limit - Bridge over Meathouse Fork @ milepoint 1.618		
	TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons		
	Weight Limit - Bridge over Meathouse Fork @ milepoint 1.946		
	TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons		
*	KY 3226	0.0 [~~Gardiner Fork RD or~~] Rockhouse Creek-Greasy RD	3.3 US 460
	Weight Limit - Bridge over Greasy Creek @ milepoint 1.127		
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons		
*	KY 3227	0.0 US 23	2.3 Clevingers Branch-Miller Creek RD
		7.6 Mine	8.0 KY 194
	Weight Limit - Bridge over West End of John's Creek @ milepoint 7.91		
	TY I = 13 tons, TY II = 13 tons, TY III = 13 tons, TY IV = 13 tons		
*	KY 3414	0.6 Nat's Fork-Sycamore BR RD	3.4 KY 1469
*	KY 3415	0.0 KY 122	2.8 Newsome Branch RD
	Weight Limit- Bridge over Robinson Creek @ milepoint 1.20		
	TY I = 10 [~~20~~] tons, TY II = 10 [~~31~~] tons, TY III = 10 [~~37~~] tons, TY IV = 10 [~~60~~] tons		
	Weight Limit - Bridge over Robinson Creek @ milepoint 1.71		
	TY I = 20 tons, TY II = 27 tons, TY III = 31 tons, TY IV = 53 tons		
[~~*	KY 3416~~	~~0.0 Long Branch RD at Pigeon~~	~~1.7 KY 1426~~
~~*	KY 3417~~	~~0.0 KY 1426~~	~~1.1 KY 1384~~]
*	KY 3419	9.0 Seng Camp Branch RD	12.0 KY 1056
		[~~4.9 KY 632~~	~~5.8 Kentucky Carbon Scales~~
	~~Weight Limit - Bridge over Calloway Creek @ milepoint 4.94~~		
	~~TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons~~		
		~~10.4 Tipple~~	~~12.0 KY 1056~~]
	Weight Limit - Bridge B00180 over Left Fork of Blackberry Creek @ milepoint 11.47		
	TY I = 20 tons, TY II = 29 tons, TY III = 31 tons, TY IV = 46 tons		
	Weight Limit - Bridge B00195 over Blackberry Creek @ milepoint 12.01		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	Frozen Creek Road		
	CR 5004	0.0 KY 1441	2.4 Mine
[~~*	Winn Branch Road~~		
	~~CR 5011~~	~~0.0 US 119~~	~~1.1 Mine~~
	~~Weight Limit - Bridge over Little Ratliff Creek~~		
	~~TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons~~]		
*	Smith Fork RD		
	CR 5014	0.0 US 119	0.3 Mine
*	Scott Fork RD		
	CR 5015	0.0 US 119	0.3 Mine
*	Varney Branch Road		
	CR 5021	0.0 KY 194 South of Deskin	0.4 Utility Tipple
[~~*	Meathouse Branch Road~~		
	~~CR 5025~~	~~0.0 KY 3154~~	~~0.6 Mine~~]
*	Road Fork Big Creek RD		

CR 5029	0.0 US 119	0.3 Mine
[* ~~Coburn Branch RD~~		
~~CR 5038~~	~~0.0 KY 199~~	~~1.2 Mine~~]
* Scant Branch RD		
CR 5042	0.0 US 119	0.5 [~~0.8~~] Mine
* Goody-Aflex-Burnwell Road		
CR 5050	0.0 KY 292	1.0 [~~0.8~~] Mine
[* ~~Taylor Fork RD~~		
~~CR 5065~~	~~0.0 KY 612~~	~~0.4 Neeben Fork RD~~
* ~~Neeben Fork RD~~		
~~CR 5067~~	~~0.0 Taylor Fork Rd~~	~~0.3 Mine~~]
* Bent Branch Road		
CR 5074	0.0 KY 468	1.3 Gex Tipple
Weight Limit - Bridge over Big Creek		
TY I = 18 tons, TY II = 18 tons, TY III = 20 tons, TY IV = 32 tons		
[* ~~Swinge Camp Branch Road~~		
~~CR 5075~~	~~0.0 KY 468~~	~~0.4 H Mar/Island Mines~~
~~Weight Limit - Bridge over Big Creek~~		
~~TY I = 3 ton, TY II = 3 ton, TY III = 3 ton, TY IV = 3 ton~~		
* ~~Halfway Branch Road~~		
~~CR 5077~~	~~0.0 KY 468~~	~~0.2 Mine~~]
* Rockhouse Fork Road		
CR 5078	0.0 KY 468	1.2 Elkins Fork RD [~~0.4 Island Creek Mine~~]
Weight Limit - Bridge over Big Creek		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
[* ~~King Camp Branch~~		
~~CR 5080~~	~~0.0 KY 881~~	~~0.5 Mine~~]
* Rye Straw Branch RD		
CR 5088	0.0 KY 881	0.4 Mine
* Elkins Fork RD		
CR 5090	0.0 Rockhouse Fork RD	1.0 Mine
* Brushy Fork Road		
CR 5095	0.0 KY 881	0.5 Addington Mine
Weight Limit - Bridge over Left Fork of Brushy Fork		
TY I = 20 tons, TY II = 26 tons, TY III = 26 tons, TY IV = 26 tons		
[* ~~Road Fork Ford Mountain RD~~		
~~CR 5096~~	~~0.0 US 119~~	~~1.6 Mine~~
* ~~Sycamore Creek RD~~		
~~CR 5104~~	~~0.0 KY 194~~	~~0.3 Road Fork Sycamore Creek RD~~
* ~~Road Fork - Sycamore Creek RD~~		
~~CR 5106~~	~~0.0 Sycamore Creek RD~~	~~0.8 Mine~~
* ~~Brushy Run Johns Creek RD~~		
~~CR 5122~~	~~0.0 KY 194~~	~~0.9 Mine~~
* ~~Lick Branch RD~~		
~~CR 5141~~	~~0.0 KY 468~~	~~0.5 Mine~~]
* Miller Creek Road		
CR 5123	2.7 Clivergers BR Miller Creek RD	3.0 Mine
Weight Limit - Bridge over Johns Creek		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	3.9 Tipple	5.1 KY 194
* Clevingers Branch - Miller Creek RD		
CR 5124	0.0 KY 3227	1.7 Miller Creek Cowpen RD
* Hurricane Creek Road		
CR 5162	0.0 KY 194	1.4 Mine
[* ~~Dicks Fork Road~~		
~~CR 5163~~	~~0.0 KY 194 @ Phyliss~~	~~0.6 Big Fist #4 Mine~~
* ~~Lane Branch Road~~		
~~CR 5168~~	~~0.0 KY 632~~	~~1.2 McCoy Elkhorn Mine~~]
* Narrows Branch Road		
CR 5196	0.0 KY 319	0.6 Mine
* Hatfield Branch Road		
CR 5210	0.0 KY 319	0.8 Blackberry CR Mine
* Seng Camp Branch RD		
CR 5215	0.0 KY 3419	0.2 Mine
* Lynntrough Branch RD		
CR 5233	0.0 KY 194	0.3 Tipple
* Lower Elk Creek Road		

CR 5241	0.0 KY 2059	0.6 Race Fork Mine
* Prater Branch Road		
CR 5253	0.0 KY 194	0.8 Majestic Mine
* Jones Fork Road		
CR 5269	0.0 KY 366	1.8 Mine
* Old Mouth Card-Feds Creek Road		
CR 5282	0.0 US 460	0.3 Flannary Branch RD
* Flannary Branch Road		
CR 5283	0.0 Old Mouth Card-Feds CR RD	0.2 Mouth Card Mines
[~~* Card Creek-Card Knob Road~~		
~~CR 5285~~	~~0.0 KY 1373~~	~~0.7 Clark Elkhorn Mine~~]
* Island Creek Road		
CR 5287	0.3 Tipple	1.6 Mine
* Island Creek-Grapevine Road		
CR 5288	0.0 Island Creek Road	1.8 Millers CR RD
* Millers Creek Road		
CR 5290	0.0 Island Creek-Grapevine RD	2.1 [~~3.7~~] Mine
* Old KY 319		
CR 5294	2.4 Mine	3.8 KY 194
* Hopkins Creek Road		
CR 5322	0.0 US 460	1.0 Hopkins Creek Tipple
Weight Limit - Bridge over Levisa Fork		
TY I = 3 [~~20~~] tons, TY II = 3 [~~28~~] tons, TY III = 3 [~~37~~] tons, TY IV = 3 [~~40~~] tons		
* Powell Creek RD		
CR 5328	0.0 US 460	2.2 Mine
* Miller Fork RD		
CR 5348	0.0 US 460	0.8 Mine
* East Main ST (Elkhorn City)		
CR 5361U	0.0 Ohio Street	0.1 KY 80
* Clinchfield ST (Elkhorn City)		
CR 5361V	0.0 East Main ST	0.1 Tipple
* John Moore Branch Road		
CR 5363	0.0 KY 197	0.9 Federal Tipple
* Marrowbone Creek Road		
CR 5381	0.0 KY 195	1.2 [~~2.5~~] Mine
Weight Limit - Bridge over Marrowbone Creek @ milepoint 0.25		
TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons		
[~~* Marrowbone Creek RD~~		
~~CR 5381~~	~~0.0 KY 195~~	~~2.5 Mine~~]
* Seng Branch RD		
CR 5383	0.0 KY 195	1.2 Mine
[~~* Bowling Fork Road~~		
~~CR 5384~~	~~0.0 KY 195~~	~~1.7 Nats Fork RD~~
~~* Nats Fork RD~~		
~~CR 5385~~	~~0.0 Bowling Fork RD~~	~~0.2 Mine~~]
* Flatwoods Access RD		
CR 5391A	0.0 US 23	2.0 Mine
* Big Branch RD		
CR 5419	0.0 KY 195	1.1 Mine
* Rockhouse Creek/Greasy Road		
CR 5422	0.0 KY 195	2.6 Mine
	4.7 Mine	6.3 KY 3226
* Joe Brown Road		
CR 5429	0.0 Rockhouse Creek Greasy RD	0.3 [~~1.2~~] Mine
[~~* Wolfpen Branch Road~~		
~~CR 5444~~	~~0.0 KY 80~~	~~0.8 Wellmore Mine~~]
* Old KY 610 Loop		
CR 5447	[~~0.0 US 23~~	~~0.2 Mine~~]
	1.2 Mine	1.4 US 23
* Ivy Fork RD		
CR 5468	0.0 CR 5617	0.6 Mine
* John Hollow RD		
CR 5470	0.0 US 23	0.7 Mine
* Marion Branch Road		
CR 5478	0.0 KY 1426	1.8 Chapperal Tipple
* Harmond Branch Road		
CR 5505	0.0 US 23	0.5 Mine

* Broad Borrom-Mossy Bottom RD CR 5519	0.0 US 23	2.5 Mine
* Dog Fork/Hurricane Creek Road CR 5522	0.0 KY 1384	1.3 Peter Fork Joline Mine
* Coal Run RD CR 5524	0.0 US 23	0.4 Lackens Branch RD [~~0.6 Mine~~]
* Lackens Branch RD CR 5525	0.0 Coal Run RD	1.5 Mine
* Hopwood Branch RD CR 5529	0.0 KY 1426	0.6 Mine
* Raccoon Branch Road CR 5531	0.0 KY 1426	1.3 Jet/Cimaron Mine
[~~* Island Creek Road CR 5535~~	~~0.0 KY 1426~~	~~1.7 Ray Branch RD~~
~~* Ray Branch Road CR 5537~~	~~0.0 Island Creek RD~~	~~0.7 Mine~~
~~* Long Branch Cemetery RD CR 5538~~	~~0.0 Island Creek RD~~	~~1.1 Mine~~]
* Bear Fork - Tinker Fork Road CR 5547	0.0 Bear Fork Branch RD	0.5 Mine [~~1.1 Floyd CO LN~~]
* Little Robinson - Floyd County Road CR 5550	0.0 Robinson Creek RD	0.6 Floyd CO LN
* Newson Branch RD CR 5552	0.0 KY 3415	0.5 Mine
* Little Fork/Robinson Creek Road CR 5553	0.0 KY 3415	1.4 Apache Mining Mine
* Robinson Creek Road CR 5554	0.0 KY 3415	1.0 Little Robinson Floyd RD
* Turkeypen Branch RD CR 5560	0.0 KY 122	0.6 [~~1.5~~] Mine
* Indian Creek RD CR 5561	0.0 KY 122	2.0 Mine
* Left Fork Long Fork RD CR 5569	0.0 KY 3413	0.2 Bucklick Fork RD
* Bucklick Fork Rd CR 5570	0.0 Left Fork Long Fork RD	1.2 Mine
* Petty's Fork RD CR 5572	0.0 KY 3414	1.4 Mine
* Burk Branch RD CR 5578	0.0 KY 610	0.9 Tipple
* Newsome Branch RD CR 5592	0.0 US 23	0.9 Mine
* Rob Fork Road CR 5593	0.0 US 23	0.5 Damron Fork Tipple
[~~* Gillespie Branch Road CR 5606~~	~~0.0 KY 3226~~	~~0.9 Mine~~
~~* Lucy Branch Road CR 5607~~	~~0.0 KY 3226~~	~~0.3 Mine~~
~~* Ecco RD CR 5609~~	~~0.0 US 23~~	~~0.6 Tipple~~
~~* Bear Fork Branch Road CR 5616~~	~~0.0 KY 122~~	~~1.5 Bear FK Tinker FK RD~~]
* Upper Chloe Creek RD CR 5617	0.0 KY 1460	1.3 CR 5468
[~~* Hartley RD CR 5621~~	~~0.0 KY 1469~~	~~0.3 Mine~~]

POWELL COUNTY

ROAD	FROM	TO
* Mountain Parkway	11.9 Clark CO LN	36.0 Wolfe CO LN

Weight Limit - Bridges B00018 and P over Lulbegrud Creek @ milepoint 11.90
TY I = 20 tons, TY II = 35 tons, TY III = 36 [~~38~~] tons, TY IV = 47 tons
Weight Limit - Bridge B00020 over Brush Branch @ milepoint 14.42
TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons
Weight Limit - Bridge B00021 over Brush Branch @ milepoint 15.02
TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons
Weight Limit - Bridge over Red River @ milepoint 18.22

TY I = 20 tons, TY II = 35 tons, TY III = 38 tons, TY IV = 47 tons
Weight Limit - Bridge over Red River @ milepoint 24.83
TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 52 tons
Weight Limit - Bridge over Cane Creek @ milepoint 26.12
TY I = 20 tons, TY II = 45 [~~46~~] tons, TY III = 46 tons, TY IV = 60 tons
Weight Limit - Bridge B0007 over KY 613 @ milepoint 27.38
TY I = 20 tons, TY II = 25 [~~45~~] tons, TY III = 29 [~~47~~] tons, TY IV = 49 [~~60~~] tons
Weight Limit - Bridges B0008 and P over North Fork Red River @ milepoint 27.94
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 56 tons
Weight Limit - Bridge over Middle Fork Red River @ milepoint 31.96
TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 47 tons
Weight Limit - Bridge over KY 11 & 15 @ milepoint 32.08
TY I = 20 tons, TY II = 43 tons, TY III = 43 tons, TY IV = 56 tons

*	KY 11	21.0 KY 15 @ Clay City	25.0 Montgomery CO LN
*	KY 15	0.0 Wolfe CO LN	3.5 KY 11
	Weight Limit - Bridge over Mountain Parkway @ milepoint 2.894		
	TY I = 20 tons, TY II = 42 tons, TY III - 45 tons, TY IV = 57 tons		
		4.1 Mountain PKWY [~~3.5 KY 11~~]	8.9 Clark CO LN
*	KY 82	0.0 Estill CO LN	2.1 KY 15

PULASKI COUNTY

	ROAD	FROM	TO
*	Cumberland PKWY	72.1 Russell CO LN	88.5 US 27
	Weight Limit - Bridge B00074 over Fishing Creek @ milepoint 84.31		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	US 27	0.0 McCreary CO LN	30.7 Lincoln CO LN [~~16.9 KY 80 Bypass~~]
	Weight Limit - Bridge over Cumberland River @ milepoint 9.19		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Pitman Creek @ milepoint 10.06		
	TY I = 20 tons, TY II = 35 tons, TY III = 40 tons, TY IV = 55 tons		
*	KY 80	21.6 KY 80 Bypass	40.4 Laurel CO LN
	Weight Limit - Bridge over Buck Creek @ milepoint 31.553		
	TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 57 tons		
*	KY 80B	0.0 US 27	2.3 KY 80
[~~*	KY 192~~	~~0.0 KY 80 Business Route~~	~~15.0 Old Whitley RD~~
	~~Weight Limit - Bridge over Pitman Creek @ milepoint 4.13~~		
	~~TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons~~		
	~~Weight Limit - Bridge over Buck Creek @ milepoint 10.57~~		
	~~TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 49 tons~~]		
*	KY 1247	0.0 US 27	0.3 Cooper Power Plant RD
	Weight Limit - Bridge over Southern RR @ milepoint 0.08		
	TY I = 20 tons, TY II = 42 [~~41~~] tons, TY III = 43 tons, TY IV = 53 tons		
[~~*	Old Whitley Road~~		
	~~CR 5216~~	~~0.0 KY 192~~	~~3.8 Cumberland River RD~~
~~*	Cumberland River Road~~		
	~~CR 5225~~	~~0.0 Old Whitley RD~~	~~0.8 Mine~~]
*	Cooper Power Plant Road		
	CR 5349	0.0 KY 1247	0.6 E KY Power Plant

ROBERTSON COUNTY

	ROAD	FROM	TO
*	US 68	0.0 Nicholas CO LN	1.4 Fleming CO LN

RUSSELL COUNTY

	ROAD	FROM	TO
*	Cumberland PKWY	57.8 Adair CO LN	72.1 Pulaski CO LN

SHELBY COUNTY

	ROAD	FROM	TO
*	US 60	0.0 Jefferson CO LN	23.0 Franklin CO LN
	[~~Weight Limit - Bridge over L & N R.R. @ milepoint 2.64~~		
	~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~]		
	Weight Limit - Bridge over Little Bullskin Creek @ milepoint 5.02		
	TY I = 20 tons, TY II = 21 tons, TY III = 25 tons, TY IV = 43 tons		
	Weight Limit - Bridge over Clear Creek @ milepoint 11.16 [~~17~~]		
	TY I = 20 tons, TY II = 42 tons, TY III = 47 tons, TY IV = 60 tons		

SIMPSON COUNTY

	ROAD	FROM	TO
*	US 31W	0.0 Tennessee State Line	14.0 Warren CO LN

SPENCER COUNTY

	ROAD	FROM	TO
*	US 31E	0.0 Nelson CO LN	2.4 Bullitt CO LN

TAYLOR COUNTY

	ROAD	FROM	TO
*	US 68	4.6 Warehouse LN (Consumer)	4.9 KY 55
*	KY 55	0.0 Adair CO LN	10.3 US 68

Weight Limit - Bridge over Green River @ milepoint 2.17
TY I = 20 tons, TY II = 32 tons, TY III = 34 tons, TY IV = 40 tons

UNION COUNTY

	ROAD	FROM	TO
*	US 60	1.4 KY 109	5.7 KY 109

Weight Limit - Bridge over Branch of Cypress Creek @ milepoint 3.66
TY I = 20 tons, TY II = 36 tons, TY III = 39 tons, TY IV = 57 tons

*	KY 56	0.0 Illinois State LN	2.7 KY 109

Weight Limit - Bridge over Ohio River @ milepoint 0.02
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 49 [~~40~~] tons

*	KY 109	0.0 Webster CO LN	13.7 KY 56

Weight Limit - Bridge over Cypress Creek @ milepoint 8.13
TY I = 20 tons, TY II = 34 [~~36~~] tons, TY III = 38 tons, TY IV = 55 tons
Weight Limit - Bridge over Geiger Creek Branch @ milepoint 9.72
TY I = 20 tons, TY II = 37 tons, TY III = 41 [~~38~~] tons, TY IV = 60 tons

*	**KY 141**	**0.0 US 60**	**4.0 KY 270 east**
*	**KY 270**	**11.0 KY 141**	**13.3 Webster CO LN**
*	KY 492	1.9 Davis Mine RD	2.5 KY 109
*	KY 1508	0.0 KY 109	3.6 [~~2.7 Pyro~~] Dock
		5.3 Canipe Dock	6.0 Private Haul Road

Weight Limit - Bridge over Unnamed Stream @ milepoint 5.61
TY I = 20 tons, TY II = 40 tons, TY III = 46 tons, TY IV = 60 tons

*	Davis Mine Road CR 5227	0.0 KY 109	0.3 Private Haul Road

WARREN COUNTY

	ROAD	FROM	TO
*	Green River Parkway	3.6 US 31W	18.2 Butler CO LN

Weight Limit - Bridge over US 31-W @ milepoint 3.57
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 59 tons

*	US 31W	0.0 Simpson CO LN	9.0 Green River PKWY

Weight Limit - Bridge over Seaboard System Railroad @ milepoint 7.99
TY I = 20 tons, TY II = 40 tons, TY III = 47 [~~42~~] tons, TY IV = 60 tons

WASHINGTON COUNTY

	ROAD	FROM	TO
*	Bluegrass Parkway	39.3 Nelson CO LN	44.8 Anderson CO LN

WEBSTER COUNTY

	ROAD	FROM	TO
*	Pennyrile PKWY	55.0 Hopkins CO LN	65.3 [~~65.6~~] Henderson CO LN
*	US 41	[~~0.0 Hopkins CO LN~~	~~2.8 KY 147~~]
		7.0 KY 494	12.1 Henderson CO LN

Weight Limit - Bridge B00096 over Mock Roy Creek @ milepoint 9.85
TY I = 20 tons, TY II = 36 tons, TY III = 50 tons, TY IV = 60 tons

*	US 41A	0.0 Hopkins CO LN	19.5 KY 56 East
*	KY 56	5.3 US 41A	12.5 US 41 (South)

Weight Limit - Bridge B00010 over Culvert @ milepoint 7.00
TY I = 20 tons, TY II = 37 tons, TY III = 50 tons, TY IV = 60 tons
Weight Limit - Bridge B00011 over Mock Roy Creek @ milepoint 11.62
TY I = 20 tons, TY II = 37 tons, TY III = 50 tons, TY IV = 60 tons

		12.5 US 41 (North)	14.4 Old Eastwood Ferry RD
*	KY 109	2.9 KY 670	14.7 Union CO LN

Weight Limit - Bridge over Crab Orchard Creek @ milepoint 7.33

TY I = 20 tons, TY II = 39 [37] tons, TY III = 43 [38] tons, TY IV = 59 [52] tons
Weight Limit - Bridge over Caney Fork @ milepoint 10.72
TY I = 20 tons, TY II = 36 [37] tons, TY III = 40 [38] tons, TY IV = 54 [52] tons

[*	~~KY 132~~	~~7.6 KY 109~~	~~16.4 US 41A~~

~~Weight Limit - Bridge B0062 @ milepoint 10.49~~
~~TY I = 20 tons, TY II = 22 tons, TY III = 23 tons, TY IV = 39 tons~~
~~Weight Limit - Bridge B0063 @ milepoint 11.15~~
~~TY I = 20 tons, TY II = 22 tons, TY III = 23 tons, TY IV = 39 tons~~
~~Weight Limit - Bridge over Crab Orchard Creek @ milepoint 12.55~~
~~TY I = 20 tons, TY II = 39 tons, TY III = 45 tons, TY IV = 60 tons~~

		~~23.6 Mine~~	~~25.9 KY 494~~
~~*~~	~~KY 147~~	~~0.0 US 41~~	~~3.5 Onton-Wrightsburg RD~~]
*	KY 270	**0.0 Union CO LN**	**2.4 Caney Fork**
		8.4 Mine	**13.2 US 41A** [~~8.9 Slover Creek RD~~]
*	KY 494	1.2 Mine [~~0.0 KY 123~~]	2.2 US 41
*	KY 670	0.0 KY 109	2.7 US 41A
*	KY 814	0.0 Hopkins CO LN	0.6 US 41A
[*	~~KY 1525~~	~~0.8 Mine Entrance~~	~~2.6 KY 109~~
~~*~~	~~Onton-Wrightsburg RD~~		
	~~CR 5024~~	~~0.0 KY 147~~	~~3.1 Dock~~]
*	Old Eastwood Ferry Road		
	CR 5034	0.0 KY 56	0.3 [~~0.5~~] Dock
*	Bruce RD		
	CR 5254	0.0 Luttontown-Lisman	0.9 Slover Creek RD
[*	~~Luttontown-Lisman RD~~		
	~~CR 5255~~	~~1.7 Bruce RD~~	~~2.5 Bill Dorris RD~~]
*	Bill Dorris RD		
	CR 5256	0.4 Tipple	1.4 Luttontown-Lisman RD
*	Slover Creek RD		
	CR 5257	0.0 Bruce RD	0.9 KY 270

WHITLEY COUNTY

	ROAD	FROM	TO
*	US 25W	0.0 Tennessee ST LN	14.1 KY 26 [~~15.9 KY 2987~~]

Weight Limit - Bridge over Elk Fork Creek @ milepoint 0.53
TY I = 20 tons, TY II = 28 tons, TY III = 37 [36] tons, TY IV = 40 tons
Weight Limit - Bridge over Clear Creek @ milepoint 5.04
TY I = 20 tons, TY II = 30 tons, TY III = 32 tons, TY IV = 40 tons
Weight Limit - Bridge over Clear Fork Creek @ milepoint 6.23
TY I = 20 tons, TY II = 30 tons, TY III = 32 tons, TY IV = 41 tons
Weight Limit - Bridge over L&N RR @ milepoint 11.02
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons

*	KY 11	0.0 KY 92	2.6 Knox CO LN
*	KY 26	0.0 US 25W (South)	10.5 Batontown School RD [~~12.3 KY 6~~]
*	KY 92	0.0 McCreary CO LN	21.3 KY 1064 at Louden [~~29.0 Pearl Siler RD~~]

Weight Limit - Bridge over Pleasant Run @ milepoint 0.23
TY I = 20 tons, TY II = 32 tons, TY III = 37 tons, TY IV = 60 tons
Weight Limit - Bridge over Pleasant Run @ milepoint 1.51
TY I = 20 tons, TY II = 29 tons, TY III = 32 tons, TY IV = 46 tons
Weight Limit - Bridge over Jellico Creek @ milepoint 2.99
TY I = 20 tons, TY II = 23 tons, TY III = 26 tons, TY IV = 38 tons
Weight Limit - Bridge over Briar Creek @ milepoint 8.39
TY I = 14 tons, TY II = 14 tons, TY III = 14 tons, TY IV = 14 tons
Weight Limit - Bridge over I-75 @ milepoint 11.00
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 53 tons
[~~Weight Limit - Bridge over Cumberland River @ milepoint 22.018~~
~~TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons~~]

		24.7 KY 11	28.0 KY 904

Weight Limit - Bridge over Golden Fork @ milepoint 26.66
TY I = 20 tons, TY II = 33 [32] tons, TY III = 36 tons, TY IV = 52 [51] tons
Weight Limit - Bridge over Harpes Creek @ milepoint 27.89
TY I = 20 tons, TY II = 30 [38] tons, TY III = 34 [40] tons, TY IV = 53 [60] tons

*	KY 628	1.5 Mine	5.2 US 25W

Weight Limit - Bridge over Possum Creek @ milepoint 3.91
TY I = 10 [20] tons, TY II = 10 [42] tons, TY III = 10 [43] tons, TY IV = 10 [60] tons
Weight Limit - Bridge over I-75 @ milepoint 4.91
TY I = 20 tons, TY II = 39 tons, TY III = 42 tons, TY IV = 50 tons

~~[* KY 779 8.0 Flat Creek RD 12.7 KY 11~~
~~Weight Limit - Bridge over Cumberland River @ milepoint 11.83~~
~~TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons]~~
* KY 904 0.0 KY 92 @ Suttons Mill 13.5 KY 92 @ Siler
Weight Limit - Bridge over Cumberland River @ milepoint 0.09
TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons
Weight Limit - Bridge over Poplar Creek @ milepoint 13.44
TY I = 20 tons, TY II = 38 tons, TY III = 43 tons, TY IV = 55 tons
~~[* KY 1064 9.3 KY 779 11.9 CR 5037~~
~~* KY 1595 0.7 Bell CO LN 4.6 KY 92~~
~~Weight Limit - Bridge over Poplar Creek @ milepoint 4.491~~
~~TY I = 20 tons, TY II = 33 tons, TY III = 38 tons, TY IV = 60 tons]~~
* KY 1804 0.0 US 25W 2.7 Sandy Flats RD
~~[2.9 Keswick Gatliff RD 5.1 Buck Creek RD~~
~~Weight Limit - Bridge over Cane Creek @ milepoint 3.04~~
~~TY I = 12 tons, TY II = 12 tons, TY III = 12 tons, TY IV = 12 tons]~~
* KY 1809 0.0 KY 92 1.4 Knox CO LN
Weight Limit - Bridge over Golden Creek @ milepoint 0.21
TY I = 20 tons, TY II = 36 tons, TY III = 40 tons, TY IV = 56 tons
~~[* KY 2987 0.0 US 25W 0.3 End of State Maintenance]~~
* Goldens Creek RD
CR 5171 0.0 KY 1809 0.7 Knox CO LN
~~[* Keswick Gatliff Road~~
~~CR 5227 0.0 KY 1804 8.0 KY 904~~
~~Weight Limit - Bridge over Bonnette Branch~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 33 tons, TY IV = 56 tons~~
~~* Buck Creek RD~~
~~CR 5253 0.0 KY 1804 1.2 Mine]~~
* Old Williamsburg - Jellico RD
CR 5260 2.1 Jasper - Redmond ST 2.5 Clear Ck - Mt Ash RD
* Jasper - Redmond ST (Mountain Ash)
CR 5261C 0.0 US 25 W 0.3 Old Williamsburg - Jellico RD
* Savoy - Clear Creek - Mountain Ash RD
CR 5262 7.0 Mine 8.2 Old Williamsburg - Jellico RD
* Little Patterson Creek RD
CR 5265 0.0 KY 904 1.8 Mine
~~[* Sandy Flats RD~~
~~CR 5274 0.0 KY 1804 1.5 Mine~~
~~* Happy Hollow Rd~~
~~CR 5306 0.0 KY 92 1.8 Mine]~~
* Jellico Creek RD
CR 5333 0.0 KY 92 2.0 Mine
~~[* Ryans Creek RD~~
~~CR 5335 0.0 CR 5333 1.0 CR 5336~~
~~* Bucks Branch RD~~
~~CR 5336 0.0 Mine 1.0 CR 5335]~~

WOLFE COUNTY

	ROAD	FROM	TO
*	Mountain PKWY	36.0 Powell CO LN	57.7 Morgan CO LN

Weight Limit - Bridge B00046 over Swiftcamp Creek and Harvest RD @ milepoint 43.77
TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 47 tons
Weight Limit - Bridge B0047 over KY 191 @ milepoint 46.22
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons
Weight Limit - Bridge B00051 over KY 1812 @ milepoint 49.67
TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 53 tons
Weight Limit - Bridge B00041 over Gilmore Creek @ milepoint 55.17
TY I = 20 tons, TY II = 41 tons, TY III = 41 tons, TY IV = 54 tons
Weight Limit - Bridge over KY 205 @ milepoint 57.19
TY I = 20 tons, TY II = 43 tons, TY III = 43 tons, TY IV = 60 tons

*	KY 11	0.0 Lee CO LN	5.3 Powell CO LN
*	KY 15	0.0 Breathitt CO LN	9.5 KY 191 ~~[12.9 Mountain PKWY]~~

Weight Limit - Bridge B0035 over Holly Creek @ milepoint 1.79
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons
* KY 15S 0.0 KY 15 1.1 Mountain PKWY
Weight Limit - Bridge over Mountain Parkway @ milepoint 1.05
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 ~~[58]~~ tons

*	KY 191	0.0 KY 15	3.0 Mountain PKWY [~~9.7 KY 1010~~]
	Weight Limit - Bridge over Swift Camp Creek @ milepoint 0.240		
	TY I = 20 tons, TY II = 22 tons, TY III = 24 tons, TY IV = 31 tons		
	~~[Weight Limit - Bridge over Stillwater Creek @ milepoint 4.481~~		
	~~TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 42 tons~~		
	~~Weight Limit - Bridge over Lacey Creek @ milepoint 9.482~~		
	~~TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 31 tons~~		
~~*~~	~~KY 205~~	~~0.0 Breathitt CO LN~~	~~6.4 Mountain PKWY~~
~~*~~	~~KY 651~~	~~0.0 Sandy Ridge RD~~	~~2.1 KY 15~~
~~*~~	~~KY 1010~~	~~6.1 Buchanan Fork RD~~	~~7.1 KY 191~~
~~*~~	~~KY 1419~~	~~0.0 Breathitt CO LN~~	~~1.0 Mine~~
~~*~~	~~KY 1812~~	~~0.0 Breathitt CO LN~~	~~6.3 KY 191~~
~~*~~	~~Chapel Branch RD~~		
	~~CR 5002~~	~~0.0 KY 1010~~	~~0.6 CR 5004~~
~~*~~	~~P&M Haul RD~~		
	~~CR 5004~~	~~0.0 CR 5002~~	~~0.9 Mine~~
~~*~~	~~Sandy Ridge RD~~		
	~~CR 5220~~	~~0.0 KY 651~~	~~3.6 Mine~~
~~*~~	~~Cloaten Green River RD~~		
	~~CR 5022~~	~~0.0 KY 1010~~	~~1.4 Mine]~~

WOODFORD COUNTY

	ROAD	FROM	TO
*	Bluegrass Parkway	61.9 Anderson CO LN	71.1 US 60
*	US 60	0.0 Franklin CO LN	13.0 Fayette CO LN

Section 6. [~~5.~~] Restricted Bridge Use. A person shall not operate, or knowingly cause to be operated, on any bridge listed in Section 4 of this administrative regulation any vehicle whose gross vehicle weight exceeds the weight limits specified for that bridge.

Section 7. [~~6.~~] Bridge Posted Weight Limits. In accordance with KRS 189.230(3), the Department of Highways shall post the gross vehicle weight limits for each bridge listed in Section 5 [~~4~~] of this administrative regulation.

Section 8. [~~7.~~] Additional Bridge Restrictions. A person shall not operate, or knowingly cause to be operated, on any bridge on the extended weight coal haul road system any vehicle whose gross vehicle weight exceeds the limits specified by a notice posted pursuant to KRS 189.230(3).

Section 9. [~~8.~~] Local Resolutions. Resolutions of local governing bodies issued pursuant to KRS 177.9771(9) making recommendations to the Secretary of Transportation shall be submitted to: Secretary of Transportation, Transportation Cabinet, 501 High Street, State Office Building, Frankfort, Kentucky 40622. The resolution shall set forth a specific description of the road or road segments under consideration. The resolution shall further set forth with specificity those conditions which give rise to inherent and definite hazards or create special conditions which the Secretary of the Transportation Cabinet needs to consider.

Section 10. [~~9.~~] Incorporation by Reference. A copy of the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions is hereby incorporated by reference as part of this administrative regulation. A copy of the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions may be viewed at the Transportation Cabinet, Department of Highways, Division of Maintenance, 7th Floor, State Office Building, 501 High Street, Frankfort, Kentucky. Office hours are 8 a.m. until 4:30 p.m., eastern time on weekdays. Copies of the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions may be obtained from the American Association of State Highway and Transportation Officials, 444 North Capitol Street, N.W., Suite 225, Washington, D.C. 20001.

J.M. YOWELL, P.E., State Highway Engineer
JERRY D. ANGLIN, Deputy Secretary and Commissioner
DON C. KELLY, P.E., Secretary
APPROVED BY AGENCY: January 13, 1995
FILED WITH LRC: February 6, 1995 at 9 a.m.

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

603 KAR 9:010. Railroad crossing [~~alteration and~~] closure procedure.

RELATES TO: KRS 177.120-177.130
STATUTORY AUTHORITY: KRS 177.120
NECESSITY AND FUNCTION: KRS 177.120 requires the Transportation Cabinet to promulgate administrative regulations that contain standards governing the closure of [~~establishment, vacation, relocation, and separation of grades at~~] public railway/highway grade crossings. This administrative regulation sets forth procedures the Transportation Cabinet shall follow regarding the production of a list of railroad crossings which shall be considered for closure, the evaluation of the candidate list with respect to possible closure, and the ultimate decision to recommend closure [~~or other appropriate changes to highway facilities crossing railroad rights-of-way~~]. KRS 177.120 considers that public safety will be enhanced by the closure of redundant and inherently dangerous crossings.

Section 1. Candidate Lists. (1) The Transportation Cabinet shall compose a list of candidate railroad crossings for possible closure or other appropriate action drawn from the following sources:

(a) Responses to a letter sent to each county or local government in the Commonwealth through which railroad rights-of-way pass requesting a list of railroad crossings suggested for closure;

(b) Responses to a letter sent to each railroad company operating in the Commonwealth requesting a list of railroad crossings suggested for closure;

(c) Recommendations from other public or private agencies or individuals; and

(d) Railroad crossings which the Transportation Cabinet considers candidates for closure.

(2) The Transportation Cabinet may consider any railroad crossing as a candidate for closure when:

(a) An alternate railroad crossing is available within one-quarter (1/4) track mile in urban areas and the railroad crossing has a current average daily traffic count of 500 vehicles or less;

(b) An alternate railroad crossing is available within one (1) track mile in rural areas and the railroad crossing has a current average daily traffic count of 150 vehicles or less; or

(c) The railroad crossing has sight distance obstructions or other layout characteristics which create unsafe conditions and closure of the railroad crossing is an economically preferable alternative to correcting the deficiencies at the site , and an alternate crossing is available as required in paragraphs (a) and (b) of this subsection.

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

Section 2. Evaluation. (1) The Transportation Cabinet's recommendation regarding a candidate railroad crossing shall include one (1) or more of the following factors:

(a) Highway traffic flow through the railroad crossing;

(b) Highway operating speeds through the railroad crossing;

(c) Train traffic through the railroad crossing;

(d) Train speed through the railroad crossing;

(e) Character, function and type of highway traffic through the railroad crossing;

(f) The necessity of the crossing for provision of emergency services;

(g) Accident history at the railroad crossing for the past five (5) years;

(h) Railroad crossing geometry including sight distance, acute crossing angle, high profile~~[, etc.]~~;

(i) Type of warning device currently in place at the railroad crossing;

(j) Condition of alternate railroad crossing surface;

(k) Condition of alternate railroad crossing;

(l) Distance and time to alternate railroad crossing;

(m) Character of adjacent road network;

(n) Reasonable access to public and private lands;

(o) Use of the railroad crossing by pedestrians and bicycles;

(p) Frequency of roadway blockage by trains;

(q) Community impacts of train whistle;

(r) Economic importance of the railroad crossing;

(s) Development projections in the vicinity of the railroad crossing ; or

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

(2)(a) The Transportation Cabinet may consider a number of railroad crossings as a group in evaluating the merits of closing a given railroad crossing. If many railroad crossings of a rail line exist close together, the cabinet may recommend that one (1) or more of the railroad crossings be closed, subject to other evaluation criteria.

(b) The Transportation Cabinet may perform or recommend the performance of a traffic study of the road network in the vicinity of a railroad crossing being considered for closure to analyze the effect of the closure on users of the railroad crossing and on local traffic flow.

(c) The Transportation Cabinet may evaluate a railroad crossing in terms of its economic costs and benefits, considering:

1. The railroad crossing's effects on highway and rail operations safety;

2. Changes in highway capital and maintenance costs due to closure;

3. Effects on local business operations and property values, either positive or negative;

4. Effects on rail and highway vehicle operating costs due to closure; or

5. Any other effect which may have economic impact.

Section 3. Data Verification. If the evaluation performed pursuant to Section 2 of this administrative regulation indicates that a railroad crossing is a candidate for closure, the Transportation Cabinet shall :

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

(2) Verify elements of its information file which are critical to accurate evaluation of the particular railroad crossing. This verification shall, as available, consist of the following:

(a) Collection of updated information from local officials;

(b) Collection of updated information from officials of the affected railroad company; and

(c) Field data collection activities such as updated traffic counts at the railroad crossing.

Section 4. Public Input. (1) If based on the evaluation results of Sections 2 and 3 of this administrative regulation the Transportation Cabinet reaches a preliminary decision to recommend closure of a railroad crossing, the Transportation Cabinet may conduct public information meetings regarding the proposed railroad crossing closure in the region affected by the proposed closure.

(2) If a hearing is requested as specified in KRS 177.120(3), the Transportation Cabinet shall hold a public comment ~~[contested case]~~ hearing in accordance with 600 KAR 1:030 ~~[010]~~ ~~[the hearing process specified in 601 KAR 1:030, except that the transcript shall be paid for by the Transportation Cabinet and the Report and Recommended Order shall be presented to the Transportation Secretary]~~.

(3) ~~[The burden of proof for retention of the railroad crossing shall be the responsibility of the individuals, organizations, or agencies that contested the closure decision.~~

~~(4)~~] The Transportation Cabinet Secretary's decision following the public hearing shall be based on the evaluation performed and information obtained in Sections 2 and 3 of this administrative regulation, subject to new information acquired through the public information and hearing process.

Section 5. Official Order. (1) If the Transportation Cabinet's final decision is to close the candidate railroad crossing, the secretary shall issue an official order to that effect.

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

(3) After the issuance of the official order by the secretary:

(a) The railroad involved shall physically remove the crossing from the tracks; and

(b) The entity maintaining the highway shall:

1. Remove or barricade the approaches to the crossing; or

2. Sign the approaches in accordance with the requirements of 603 KAR 5:050.

Section 6. Local Closures. The Transportation Cabinet's railroad crossing closure program, as mandated by KRS 177.120, shall not preclude local officials and railroad companies from pursuing railroad crossing closure agreements independent of the cabinet's program.

~~[Section 7. 1993 Proposed List of Crossings to be Closed. (1) The Transportation Cabinet has determined in accordance with the provisions of this administrative regulation that the following railroad crossings should be closed:~~

~~County Railroad Location ID Number~~

~~(a) Carroll CSX Simmons St. @ Worthville 345645N~~
~~(b) McCreary Southern Strunk Pine Knot Loop 841898M~~
~~(c) Mason CSX Walnut St. in Maysville 229280S~~
~~(d) Oldham CSX Connector Rd/0.5 N 345546R Camden Rd~~
~~(e) Oldham CSX Connector Rd/.3 SW 345547X Glenarm Rd~~

~~(2) The Transportation Cabinet hereby offers the opportunity for a hearing on any of these proposed closures. A hearing request shall be received at the Division of Planning, 419 Ann Street, Frankfort, Kentucky 40622, within thirty (30) days of the publication of this proposed amended administrative regulation in the Administrative Register.]~~

J.M. YOWELL, P.E., State Highway Engineer
JERRY D. ANGLIN, Deputy Secretary and Commissioner
DON C. KELLY, P.E., Secretary
APPROVED BY AGENCY: February 10, 1995
FILED WITH LRC: February 10, 1995 at 10 a.m.

EDUCATION, ARTS, AND HUMANITIES CABINET
Department of Education
Bureau of Learning Results Services
(As Amended)

703 KAR 4:010. The formula for determining successful schools.

RELATES TO: KRS 158.645, 158.6451, 158.6453, 158.6455
STATUTORY AUTHORITY: KRS 156.070, 158.6455
NECESSITY AND FUNCTION: KRS 158.6455 gives the State Board for Elementary and Secondary Education the authority to promulgate administrative regulations to establish a system of determining successful schools and a system of rewards and sanctions for certified staff in schools and for certified staff who are not assigned to a school in a local school district. Successful schools must be defined in terms of student achievement of the goals set forth in KRS 158.645, and these goals were adopted by the State Board for Elementary and Secondary Education on December 19, 1991, pursuant to KRS 158.6451. Finally, successful schools must be defined with reference to the statewide assessment program set forth in KRS 158.6453.

Section 1. Definitions. (1) "Accountability index" means the statistic which is the combination [~~average~~] of the academic [~~cognitive~~] and noncognitive indices for a school.

(2) "Baseline" means the accountability index score which describes the school's percentage of successful students at the beginning of each biennium.

(3) "Academic [~~Cognitive~~] index" means the statistic which describes school success on the cognitive goals set forth in KRS 158.6451(1)(b).

(4) "Common open-ended questions" means assessment items which are taken by all students in the accountability grades and which require [~~short~~] written answers.

(5) "Declines by [~~less than~~] five (5) percent or more" means obtains an average accountability index for the biennium **which is [**~~of less than~~**]** [~~which is~~] five (5) or more points below its baseline [~~for~~] that is established at the beginning of the biennium, is based on performance during the previous biennium, and obtains a year two (2) accountability index below its improvement goal for the biennium.

(6) "Declines by less than five (5) percent" means obtains an average accountability index which is less than [~~five (5) points below~~] its baseline for that biennium, **but which is not five (5) or more points below its baseline** and obtains a year two (2) accountability index below the improvement goal for the biennium.

(7) "Maintains the previous percentage of successful students" means obtains an average accountability index not less than the baseline nor equal to or greater than its improvement goal assigned at the beginning of [~~threshold for~~] that biennium, and obtains a year two (2) accountability index below the improvement goal for the biennium.

(8) "Matrix-sampled open-ended questions" means assessment items which are taken by a sample of students and which require short written answers.

(9) "Noncognitive index" means the statistic which describes school success on the noncognitive goals set forth in KRS 158.6451(1)(c), (d), (e), and (f).

(10) "Percentage of successful students" means the [~~"percentage of successful students" statistic, which shall also be referred to as the~~] accountability index.

(11) "Performance events" means assessment tasks that require students to apply what they have learned in a real-life context.

(12) "Performance levels" means categories of student learning in each of the content areas, i.e., novice, apprentice, proficient, or distinguished.

(13) "Portfolio scores" means the scores assigned by teachers, or scores reassigned through portfolio scoring review procedures, to a collection of a student's best work in a given content area.

(14) "Improvement goal [~~Threshold~~]" means the accountability index score which describes the amount of growth required for a school or school district for [~~during each year of~~] the biennium.

(15) "Alternate portfolio" means that component of the assessment system designed for students who cannot with all assistance and adaptive devices available participate in the regular assessment process.

(16) "Year two (2) accountability index" means the accountability index a school or school district obtains in the second year of the biennium.

Section 2. The data used in the formula for determining successful schools shall be the academic [~~cognitive~~] and noncognitive data gathered in the statewide assessment program during each biennium pursuant to KRS 158.6453.

Section 3. For the 1992-94 biennium the baseline shall be based on data from the 1991-92 assessment program. For subsequent biennia the baseline shall be based on the weighted average of the two (2) years of assessment data from [~~for~~] the most recent previous biennium.

Section 4. The points assigned to each performance level for purposes of computing the academic [~~cognitive~~] indices shall be: novice = zero; apprentice = two (2); proficient = five (5); and distinguished = seven (7).

Section 5. For purposes of computing the academic index [~~cognitive, noncognitive and accountability indices~~] the data shall be transformed to a scale such that a school with all of its students at the novice level shall receive a score of zero and a school with all of its students at the proficient level shall receive a score of 100.

Section 6. Computing the academic [~~cognitive~~] index for each content area (writing, reading, mathematics, science, [~~and~~] social studies, arts and humanities, and practical living/vocational studies) shall require determining the percentage of students at each performance level with the following weighting and combining of data:

(1) Writing: portfolio scores - 100 percent;

(2) Reading; common open-ended questions - fifty (50) percent, and matrix-sampled open-ended questions - fifty (50) percent;

(3) Mathematics:

(a) Grade 4: common open-ended questions - forty (40) percent,

matrix-sampled open-ended questions - forty (40) percent, and performance events - twenty (20) percent.

(b) For the 1992-94 Biennium, Grade 8 and Grade 12 mathematics: common open-ended questions - forty (40) percent, matrix-sampled open-ended questions - forty (40) percent, performance events - twenty (20) percent, and mathematics portfolio scores - zero percent.

(c) For the 1994-96 Biennium, Grade 8 and Grade 12 mathematics: common open-ended questions - thirty (30) percent, matrix-sampled open-ended questions - thirty (30) percent, performance events - ten (10) percent, and mathematics portfolio scores - thirty (30) percent.

(4) Science: common open-ended questions - forty (40) percent, matrix-sampled open-ended questions - forty (40) percent, and performance events - twenty (20) percent; [~~and~~]

(5) Social studies: common open-ended questions - forty (40) percent, matrix-sampled open-ended questions - forty (40) percent, and performance events - twenty (20) percent;

(6) Arts and humanities: matrix-sampled open-ended questions - seventy (70) percent, and performance events - thirty (30) percent; and

(7) Practical living/vocational studies: matrix-sampled open-ended questions - eighty (80) percent, and performance events - twenty (20) percent.

Section 7. Alternate Portfolios. Scores from alternate portfolios shall be included in the academic indices so that the data from each alternate portfolio completed by students eligible to participate in this assessment component contributes the same weight to the academic component of the accountability index as would a student participating in the regular components of the assessment program. This shall be done by considering each alternate portfolio student's scores on all common and two (2) matrix items in all subject areas, on writing and mathematics portfolio, and on a practical living/vocational studies performance event which shall be the same as that student's alternate portfolio score.

Section 8. [~~7.~~] Once the percentage of students at each performance level in each content area has been calculated, each percentage shall be multiplied by the appropriate points described in Section 4 of this administrative regulation and transformed to the scale described in Section 5 of this administrative regulation.

Section 9. Components of Noncognitive Index. [~~8.~~] The values for attendance rate and successful transition to adult life rate shall be the actual percentage reported. The values for retention rate and dropout rate shall be 100 minus the actual percentage reported.

Section 10. [~~9.~~] The weights assigned to each noncognitive variable shall be:

(1) Grade 4: attendance rate - eighty (80) percent and retention rate - twenty (20) percent;

(2) Grade 8: attendance rate - forty (40) percent, retention - forty (40) percent, and dropout rate - twenty (20) percent; and

(3) Grade 12: attendance rate - twenty (20) percent, retention - five (5) percent, dropout rate - thirty-seven and five-tenths (37.5) percent, and transition rate - thirty-seven and five-tenths (37.5) percent.

(4) Beginning with the accountability index calculated for the 1994-95 school year, noncognitive data shall be calculated using the data from the previous school year.

Section 11. [~~10.~~] To compute the noncognitive index the weights for each noncognitive variable described in Section 10 [~~9~~] of this administrative regulation shall be multiplied by the value for each noncognitive variable described in Section 9 [~~8~~] of this administrative regulation.

Section 12. [~~11.~~] To compute the accountability index the academic [~~cognitive~~] index for each content area and the noncognitive index shall be calculated by summing the weighted indices as follows: [~~averaged.~~]

	Weight
Reading Index	14
Mathematics Index	14
Science Index	14
Social Studies	14
Writing	14
Arts and Humanities	7
Practical Living/Vocational Studies	7
Noncognitive Index	16

Section 13. [~~12.~~] A local district's accountability index shall be calculated by aggregating the data from all of the students in that district. [~~the weighted average of its schools' accountability indices.~~]

Section 14. [~~13. By January of the first school year in each biennium, the board shall approve a procedure for the calculation of a threshold for each school.~~] A local district's improvement goal [~~threshold~~] shall be its baseline [~~the weighted average of its schools' threshold. For the 1992-94 biennium, a school's threshold shall be its 1991-92 accountability~~] index as calculated per Section 13 of this administrative regulation plus one-tenth (0.1) the difference between 100 and the school's baseline [~~1991-92 accountability~~] index.

Section 15. [~~14.~~] To determine whether a school or district is successful, its accountability index for the two (2) years of the biennium shall be averaged and compared to its improvement goal [~~threshold~~] calculated from the results of the previous biennium. Schools and districts whose average accountability index is equal to or greater than its improvement goal [~~threshold~~] shall be declared successful.

[~~Section 15. "Creating Thresholds from KIRIS Data", December 2, 1992, is hereby adopted and incorporated by reference. Copies of this document may be inspected, copied, and obtained from the Office of Curriculum, Assessment, and Accountability, Department of Education, 19th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. through 4:30 p.m.~~]

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: February 14, 1995
FILED WITH LRC: February 14, 1995 at noon

KENTUCKY HEALTH POLICY BOARD
(As Amended)

909 KAR 1:070. Data reporting by health care providers.

RELATES TO: KRS 216.2905, 216.2920 to 216.2947
STATUTORY AUTHORITY: KRS 216.2905, 216.2925
NECESSITY AND FUNCTION: KRS 216.2905 and 216.2925 mandate the Kentucky Health Policy Board to promulgate administrative regulations requiring specified health care providers to provide

the board with data on cost, quality and outcomes of health care services provided in the Commonwealth. This administrative regulation sets forth the data elements, forms, and timetables the board requires to carry out this mandate.

Section 1. Definitions. (1) "Board" means the Kentucky Health Policy Board.

(2) "Hospitalization" means the inpatient medical episode identified by a patient's admission date, length of stay and discharge date, and further identified by a provider-assigned patient control number unique to that inpatient episode. Excluded from this definition are inpatient services a hospital may provide in swing, dual licensed, nursing facility, skilled, intermediate or personal care beds, hospice, and major ambulatory procedures notwithstanding that these may occur in hospitals.

(3) "Major ambulatory procedure" means the provision to an ambulatory patient of any ambulatory surgery, any cardiac catheterization, or any patient service using lithotripsy, magnetic resonance imaging or megavoltage radiation by linear accelerator or cobalt 60. Major ambulatory procedures may be related or unrelated to hospitalizations, may involve the use of either fixed or mobile medical equipment, and may occur in a physician office, a clinic, a hospital emergency, ambulatory or outpatient department by any name, or any other noninpatient situation or location where a major ambulatory procedure is provided.

(4) "Selected [~~Major~~] ambulatory surgery" means the following specific surgeries:

Dilation and curettage	Myringotomy with or without ventilation tubes
Hernia repair	Colonoscopy
Gastroscopy	Cystoscopy with or without retrograde urography
Bronchoscopy	Tubal ligation
Vasectomy	Cataract surgery
Laser surgery (eye)	Arthroscopy
Angioplasty	Septoplasty
Hemorrhoid surgery	Lymph node biopsy
Colposcopy with or without conization	Breast biopsy
Laparoscopic cholecystectomy	Carpal tunnel release
Arteriogram with or without angioplasty	Tonsillectomy

(5) "UB-92" means the uniform billing form identified by the federal Health Care Financing Administration as HCFA Form 1450, as recommended by the National Uniform Billing Committee and adopted by the Kentucky Uniform Billing Committee for use by hospitals and other providers in billing for hospitalizations and ambulatory encounters, as incorporated by reference in Section 9 of this administrative regulation.

(6) "HCFA-1500" means the uniform billing form identified by the federal Health Care Financing Administration as HCFA Form 1500, approved by the American Medical Association Council on Medical Service and commonly used to bill for ambulatory patient encounters, as incorporated by reference in Section 9 of this administrative regulation.

(7) "Coding and transmission specifications" means the technical directives the board issues concerning technical and technological matters subject to frequent change, including codes and data for uniform provider entry into particular character positions and fields of the UB-92 and HCFA-1500 and uniform provider formatting of fields and character positions for purposes of electronic data transmissions.

(8) "Record" means the documentation of a hospitalization or major ambulatory procedure in the format of a UB-92 or HCFA-1500 regardless whether constituted as a paper form or on a computer-readable electronic medium.

(9) "Agent" means any entity with which the board may contract pursuant to carrying out its statutory mandates and may designate to act on behalf of the board to collect, edit or analyze data from providers.

(10) "Provider" means a hospital, ambulatory facility, physician office, clinic or other entity of any nature providing hospitalizations or major ambulatory procedures as defined in this administrative regulation.

Section 2. Data Collection. (1) Hospitalization records. Beginning January 1, 1995, hospitals shall document on a UB-92 record each hospitalization they provide, and shall from every record copy and provide to the board or its agent not less than the data specified in Section 7 of this administrative regulation.

(2) Major ambulatory procedure and mammography records.

(a) Beginning January 1, 1995, ambulatory facilities and hospitals providing major ambulatory procedures or mammograms shall document on a UB-92 or HCFA-1500 record, as designated by the board, every major ambulatory procedure and mammogram they provide, and shall from every record copy and provide to the board or its agent not less than the data specified in Section 7 of this administrative regulation.

(b) Beginning July 1, 1995, physician offices, clinics and other entities of any nature providing major ambulatory procedures or mammograms shall document on a UB-92 or HCFA-1500 record, as designated by the board, the major ambulatory procedures and mammograms they provide, except that reporting of surgeries shall be limited to selected [~~major~~] ambulatory surgeries as defined in this administrative regulation, and shall from every record copy and provide to the board or its agent not less than the data specified in Section 7 of this administrative regulation.

(3) Data collection on all patients. Providers shall submit all required data on every patient as provided in this administrative regulation, regardless whether a bill is to be generated or the services are to remain unbilled.

Section 3. Data Finalization and Submission. (1) Submission of final data. Data shall be deemed final for purposes of submission to the board or its agent as soon as a record is sufficiently final that the provider could submit it to a payor for billing purposes, regardless whether the record has actually been submitted to a payor.

(a) Finalized data shall not be withheld from submission to the board on grounds that it remains subject to adjudication by a payor.

(b) Data on hospitalizations shall not be submitted to the board or its agent before a patient is discharged or before the record is sufficiently final that it could be used for billing.

(2) Submission responsibility.

(a) When a patient is served by a mobile health service, specialized medical technology service, or other situations where one provider provides services under contract or other arrangement with another provider, responsibility for providing the specified data to the board or its agent shall reside with the entity that bills for the service or otherwise would do so in the event a service is unbilled.

(b) All charges for physician services occurring within a hospital shall be reported to the board. Responsibility for reporting the physician charge data shall rest with the hospital only when the physician is an employee of the hospital. Any physician charge(s) contained within a record generated by a hospital shall be clearly identified in a separate field within the record so that the board may ensure comparability when aggregating them with other hospital records that do not contain any physician charges.

(3) Transmission of records.

(a) Data submitted to the board or its agent shall be uniformly completed and formatted according to coding and transmission specifications issued by the board.

(b) Hospitals shall submit data on computer-readable electronic media, and all other providers with capability to submit records on

computer-readable electronic media shall do so.

(c) All providers shall provide back-up security against accidental erasure or loss of the data until incomplete or inaccurate records identified by the board, if any, have been corrected and resubmitted.

(d) Any data submitted by mail shall be by registered mail.

(e) Any provider who submits records in the form of paper copies shall either deliver the copies to the board or its agent, or send them in secure packaging by mail postmarked no later than the due date.

(f) Personal identification fields including the patient's name, Social Security number, street address and four (4) digit ZIP code suffix if any (but not city or five (5) digit ZIP code) shall be rendered unreadable on paper copies before the copies are submitted to the board, and shall not be included with electronically submitted data.

(4) Verification and audit trail for electronic data submissions.

(a) Each provider shall maintain a date log of all data submissions and the number of records contained in each submission, and shall make the log available for inspection upon request by the board.

(b) The board or its agent shall periodically, by electronic message or mail, verify to each provider the receipt of the provider's data transmissions and the number of records in each transmission.

(c) A provider shall immediately notify the board of any discrepancy between the provider's date log and a verification notice.

Section 4. Data Submission Timetable. (1) Quarterly submissions. Providers shall submit data at least once for each calendar quarter. A quarterly submission shall contain data, from all records of patients admitted on or after January 1, 1995, which during that quarter became final as specified in subsection 3(1) of this administrative regulation, and shall be submitted to the board not later than forty-five (45) [~~thirty (30)~~] days after the last day of the quarter.

(a) If the 45th [~~30th~~] day falls on a weekend or holiday the submission due date shall become the next following working day.

(b) Calendar quarters shall be January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31.

(c) The [~~latest~~] date for the first required data submission under this administrative regulation shall be, for quarterly data collected after January 1, 1995, sixty (60) days following official release of the board's coding and transmission specifications. [~~April 30, 1995 for the quarter ending March 31, 1995.~~]

(2) Submissions more frequent than quarterly. Providers may submit data at any time after records become final as specified in Section 3(1) of this administrative regulation, and at any frequency each provider deems convenient for accumulating and submitting batch data.

Section 5. Data Corrections. (1) Editing. All data received by the board or its agent will upon receipt be edited to ensure completeness and validity of the data for further processing. Computer editing routines will identify for correction every record in which the submitted contents of required fields are not consistent with the board's coding and transmission specifications.

(2) Time permitted for corrections. The board shall allow providers thirty (30) days in which to submit corrected copies of initially submitted data the board or its agent identifies as incomplete or invalid as a result of edits.

(a) The thirty (30) days shall begin on the date of the board's notice informing the provider that corrections are required.

(b) Providers shall submit corrected data by either electronic transmission or postmarked mailing within the thirty (30) days.

(c) Corrected data submitted to the board or its agent shall be uniformly completed and formatted according to the board's coding and transmission specifications.

(d) During the start-up months between January 1, 1995 and September 30, 1995, the board may in its discretion grant a provider an extension of time to submit corrections, provided that the provider has informed the board of significant problems in performing the corrections and has formally requested an extension of time beyond the thirty (30) day limit.

(3) Percentage error rate.

(a) When editing data upon its initial submission, the board or its agent shall identify and return to the provider for correction every record in which any one (1) or more required data elements fails to pass the edit, and shall count the total number of required data elements returned to be corrected as 100 percent of the data elements for that submission subject to correction by the provider.

(b) When editing data that a provider has **submitted** [~~resubmitted following corrections~~], the board or its agent shall check for **an** [~~a remaining~~] error rate **in each field of** no greater than two (2) percent of the **total** data elements [~~originally returned to the provider for correction~~].

(c) The board may return for further correction(s) any submission of allegedly corrected data in which the provider fails to achieve a corrected error rate of ninety-eight (98) percent or greater **in each field of the data elements.** [~~of the data elements originally returned to the provider to be corrected.~~]

(d) For the first data submission, the board shall not count as errors any data for patients admitted prior to thirty (30) days following official release of coding and transmission specifications.

(4) Postsubmission data changes. A provider shall initiate, as a correction, a resubmission of data previously submitted to the board if at any time up to six (6) months after the original submission date the provider issues a rebilling in which the rebilled record contains one (1) or more changes from the originally submitted data as follows:

(a) Any change which constitutes an aggregate change of the originally submitted total charge by at least three (3) percent or $500, whichever is greater, if a hospitalization; or ten (10) percent or $100, whichever is greater, if an ambulatory encounter; or

(b) Any change of or addition to primary or secondary diagnoses or procedures.

Section 6. Working Contacts. (1) Beginning January 20, 1995 and annually thereafter by January 1, each provider who is required by this administrative regulation to submit data shall report by letter to the board the names and telephone numbers of a designated working contact person and a back-up person to facilitate technical staff follow-up in dealing with daily working details by employees of the board or its agent. A provider's designated contact and back-up may not be the chief executive officer unless no other person(s) employed by the provider has the requisite technical expertise.

(2) If the chief executive officer, designated contact person or back-up person changes during the year the name of the replacing person shall be reported immediately to the board.

Section 7. Required Data Elements. (1) UB-92 data. Providers shall ensure that each copy of UB-92 data submitted to the board contains at least the following data elements as provided for on the UB-92 form. Asterisks identify elements that shall not be blank and shall contain data or a code as specified in the board's coding and transmission specifications.

Field #	Data Element Label
2	* Ethnicity
3	* Provider Assigned Patient Control Number
4	* Type of Bill (inpatient, outpatient or other)
5	* Federal Tax Number or Employer Identification Number (EIN)
6	* Statement Covers Period
11	Patient Birth Weight (state-reserved field)
13	* Patient City and Zip Code
14	* Patient Birthdate
15	* Patient Sex
16	Patient Marital Status
17	* Admission/Start of Care Date

18	Admission Hour
19	* Type of Admission
20	* Source of Admission
21	Discharge Hour
22	* Patient Status (at end of service or discharge)
23	* Provider Assigned Medical Record Number
32-35	[*] Occurrence Codes & Dates
36	Occurrence Span Codes & Dates
39-41	[*] Value Codes and Amounts
42	* Revenue Codes/Groups
46	[*] Units of Service
47	* Total Charges by Revenue Code Category
50	* Payor Identification
56	KenPAC Authorization (Provider) Number
67	* Principal Diagnosis Code
68-75	[*] Secondary and Other Diagnosis Codes
76	* Admitting Diagnosis Code
77	External Cause of Injury Code (E-code)
78a	Unusual Occurrence: Readmission
78b	Unusual Occurrence: Nosocomial Infection
79	* Procedure Coding Method Used
80	[*] Principal Procedure Code & Date
81	[*] Secondary and Other Procedure Codes & Date
82	* Attending Physician Unique Physician Identification Number (UPIN) or alternate number
83	[*] Other Physician UPIN or alternate number

(2) HCFA-1500 data. Providers shall ensure that each copy of HCFA-1500 data submitted to the board contains at least the following data elements as provided for on the HCFA-1500 form. Asterisks identify elements that shall not be blank and shall contain data or a code as specified in the board's coding and transmission specifications.

Field #	Data Element Label
1	* Payor Identification
3	* Patient Birthdate and Patient Sex
5	* Patient City and Zip Code
8	Patient Marital Status
10a	Patient Condition Related to Employment
10b	Patient Condition Related to Auto Accident
10c	Patient Condition Related to Other Accident
14	* Date of Current Illness, Injury, or Pregnancy
15	First Date of Previous Same/Similar Illness
17a	* Referring/Ordering Physician UPIN or alternate number
18	Hospitalization Dates Related to Current Services
19	* Ethnicity
20	Outside Lab Use & Charges
21	* Diagnosis or Nature of Illness or Injury
24a	* Date(s) of Each Procedure/Service/Supply
24b	* Place of Service Code
24d	* CPT/HCPCS Code for Each Procedure/Service/Supply
24e	Diagnosis Code
24f	* Dollar Charges for Each Procedure/Service/Supply
24g	* Number of Days or Units
25	* Provider's (Physician/Supplier) Federal Tax Identification Number (EIN)
26	* Provider (Physician/Supplier)-assigned Patient Account Number
28	* Total Charges for Services

Section 8. ~~[Noncompliance and Penalties. (1) Failure to comply. As provided in KRS 216.2923(4), the board may impose civil fines on a provider who fails to provide required data or information after the board has provided written notice to the provider that the provider is in violation of a requirement specified in Sections 2 through 7 of this administrative regulation and has specified a due date by which the provider is to cease the violation(s).~~

~~(2) Multiple fines. In determining the number of fines that may be levied, the board may count each violation of the requirements in Sections 2 through 7 as constituting a separate violation, may count each day in violation of a single requirement as constituting a separate violation, and may stipulate that multiple fines continue to accrue until the provider ceases the violation(s).~~

~~(3) A provider who complies with all data correction requirements in Section 5 of this administrative regulation shall not be held in violation or noncompliance with regard to uncorrected data elements.~~

~~Section 9.~~] Incorporations by Reference. (1) As defined in Section 1 of this administrative regulation, Form UB-92 and Form HCFA-1500 are incorporated by reference.

(2) These forms may be inspected or copied at the Kentucky Health Policy Board, 909 Leawood Drive, Frankfort, Kentucky, 40601, from 8 a.m. to 4:30 p.m., Monday through Friday except holidays.

JACK B. HALL, Chairman
APPROVED BY AGENCY: April 13, 1995
FILED WITH LRC: April 13, 1995 at 4 p.m.

ADMINISTRATIVE REGULATIONS AMENDED AFTER PUBLIC HEARING OR WRITTEN COMMENTS RECEIVED

LABOR CABINET
Department of Workers' Claims
(Amended After Hearing)

803 KAR 25:010. Procedure for adjustments of claims.

RELATES TO: KRS Chapter 342
STATUTORY AUTHORITY: KRS Chapter 13A, 342.260
NECESSITY AND FUNCTION: KRS 342.260 requires the commissioner to promulgate such rules and administrative regulations as are necessary to carry on the work of the department, the administrative law judges, the Workers' Compensation Board and to implement the provisions of KRS Chapter 342. The function of this administrative regulation is to regulate practice and procedure before the administrative law judges and the Workers' Compensation Board. This administrative regulation **repeals and replaces 803 KAR 25:011.** [~~covers the subject matter of 803 KAR 25:011, which is repealed.~~]

Section 1. Definitions. (1) "Administrative law judge" means an individual appointed pursuant to KRS 342.230(3).

(2) "Board" means the Workers' Compensation Board created pursuant to KRS 342.215(1).

(3) **"Civil rule" means the Kentucky Rules of Civil Procedure.**

(4) "Commissioner" means the commissioner of the Department of Workers' Claims appointed pursuant to KRS 342.228.

(5) [~~(4)~~] "Date of filing" means the date a pleading, motion, or other document is received by the commissioner at the Department of Workers' Claims in Frankfort, Kentucky, except final orders and opinions of administrative law judges and the Board, which shall be deemed "filed" three (3) days after the date set forth on the final order or opinion.

(6) [~~(5)~~] "Employer" means and includes individuals, partnerships, voluntary associations and corporations.

(7) [~~(6)~~] "An employer who has not secured payment of compensation" means any employer who employs covered employees as defined by KRS 342.640 but has not complied with KRS 342.340.

(8) [~~(7)~~] "Special defenses" means defenses that shall be raised by "special answer" filed within twenty (20) days of the date of the scheduling order, or within ten (10) days after discovery of facts supporting the defense if discovery could not have been had earlier in the exercise of due diligence. Special defenses are waived if not timely raised. Special defenses which shall be pleaded are defenses arising under:

(a) KRS 342.035(3) unreasonable failure to follow medical advice;

(b) KRS 342.165 failure to comply with safety regulation;

(c) KRS 342.316(6) and 342.335 false statement on employment application;

(d) KRS 342.395 voluntary rejection of **KRS Chapter 342** [~~Act~~];

(e) KRS 342.610(3) voluntary intoxication and self-infliction of injury;

(f) KRS 342.710(5) refusal to accept rehabilitation services; and

(g) Running of periods of limitations or repose **under KRS 342.185, 342.270, 342.316, or any other applicable statute.**

Section 2. Parties. (1) The party making the original application for adjustment of claim pursuant to KRS 342.270 shall be designated as "plaintiff" and adverse parties "defendants".

(2) All persons shall be joined as plaintiffs in whom any right to any relief pursuant to KRS Chapter 342, arising out of the same transaction or occurrence, is alleged to exist. If any person should refuse to join as a plaintiff, that person shall be joined as a defendant, and the fact of refusal to join as a plaintiff shall be pleaded.

(3)(a) All persons shall be joined as defendants against whom the ultimate right to any relief pursuant to KRS Chapter 342 may exist, whether jointly, severally, or in the alternative. An administrative law judge may order, upon a proper showing, that a party be joined or dismissed.

(b) The special fund shall be joined as a defendant in accord with the provisions of KRS 342.120, **342.316(10)(b),** and 342.1202.

(c) Joinder shall be sought by motion as soon as practicable after legal grounds for joinder are known. Notice of joinder and a copy of the claim file shall be served in the manner ordered by the administrative law judge.

Section 3. Pleadings. (1) An application for adjustment of claim and all other pleadings shall be typewritten, and be submitted upon the printed forms prescribed by the commissioner in this administrative regulation, where applicable.

(2) An application for adjustment of claim shall be filed with sufficient copies for service on all parties. The commissioner shall make service by first class mail. Incomplete applications shall not be filed, and shall be returned to the applicant. If the application is resubmitted in proper form within twenty (20) days of the date it was returned, the filing shall relate back to the date the application was first received by the commissioner. Otherwise, the date of second receipt shall be the filing date.

(3) All pleadings shall include a certification of service upon other parties in conformity with Rule 5.02, Kentucky Rules of Civil Procedure. After the application has been assigned to an administrative law judge, subsequent pleadings shall include within the style of the claim, and immediately before the claim number, "Before (name), ALJ." Upon consolidated claims, the most recent claim number shall be set forth first. Notices of deposition and physical examination are to be served upon the parties only and shall not be filed with the commissioner.

Section 4. Motions. (1) The party filing a motion shall tender a proposed order granting the relief requested.

(2) The movant may file a **brief** [~~short~~] memorandum supporting the motion, and opposing parties may file **brief** [~~short~~] memoranda in reply. Further memoranda (e.g., reply to response) shall not be filed.

(3) Every motion and response, the grounds of which depend upon the existence of facts not appearing in evidence, shall be supported by affidavits demonstrating such facts.

(4) Every motion, the grounds of which depend upon the existence of facts which movant contends are shown in the evidence or are admitted by the pleadings, shall make reference to the point in the record where that evidence or admission is found.

(5) A motion, other than to reopen pursuant to KRS 342.125 and for interlocutory relief pursuant to Section 10 of this administrative regulation, may be considered ten (10) days after the date of filing. A response will be considered if filed prior to the tenth day after the filing of the motion.

(6)(a) A motion to reopen shall be accompanied by as many of the following items as may be applicable:

1. A current medical release Form 106 executed by plaintiff;
2. An affidavit evidencing the grounds set forth in KRS 342.125;
3. A current medical report showing a change in condition and[~~/or~~] occupational disability;
4. A copy of the opinion and award or settlement sought to be reopened.

(b) A motion to reopen shall not be considered until twenty-five (25) days after the date of filing. Responses may be served within

twenty (20) days of filing the motion to reopen.

(7) Motion for allowance of an attorney's fee shall be made within thirty (30) days following finality of the award or settlement upon which the fee request is based and be served upon the adverse parties and the attorney's client in conformity with Section 3(3) of this administrative regulation. The motion shall set forth the fee requested and mathematical computations establishing that the request is within the limits set forth in KRS 342.320. The motion shall be accompanied by affidavit of counsel detailing the services rendered and the time expended, Form 109 as required by KRS 342.320(3), and a copy of the contingency fee contract.

Section 5. (1) Application for adjustment of an Injury Claim Form 101 shall be filed with the following completed documents:

(a) Work history (Form 104);

(b) Medical history (Form 105);

(c) Medical release (Form 106); and

(d) One (1) medical report describing the injury which is the basis of the claim; and, if a psychological condition is alleged, an additional medical report establishing the presence of a mental impairment or disorder. Medical reports required under this paragraph may consist of the legible handwritten notes of a treating physician. Medical reports filed with an application shall not be considered as evidence unless notice is filed pursuant to Section 14 of this administrative regulation.

(2) Defendants may file answers to the application within twenty (20) days after the date of service. If none are filed, all allegations of the application will be deemed denied. If, however, an answer other than **one (1) containing** a special **defense** [~~answer~~] under **Section 1(8)** [~~subsection (3)~~] of this **administrative regulation** [~~section~~] is filed, only those allegations which are specifically denied shall be deemed disputed.

(3) Proof-taking and discovery shall proceed pursuant to the scheduling order issued by the commissioner, generally providing sixty (60) days for all parties; thirty (30) days thereafter for defendants only; and, plaintiffs fifteen (15) days thereafter for rebuttal only.

(4) During the pendency of a claim any party obtaining [~~a report of~~] a medical examination or a vocational evaluation shall serve a copy **of the report of the examiner or evaluator** upon all other parties within thirty (30) days of receipt.

(5) Within thirty (30) days after an application has been filed, the commissioner shall assign the claim to an administrative law judge and schedule the time and place of the prehearing conference. The conference shall be scheduled no earlier than fifteen (15) days after the last day of discovery and proof-time.

Section 6. Application for Adjustment of an Occupational Disease Claim. (1) Form 102 shall be filed with the following completed attachments:

(a) Those items set forth in Section 5(1)(a) through (c) and, additionally;

(b) Two (2) written medical reports supporting the claim in compliance with KRS 342.316(2)(b)1. These reports shall not be considered evidence unless notice is filed pursuant to Section 14 of this administrative regulation.

(2) Upon service of Form 102 and thereafter for sixty (60) days, defendants may depose witnesses and cause the plaintiff to be examined by medical experts. Reports shall be exchanged pursuant to Section 5**(4)** [~~(5)~~] of this administrative regulation.

(3) Within sixty (60) days after the date of service of Form 102 each defendant shall file a notice of election to resist the application pursuant to KRS 342.316(2)(c)3, or eligibility of the plaintiff for benefits shall be deemed conceded. If a notice of election to resist an application has been timely filed, the commissioner shall assign the case to an administrative law judge and issue a scheduling order **in the same manner as under Section 5 of this administrative regulation.** [~~as prescribed in Section 5(6) of this administrative regulation.~~]

(4) Special defenses as described in Section **1(8)** [~~5(3)~~] of this administrative regulation shall be pleaded within sixty (60) days after the date of service of Form 102 or within ten (10) days of discovery if discovery could not have been had earlier in the exercise of due diligence.

(5) If a medical report filed with the Form 102 application contains findings of separate physicians relative to x-ray examination, spirometric testing or clinical examination, it shall be considered a single medical report.

Section 7. Application for Retraining Incentive Benefits. (1) Form 103 shall be filed with the completed documents required by Section 5(1)(a) through (c) of this administrative regulation and additionally two (2) x-ray reports complying with KRS 342.316.

(2) Discovery and processing of retraining incentive benefit claims shall proceed as set forth in Section 5(2) through **(5)** [~~(4)~~] of this administrative regulation.

Section 8. Prehearing Conference. (1) The prehearing conference is an informal procedure. No transcript or recordings of the proceedings shall be made. At the conference parties shall dispose of controversies when possible and define disputed issues. Witness lists, copies of known exhibits, and proposed stipulations shall be exchanged fifteen (15) days before the conference. Lists shall state the name of each proposed witness and summarize the testimony of the witness. Except for good cause shown, persons who were not listed as witnesses shall not present testimony. For medical witnesses, the summary shall include a diagnosis, the physical findings, the results of diagnostic studies supporting the diagnosis, any assessment of functional impairment and a discussion of any restrictions of work activities.

(2) At the prehearing conference, the administrative law judge may limit witnesses and exhibits to be presented at hearing.

(3) The plaintiff and counsel and all other parties, either personally or through counsel, shall attend the prehearing conference. Representatives shall hold authority to resolve issues and make offers of settlement. Under compelling circumstances, the administrative law judge may waive the requirement that the plaintiff personally attend.

(4) Rescheduling or postponement of a prehearing conference shall be sought by motion filed at least fifteen (15) days prior to the scheduled conference.

(5) At the conclusion of the conference, the administrative law judge shall prepare a summary of all contested issues and stipulated matters which shall be signed by parties or counsel. Only the listed contested issues shall be the subject of further proceedings.

(6) Upon motion, the administrative law judge may order additional discovery or proof to be taken between the prehearing conference and the hearing.

(7) The hearing shall be scheduled within sixty (60) days of the prehearing conference.

(8) If the parties agree upon a settlement, a settlement agreement (Form 110) shall be submitted for approval of the administrative law judge and acted upon within ten (10) days.

Section 9. Ombudsman Program. (1) The commissioner may direct on a pilot basis that a mediation conference be held before an ombudsman pursuant to KRS 342.329. Such conferences may be held in advance of, or by agreement of all parties in lieu of, the prehearing conference described above. The timing of discovery and proof may be varied upon "pilot claims" from those time frames otherwise prescribed in these rules. Scheduling orders upon "pilot claims" shall clearly set forth the purpose, time and place of proceedings before the ombudsman and subsequent proceedings before an administrative law judge.

(2) All parties shall promptly comply with information requests from an ombudsman and appear either personally or by counsel at

conferences before the ombudsman.

Section 10. Interlocutory Relief. (1) During the pendency of a claim, a party may seek **any or all of** three (3) forms of interlocutory relief:

(a) Interim payment of income benefits for total disability pursuant to KRS 342.730(1)(b);

(b) Medical benefits pursuant to KRS 342.020; **[~~or~~]**

(c) Rehabilitation services pursuant to KRS 342.710.

(2) Any response to a request for interlocutory relief shall be served within twenty (20) days from the date of the issuance of the scheduling order, or within twenty (20) days of the filing of any subsequent motion.

(3) A request for interlocutory relief becomes ripe for decision twenty (20) days after the issuance of the scheduling order where relief has been requested in the Form 101 application. Where request for interlocutory relief has been made by motion, the request becomes ripe twenty (20) days after service of the motion.

(4) Entitlement to interlocutory relief may be shown by means of affidavit, deposition, or other evidence of record demonstrating that movant is eligible under KRS Chapter 342 and will suffer irreparable injury, loss, or damage pending a final decision on the application. Rehabilitation services may be ordered while the claim is pending upon a showing that immediate provision of services will substantially increase the probability that the plaintiff will return to work.

(5) When interlocutory relief is awarded in the form of income benefits the application shall be placed in abeyance, unless a party shows irreparable harm thereby. The administrative law judge may require periodic report as to the physical condition of the plaintiff. Upon motion and a showing of cause, or upon the administrative law judge's own motion, interlocutory relief may be terminated and the claim removed from abeyance.

(6) Interlocutory relief may not be granted upon a claim for retraining incentive benefits.

(7) An attorney's fee in the amounts authorized by KRS 342.320 but in no event to exceed twenty (20) percent of the weekly income benefits awarded pursuant to a request for interlocutory relief may be granted. The approved fee shall be deducted in equal amounts from the weekly income benefits awarded and shall be paid directly to the attorney.

Section 11. Hearings. (1) At hearing, the parties shall present proof concerning contested issues. If plaintiff fails to appear, the administrative law judge may dismiss the case for want of prosecution, or if good cause is shown, the hearing may be continued.

(2) At the conclusion of the hearing, the claim may be taken under submission immediately, or briefs may be ordered. Briefs shall not exceed fifteen (15) pages in length. Reply briefs are limited to five (5) pages. Permission to increase the length of a brief may be sought by motion. The administrative law judge may announce his decision at the conclusion of the hearing or defer decision until rendition of a written opinion. In any event, a decision shall be rendered no later than sixty (60) days following hearing. The time for filing a petition for reconsideration or notice of appeal shall not begin to run until the "date of filing" of the written opinion as set forth in Section 1(4) of this administrative regulation.

Section 12. Petitions for Reconsideration. (1) Within fourteen (14) days of the filing of the order, award, or decision as set forth in Section 1(4) of this administrative regulation, a party may petition for reconsideration clearly stating the patent error which the petitioner seeks to have corrected and setting forth the authorities upon which petitioner relies.

(2) A response shall be served within ten (10) days after the date of filing of the petition.

(3) The administrative law judge shall act upon the petition within ten (10) days after the response is due.

Section 13. Appeals to the Workers' Compensation Board. (1) Within thirty (30) days after the date of filing of a final order of an administrative law judge as set forth in Section 1(4) of this administrative regulation any party aggrieved by the order may appeal to the board. As used in this section "final order" shall be determined in accordance with Civil Rule 54.02(1) and (2).

(2) An appeal shall be initiated by the filing of a notice of appeal denoting the appealing party as the "petitioner" and all parties against whom the appeal is taken as "respondents." The administrative law judge who rendered the order appealed from shall be named as a "respondent." If appropriate, the Director of the Special Fund shall be named as a "respondent" pursuant to KRS 342.316(10)(b). The workers' compensation claim number shall be set forth in all pleadings before the board.

(3) Any party other than the petitioner may file a cross-appeal through notice of cross-appeal filed within ten (10) days after notice of appeal is served. The cross-appeal shall designate the parties as appropriate (i.e., petitioner-cross-respondent).

(4) Notice of appeal, cross-appeal and all other pleadings before the board shall be served as provided in Section 3(3) of this administrative regulation. The commissioner shall issue an acknowledgement to all parties of the filing of a direct appeal only.

(5) If a ground for the appeal is fraud or misconduct pursuant to KRS 342.285(2), the board shall immediately schedule a hearing on that issue. All subsequent appeal time in the case shall be calculated from the date the transcript of hearing is filed instead of the date of filing of the notice of appeal.

(6) Petitioner's brief shall be filed within thirty (30) days of filing of the notice of appeal. The organization and contents of the petitioner's brief shall be as provided in **Civil Rule** **[~~CR~~]** 76.12(4)(c) except no index shall be required and the appendix shall only include copies of the decision appealed, petitions for reconsideration, rulings on petitions, and cases cited from federal courts and foreign jurisdictions.

(7) Respondent's brief shall be filed within thirty (30) days of the date petitioner's brief was served. Organization and contents shall be as provided in **Civil Rule** **[~~CR~~]** 76.12(4)(d) except no index shall be required and the appendix shall only include copies of cases cited from federal courts and foreign jurisdictions. If the respondent is also a cross-petitioner, a combined brief shall address issues raised by the cross-appeal.

(8) Failure of a party to timely file a brief is ground for imposition of one (1) or more of the following penalties:

(a) Affirmation or reversal of the final order;

(b) Striking of an untimely brief; or

(c) A fine on counsel of not more than $500.

(9) Petitioner's reply brief may be served within fifteen (15) days after the date on which the last respondent's brief was served or due, whichever is earlier. The organization and contents of the petitioner's reply brief shall be as provided in **Civil Rule** **[~~CR~~]** 76.12(4)(e), except that no appendix, index, or contents page shall be required. If the petitioner is also a cross-respondent, a combined brief shall address issues raised by the cross-petitioner's brief.

(10) If a cross-appeal has been filed, the cross-petitioner's reply brief may be served within fifteen (15) days after the date on which the last cross-respondent's brief was served or due, whichever is earlier. The organization and contents of the cross-petitioner's reply brief shall be as provided in **Civil Rule** **[~~CR~~]** 76.12(4)(e) except that no appendix, index, or contents page shall be required.

(11) Petitioner's brief and the respondent's brief shall be limited to fifteen (15) pages each, reply briefs to five (5) pages, and combined briefs to twenty (20) pages. Permission to increase the length of a brief shall be sought by motion. **[~~Requirements of this administrative regulation with respect to a "statement of points and authorities" shall not apply to any brief of five (5) pages or less.~~]**

(12) All pleadings shall conform to the requirements set forth in **Civil Rule** **[~~CR~~]** 7.02(4) **and** **[~~. Pleadings~~]** shall be filed without

covers. [~~, but~~] The style of the case, including the claim number and title of the pleading, shall appear on the first page of the pleading.

(13) [~~(12)~~] The board shall enter its decision affirming, modifying, or setting aside the order appealed from, or, in its discretion may remand the claim to the administrative law judge for further proceedings. Motions for reconsideration are not permitted.

(14) [~~(13)~~] The decision of the board may be appealed to the Kentucky Court of Appeals as provided in **Civil Rule** [~~CR~~] 76.25.

(15) [~~(14)~~] Except for motions that call for final disposition of an appeal, any board member designated by the chairman may dispose of any motion; and, any intermediate order may be issued on the signature of any board member.

Section 14. Medical Reports. (1) A party may introduce direct testimony from a physician through medical report, subject to the limitations of KRS 342.033, Section 5(1)(d) of this administrative regulation, and the scheduling order issued pursuant to Section 5(3) [~~(6)~~] of this administrative regulation.

(2) Medical reports shall be submitted on Form 107 (injury) or Form 108 (occupational disease) as appropriate, except that an administrative law judge may permit the introduction of other reports.

(3) Medical reports shall be signed by the physician making the report, or be accompanied by an affidavit from the physician or the submitting attorney verifying the authenticity of the report.

(4) Medical reports shall include within the body of the report or as an attachment, a statement of qualifications of the person making the report. If the qualifications of the physician who prepared the written medical report have been filed with the commissioner and the physician assigned a medical qualifications index number, reference may be made to the physician's index number in lieu of attaching qualifications.

(5) Any narrative in a medical report on a Form 107 or Form 108 shall be typewritten. Other portions of a report, including spirometric tracings, shall be clearly legible.

(6) Upon notice a party may file the testimony of two (2) physicians, either by deposition or medical report, which shall be admitted into evidence without further order if there has been no objection filed. Objection to the filing of a medical report shall be filed within ten (10) days of the notice or the motion for admission. Grounds for the objection shall be stated with particularity. The administrative law judge shall rule on the matter within fifteen (15) days of the filing of a motion or objection, whichever is last filed.

(7) If a medical report is admitted as direct testimony, any adverse party may depose the reporting physician as if on cross-examination at its expense.

Section 15. Extensions of Proof Time. (1) Extensions of time for producing evidence shall not be granted except upon showing of circumstances preventing the party from timely introducing proof. Motion for extension of time **shall** [~~must~~] be filed no later than five (5) days before the deadline sought to be extended. The motion or supporting affidavits **shall** [~~must~~] set forth:

(a) The efforts to produce the evidence in a timely manner;

(b) Facts which prevented timely production; and

(c) The date of availability of the evidence, the probability of its production, and the materiality of the evidence.

(2) In the absence of compelling circumstances, only one (1) thirty (30) day extension shall be granted to each side for completion of discovery or proof by deposition.

(3) The granting of an extension of time for completion of discovery or proof shall enlarge the time to all plaintiffs if the extension is granted to a plaintiff and to all defendants should an extension be granted to a defendant, and shall extend the time of the adverse party automatically except when the extension is for rebuttal proof.

Section 16. Stipulation of Facts and Judicial Notice. (1) Refusal to stipulate facts which are not genuinely in issue may warrant imposition of sanctions **as provided in Section 23 of this administrative regulation**. Assertion that a party has not had sufficient opportunity to ascertain relevant facts shall not be considered "good cause" in the absence of due diligence.

(2) Upon cause shown, a party may be relieved of a stipulation provided that the motion for relief is filed at least ten (10) days prior to the date of the hearing, or as soon as practicable after discovery that the stipulation was erroneous. Upon granting relief from a stipulation, the administrative law judge may grant a continuance of the hearing and additional proof time.

Section 17. Coverage - Insured Status. (1) The administrative law judge shall take judicial notice that **compliance with KRS Chapter 342** [~~the Act~~] is mandatory except for those employers exempted by KRS 342.650 and those employees rejecting the **provisions of KRS Chapter 342** [~~Act~~] pursuant to KRS 342.395 and 342.400.

(2) Upon the filing of a claim, the commissioner shall ascertain whether the employer or any other person against whom a claim is filed and who is not exempted by KRS 342.650 has secured payment of compensation by obtaining insurance coverage or qualifying as a self-insurer pursuant to KRS 342.340. Should an employer not have insurance coverage or qualify as a self-insurer, the commissioner shall notify the administrative law judge and all parties by service of a certification of no coverage.

Section 18. Evidence - Rules Applicable. (1) The rules of evidence prescribed by the Supreme Court apply in all proceedings before the administrative law judges, except as varied by specific statute and **this** [~~those~~] administrative regulation[~~s~~].

(2) A nontreating physician is permitted to use the history and the subjective symptomatology related to him by the patient in arriving at and formulating opinions.

Section 19. Discovery and Depositions **Wage Certification**. (1) Discovery and the taking of depositions shall be in accordance with the provisions of **Civil Rules** [~~CR~~] 26 to 37, inclusive, except for **Civil Rules** [~~CR~~] 27, 33, and 36 which **shall** [~~are not adopted and do~~] not apply to practice before the administrative law judges or the board.

(2) Depositions may be taken by telephone provided the reporter administering the oath to the witness and reporting the deposition is physically present with the witness at the time the deposition is given. Notice of telephonic deposition must relate the following information:

(a) That the deposition is to be taken by telephone;

(b) The address and telephone number from which the call will be placed to the witness;

(c) The address and telephone number of the place where the witness will answer the deposition call; and

(d) That all opposing parties may participate in the deposition either at the place where the deposition is being given, at the place the telephone call is placed to the witness, or by conference call. If a party elects to participate by conference call, that party must contribute proportionate costs of the conference call.

(3) The commissioner shall establish a medical qualifications index. An index number will be assigned to a physician upon the filing of the physician's qualifications. Any physician who has been assigned an index number may offer the assigned number in lieu of stating qualifications. Qualifications may be revised or updated by submitting revisions to the commissioner. Nothing in this rule shall preclude any party from inquiring further into the qualifications of a physician.

(4) At any time during the pendency of a claim the employee may serve a request upon the employer for verification of earnings during a period of fifty-two (52) weeks preceding a purported injury or at last exposure to occupational disease. Within thirty (30) days of service of a verification request, a representative of the employer shall complete and serve a

completed Form AWW-1 on all other parties.

Section 20. Appearances. (1) Only attorneys duly licensed in Kentucky may [~~appear or~~] practice before the administrative law judges or the board, except that any natural person who is a party to any proceeding may represent himself.

(2) Any party who elects to represent himself without the aid of counsel shall be held accountable in the same manner, and to the same degree, as an attorney.

Section 21. Withdrawal of Records. (1) No portion of any original record of the department shall be withdrawn except on order of the commissioner, an administrative law judge, or a member of the board.

(2) All physical exhibits, including x-rays, shall be disposed of sixty (60) days after the order resolving the claim has become final. A party filing an exhibit may make arrangements to claim an exhibit prior to that time. If an unclaimed exhibit has no money value, it **shall** [~~will~~] be destroyed; if an unclaimed exhibit has a value of more than $100, it shall be sold as surplus property; if an unclaimed exhibit has a value of less than $100, it shall be donated to an appropriate state agency; and, if an unclaimed exhibit has historic value, it shall be sent to the state archives.

Section 22. Routine Records Admission. Any party may file in the record of a case any properly authenticated hospital, armed forces or Social Security records. However, opinions of physicians which may be expressed in such records shall not be considered by the administrative law judge in violation of the rule relative to the number of physician's opinions set forth in KRS 342.033.

Section 23. Sanctions. Pursuant to KRS 342.310, an administrative law judge and the board may assess costs upon determination that proceedings have been brought, prosecuted or defended without reasonable grounds. Whenever justice will be served penalties shall be assessed against an offending attorney rather than against the client the attorney represents. Where a party is a governmental agency and attorney's fees are assessed, such fees shall include fees for the services of an attorney in public employment, measured by the reasonable cost of like services had a private attorney been retained. Failure of a party to timely file any pleading required by **this** [~~these~~] administrative regulation[~~s~~] may be treated by an administrative law judge or the board as prosecuting or defending without reasonable grounds.

Section 24. Payment of Compensation from Uninsured Employers' Fund. (1) Payment from the uninsured employers' fund of compensation shall be made only after the claimant, or any other party in interest, has filed in the circuit court of the county where the injury occurred an action pursuant to KRS 342.305 to enforce payment of the award against the uninsured employer, and there has been default in payment of the judgment by the employer.

(2) The claimant may by motion and affidavit demonstrating compliance with the requirement of subsection (1) of this section, request an administrative law judge to order payment from the uninsured employers' fund in accordance with KRS 342.760.

(3) This section shall not be construed to prohibit the voluntary payment of compensation by an employer, or any other person liable for payment thereof, who has failed to secure payment of compensation as provided for by KRS Chapter 342, the compromise and settlement of a claim, or the payment of benefits by the special fund.

(4) Compliance with subsection (1) of this section shall not be required and the compensation awarded shall be deemed uncollectible from an uninsured employer upon a showing that the employer has filed a petition under either Chapter 7 or Chapter 11 of the Federal Bankruptcy Code.

Section 25. Use of American Medical Association Guidelines in Coal Workers' Pneumoconiosis Cases. (1) Predicted normal values for FVC and FEV1 shall be determined in accordance with the latest edition of the American Medical Association Guideline. Age is to be determined as of the date of the evaluation. Height is to be measured while the claimant stands in his stocking feet and shall be rounded to the nearest centimeter.

(2) Formulas established by the Guidelines for predicted normal FVC and FEV1, shall be applied and predicted values computed. For example, the formula applicable to men for FVC and FEV1 as set forth in the Fourth Edition of the Guides are:

FVC in liters equals 0.06 times H - 0.0244 times A minus 2.19.

FEV1 in liters equals 0.0414 times H - 0.0244 times A minus 2.19.

H is height in centimeters.

A is age in years.

(3) The plaintiff's height, as measured in his stocking feet, shall be rounded out to the nearest centimeter. If the plaintiff's height is an odd number of centimeters, the next highest even height in centimeters shall be used.

Section 26. Forms. (1) [~~Forms 101, 102, 103, 104, 105, 106, 107-I, 107-P, 108, 109, 110-I, 110-O and 110-R (rev. 3/15/95) are hereby adopted by reference.~~

~~(2)~~] Incorporation by reference. One (1) copy of Forms 101, 102, 103, 104, 105, 106, 107, 108, 109, 110-I, 110-O, [~~and~~] 110-R, **and AWW-1** [~~(rev. 3/15/95)~~] is filed herewith and incorporated by reference.

(2) [~~(3)~~] Obtaining forms.

(a) Forms are available to the public at main and branch offices of the Department of Workers' Claims:

1. Frankfort - Perimeter Park West - Building C, 1270 Louisville Road, Frankfort, Kentucky 40601;

2. Louisville - 410 West Chestnut Street, Louisville, Kentucky 40202;

3. Paducah - 220B North 8th Street, Paducah, Kentucky 42001; and

4. Pikeville - 412 Second Street, Pikeville, Kentucky 41501.

(b) Office hours of each office are 9 a.m. to 4 p.m., **local time,** Monday through Friday, inclusive, for this purpose.

Section 27. 803 KAR 25:011, Procedure for Adjustments of Claims, is hereby repealed.

WALTER W. TURNER, Commissioner
APPROVED BY AGENCY: May 9, 1995
FILED WITH LRC: May 9, 1995 at noon

LABOR CABINET
Department of Workers' Claims
(Amended After Hearing)

803 KAR 25:021. Individual self-insurers.

RELATES TO: KRS Chapter 342
STATUTORY AUTHORITY KRS 342.260, 342.340, 342.345
NECESSITY AND FUNCTION: KRS 342.260 **provides that** [~~requires~~] the Commissioner of the Department of Workers' Claims **shall promulgate** [~~to prepare~~] administrative regulations [~~considered~~] necessary to carry on the work of the Department of Workers' Claims and to carry out the provisions of KRS Chapter 342. This administrative regulation establishes minimum requirements for individual employers who self-insure their workers' compensation liability. **This administrative regulation covers the subject matter of 803 KAR 2:020, which is repealed.**

Section 1. Definitions. (1) "Cessation liability security" means the

security covering liability associated with anticipated claims occurring upon cessation of all operations of an individual self-insurer in the state.

(2) "Commissioner" means the Commissioner of the Department of Workers' Claims.

(3) "Employer" means any employer subject to the Kentucky Workers' Compensation Act.

(4) "Guarantor" means a parent company whose financial statement is used by the applicant to obtain self-insurance status.

(5) "Service organization" means a person or entity which provides services **which may include but is** [~~including, but~~] not limited to, claims adjustment, safety engineering, computation of statistics, preparation of loss or tax reports, purchase of excess insurance, and preparation of any other self-insurance reports as may be required by law.

(6) "Specific excess insurance" means an insurance policy which insures the amount of any claim from any one (1) occurrence involving one (1) or more employees or employers in the same occurrence or incident of exposure in excess of a specified dollar amount.

Section 2. Certification. No person, party, or employer shall act as or hold itself out as an approved individual self-insurer unless the employer has been approved by the commissioner. All certifications issued by the commissioner shall remain in effect on an annual basis, unless otherwise revoked or suspended pursuant to Section 11 of this administrative regulation.

Section 3. Application. (1) Every initial application for individual self-insurance shall be submitted to the commissioner on form SI-02 and shall include:

(a) The employer's name, location of its principal office, date of organization, identification of its immediate parent organization, if any, and its ultimate parent, the percentage shareholder ownership of its immediate parent organization, identification of **its** [~~a~~] fiscal year and federal identification number. Any subsidiaries or contractors which are to be covered under the application, or who are already self-insured are to be identified and their relationship to the applicant described fully;

(b) A statement of the principal business activities engaged in Kentucky by the applicant including a list of site locations and number of employees at each site;

(c) The proposed **specimen** specific excess insurance policy, identifying the insurance company, attachment points and limits of liability. A copy of the policy or **certificate of insurance** [~~binder~~] must be received five (5) days prior to certification of self-insurance;

(d) Copies of the proposed surety deposit or letter of credit instruments required by Section 5 of this administrative regulation. The surety must be received by the commissioner prior to certification to self-insure;

(e) A schedule of projected workers' compensation claim liabilities and annual payment requirements for the three (3) years preceding the application;

(f) An estimate of annual payroll and a statement of loss runs on form SI-08;

(g) A certified audit report of the applicant's financial status for three (3) calendar years immediately preceding the application, prepared and executed by a certified public accountant;

(h) If the applicant is a corporation, a resolution by the board of directors, authorizing and directing the corporation to undertake to self-insure;

(i) If the applicant is a subsidiary corporation, a guarantee from the subsidiary's parent corporation on form SI-01;

(j) **Any individual or service organization which will be responsible for administration and adjustment of workers' compensation claims must provide satisfactory evidence to the commissioner as to their qualifications to administer and adjust workers' compensation claims.** [~~Copies of Kentucky adjusting licenses of the applicant's employees who are to be responsible for administration and adjustment of Kentucky workers' compensation claims, and a statement setting forth the qualifications of any service organization;~~]

(2) An applicant may perform, if qualified, any and all of the functions of a service organization or may contract with a service organization to perform these functions. An applicant's or service organization's employees and agents must be duly licensed to perform those functions for which a license is required by Kentucky law.

(3) The application shall be filed no later than thirty (30) days prior to the proposed inception date of self-insurance. Upon receipt of **a complete** [~~an~~] application **and all required documents**, the commissioner shall approve or reject status as a self-insurer within thirty (30) days.

Section 4. Approval. (1) In determining whether an applicant is eligible for self-insurance and in establishing the amount of surety required, the commissioner shall consider **all relevant factors including** [~~but is not limited to~~] the following [~~factors~~]:

(a) The financial strength of the applicant or guarantor;

(b) The excess insurance policy and [~~self-insured~~] retention **level**;

(c) The experience of the service organization;

(d) The ratio of current assets to current liabilities, the ratio of long-term debt to net worth, and shareholder equity;

(e) Profit and loss history;

(f) Workers' compensation loss history of the applicant;

(g) The prospect of increased losses by the employer's cessation of operations in Kentucky;

(h) The number of employees and degree of hazard to which employees are exposed;

(i) Safety programs; and

(j) Use of an approved managed care plan for treatment of injured workers.

(2) In order to be certified as an individual self-insurer, the applicant or guarantor must have **assets in excess of all liabilities** [~~a net worth~~] of at least $**3,000,000. Variance from this requirement may be granted to those currently certified individual self-insurers who have demonstrated excellent claims paying capability and over-all financial stability.** [~~5,000,000.~~]

(3) Approval shall be granted only if the commissioner finds the applicant has complied with all sections of this administrative regulation and is satisfied that the persons responsible for the operations of the applicant are financially stable, competent, and experienced in the administration of workers' compensation self-insurance.

Section 5. Specific Excess Insurance and Surety Requirements. (1) Specific excess insurance shall be purchased with a **coverage** limit of at least $10,000,000 per occurrence.

(2) To be eligible to write specific excess insurance for individual self-insurers in Kentucky, a casualty insurance company on its latest financial statement shall reflect a minimum policyholder surplus of not less than $**25,000,000** [~~15,000,000~~]. The casualty insurance company shall have demonstrated excellent overall performance and a strong ability to meet their obligations to policyholders over an extended period of time.

(3) Each employer who qualifies for a self-insurance certificate shall, prior to the certificate being issued, provide **primary** security in the form of a continuous surety bond on Form SI-03 or by irrevocable letter of credit on form SI-04, in an amount specified by the commissioner, but not less than $500,000. In fixing the amount of security the commissioner shall consider all relevant factors including liability associated with anticipated claims occurring upon the cessation of all operations by the individual self-insurer in the state of Kentucky. The commissioner may direct that separate cessation liability **security** be

deposited pursuant to Section 8 of this administrative regulation. The amount shall be reviewed and recalculated at the same times as the primary security.

(4) In lieu of a bond with security or letter of credit, the employer deposit cash or securities through submission of SI-05 in an amount specified by the commissioner, but not less than $500,000. **To be acceptable** any securities which are deposited **shall** [~~must~~] be eligible under the laws of Kentucky for investment by insurance companies.

Section 6. Coverage of Subsidiary or Related Corporations. A corporation having wholly owned subsidiaries may submit one (1) joint application to the commissioner, provided the parent corporation has sufficient assets to qualify for a self-insurance certificate for both itself and its subsidiaries. A joint application shall be accompanied by a certificate of the secretary of each corporation indicating that their respective boards of directors have by resolution authorized joint and several liability for all the workers' compensation claims asserted against them. These certificates shall be effective until revoked by the corporations following thirty (30) written notice to the commissioner.

Section 7. Examination and Review of Filings. A certified public accountant **or other** [~~duly~~] qualified **individual** [~~and licensed under the laws of Kentucky~~] may be employed by the Department of Workers' Claims for the purpose of reviewing and analyzing the **annual** filings of individual self-insurers, and applicants for self-insurance, **and for making recommendations based on that review.** [~~required under this administrative regulation. The duties of the certified public accountant shall include:~~

[~~(1) Analysis of each application for certification as an individual self-insurer, including financial statements and workers' compensation claims experience. The certified public accountant shall provide the commissioner with a written summary of the analysis together with a recommendation that the application be granted, denied, or resubmitted, as appropriate;~~

[~~(2) Periodic examination of the workers' compensation claims, reports of accidents, and related information provided by each individual self-insurer. If the certified public accountant concludes that the workers compensation liability of the individual self-insurance is not adequately secured, appropriate remedial action or revocation of the certificate shall be recommended; and~~

[~~(3) Review of the filings of each employer holding a self-insurance certificate to determine whether the filings are complete and timely. If any deficiency is found it shall be reported in writing to the commissioner.~~]

Section 8. Cessation Liability Security. (1) Cessation liability security is distinct from the primary security required in Section 5 of this administrative regulation.

(2) **Upon cessation of all operations of an individual self-insurer in the state of Kentucky,** cessation liability security will be called for payment of claims only after all other security posted by the individual self-insurer has been exhausted.

(3) Cessation liability security may be issued in one (1) or more of the following forms:

(a) A surety bond or insurance policy issued by a casualty insurance company qualified pursuant to Section 5 of this administrative regulation;

(b) An escrow account; or

(c) An irrevocable letter of credit.

(4) In the event that an individual self-insurer secures its workers' compensation obligation by obtaining standard workers' compensation insurance or by joining an approved self-insurance group, the commissioner may release the cessation liability security, effective as of the date of the employers acquiring other coverage.

Section 9. Annual filings. (1) Sixty (60) days prior to the end of each self-insurance year, the following information and reports shall be filed with the commissioner:

(a) A certified audited financial statement of the individual self-insured and any guarantor;

(b) Total payroll for the prior **calendar** year, the projected payroll for the next year by quarter, and other **reasonable** information [~~reasonably~~] requested by the commissioner, including relevant claim data.

(2) At least ten (10) days prior to the end of each self-insurance year, the individual self-insurer shall file proof of specific excess insurance **for the following year** with the commissioner;

(3) If the annual required filings are not timely made, the self-insurance certificate shall not be renewed.

Section 10. Change in Ownership; Subsidiaries; Mergers and Acquisitions. (1) In the event of a change in majority ownership **of a parent company**, the individual self-insurer shall notify the commissioner within thirty (30) days of that change. A new application to self-insure shall be filed upon **such** a change in ownership.

(2) If any employer is added, merged, acquired, or otherwise brought within the self-insurance coverage, or if contractors or subcontractors are brought within the coverage, the individual self-insured shall notify the commissioner within thirty (30) days and the adequacy of the surety bond will be reviewed and may be increased accordingly.

(3) If the payroll of the individual self-insurer during any quarter exceeds 125 percent of the projection previously filed, the individual self-insurer shall immediately report that change to the commissioner and the surety bond requirements may be reviewed and the bond **shall** [~~may~~] be increased accordingly.

Section 11. Revocation or Modification of Certification. (1) Should the commissioner receive information furnishing reasonable grounds to believe that the individual self-insurer is not meeting, or may not be able to timely meet, all of its obligations arising under **KRS Chapter 342** [~~the Workers' Compensation Act~~] or this administrative regulation, a show cause order shall be issued to the individual self-insurer detailing the purported deficiency and setting a time and place for hearing.

(2) The commissioner may revoke the self-insurance certification upon a finding that any of the following conditions exist:

(a) The individual self-insurer is operating in contravention **of** [~~from~~] its submitted application or is in material violation of this administrative regulation;

(b) The individual self-insurer or parental guarantor is no longer of such financial stability as to assure its ability be to meet its obligations for the payment of workers' compensation benefits;

(3) [~~(c)~~] In the event the commissioner suspends or revokes any individual self-insurer's certification, the commissioner may appoint one (1) or more individuals or professional corporation as a receiver to conduct the ongoing **workers' compensation** affairs of the individual self-insured.

[~~(3) Any person aggrieved by a failure of the individual self-insured employer to observe those requirements of subsection (2) of this section may request a hearing by filing a written request with the commissioner setting forth the basis of the purported failure. Upon receipt of a request the commissioner shall issue a notice of hearing to be held no sooner than ten (10) days and no later than thirty days (30) after such notice.~~]

(4) Self-insurance certification may be revoked by the commissioner after a hearing in compliance with the following procedures:

(a) The commissioner may issue a show cause order setting forth the grounds of revocation and setting a hearing in not less than ten (10) days.

(b) The commissioner, during the pendency of any appeal or request for hearing, may utilize the surety deposit provided by the individual self-insurer to make any payments of workers' compensa-

tion benefits which are currently due for which payments are not being made by the individual self-insurer or its service organization. The application for hearing shall briefly state the grounds on which the individual self-insurer is relying and the basis for relief to be sought at the hearing. The hearing shall be held within thirty (30) days after the filing of the application for hearing, unless postponed by mutual consent. The commissioner shall give written notice of the hearing not less than ten (10) days in advance, setting the date, time and place for the hearing, and specify the matters to be considered.

(c) Any party to the hearing shall have the right to appear in person or by counsel; [~~and~~] to be present during the giving of all evidence; [~~and~~] to have a reasonable opportunity to inspect all documentary and other evidence; [~~and~~] to examine and cross-examine witnesses; to present evidence in support of his interest and to have subpoenas issued by the commissioner to compel attendance of witnesses and production of evidence on his behalf. Testimony may be taken orally or by deposition, and the parties shall have right of inducing evidence by interrogatories or by deposition. Formal rules of pleading or evidence need not be reserved in any hearing as long as procedural due process is afforded all parties. The commissioner shall cause a full stenographic record of the proceedings to be made.

(d) No later than thirty (30) days after the termination of **the** hearing, the commissioner shall issue a written order addressing all matters involved at the hearing and serve a copy of the order upon each party. The order shall contain a concise findings of fact and conclusions of law. The commissioner's final order may revoke or modify a self-insurance certification or allow an employer to continue to self-insure subject to certain terms and conditions.

Section 12. Aggrieved Parties. Any person aggrieved by a failure of the individual self-insured employer to meet those requirements of Section 11(2) of this administrative regulation may request a hearing by filing a written request with the commissioner setting forth the basis of the purported failure. Upon receipt of a request the commissioner shall issue a notice of hearing to be held no sooner than ten (10) days and no later than thirty (30) days after such notice.

Section **13.** [~~12.~~] Forms. (1) Forms, SI-01, SI-02, SI-03, SI-04, SI-05 and SI-08, (**all** revised 3/15/95), are hereby adopted **and incorporated** by reference.

(2) [~~One (1) copy of Forms SI-01, SI-02, SI-03, SI-04, SI-05, and SI-08, (revised 3/15/95), is filed herewith, and incorporated by reference.~~

~~(3)~~] Obtaining forms.

(a) Forms are available to the public at main and branch offices of the Department of Workers' Claims.

1. Frankfort - Perimeter Park West - Building C, 1270 Louisville Road, Frankfort, Kentucky 40601;

2. Louisville - 410 West Chestnut Street, Louisville, Kentucky 40202;

3. Paducah - 220B North 8th Street, Paducah, Kentucky 42001; and

4. Pikeville - 412 Second Street, Pikeville, Kentucky 41501.

(b) Office hours of each office are 9 a.m. to 4 p.m., Monday through Friday, inclusive for this purpose.

Section **14.** [~~13.~~] KAR 25:020, Self-Insurers, is hereby repealed.

WALTER W. TURNER, Commissioner
APPROVED BY AGENCY: May 9, 1995
FILED WITH LRC: May 9, 1995 at noon

LABOR CABINET
Department of Workers' Claims
(Amended After Hearing)

803 KAR 25:026. Group self-insurers.

RELATES TO: KRS Chapter 342
STATUTORY AUTHORITY: KRS 342.260, 342.340, 342.345, 342.350
NECESSITY AND FUNCTION: KRS 342.260 **provides that** [~~requires~~] the Commissioner **of the Department of Workers' Claims shall** [~~to~~] promulgate [~~such rules and~~] administrative regulations [~~as are~~] necessary to carry on the work of the Department of Workers' Claims and to implement the provisions of KRS Chapter 342. The function of this administrative regulation is to establish the procedure and minimum requirements through which groups of employers may join together to self-insure their workers' compensation liability. This administrative regulation covers the subject matter of 803 KAR 25:025, which is repealed.

Section 1. Definitions. (1) "Administrator" means an individual or legal entity engaged by a group self-insurance fund board of trustees to carry out the policies established by the **group** self-insurance fund's board of trustees and provide day-to-day management of the self-insurance fund.

(2) "Aggregate excess insurance" means an insurance policy written on a claims incurred basis which insures [~~statutory~~] claims to a stated limit in excess of a specified percentage of the earned premium or in excess of the group retention amount.

(3) "Bona fide trade association" means an association of employers created for a noninsurance trade purpose and which has been operating in the state of Kentucky for at least two (2) years prior to its sponsorship of a group self-insurance fund.

(4) "Commissioner" means the Commissioner of the Department of Workers' Claims.

(5) "Common interests" means that employers are engaged in similar activities, share common standard industrial classification codes and common risk factors.

(6) "Dividends" mean disbursements **to group members** from surplus funds.

(7) "Earned premium" means the pro rated portion of the full, actual premium charged to the group members that is applicable to the group's accounting period or fiscal year.

(8) "Fiscal agent" means a person, or legal entity, other than a service organization or employees or agents of a service organization, designated by the trustees to receive, invest and disburse the self-insurance group's funds.

(9) "Group members" means employers who have joined a group self-insurance fund.

(10) "Group self-insurance fund" means the **total contractual arrangement whereby eleven (11) or more employers associate to jointly self-insure their workers' compensation liability.** [~~loss fund together with all other expenses of the group related to the self-insurance program.~~]

(11) "Insolvent" or "insolvency" means the inability of a group self-insurance fund to pay its outstanding lawful obligations as they mature in the regular course of business, or which holds insufficient assets to prospectively pay all incurred workers' compensation benefits when due.

(12) "Loss fund" means the total amount of the **group self-insurance fund's** retained liability for claims against the group members.

(13) "Premium" means the amount of money charged each member to fund the obligations and expenses of the group self-insurance fund.

(14) "Qualified actuary" means a member of the American Academy of Actuaries or a member of the Casualty Actuarial Society.

(15) "Service organization" means a person or entity which provides services **which may include** [~~including,~~] but **is** not limited to, claims adjustment, safety engineering, statistical compilation, preparation of premium charges, loss and tax reports, and other required self-insurance reports, administration of the fund, marketing services, placement of excess insurance, development of member payroll audits, administration of investments, and legal assistance.

(16) "Specific excess insurance" means an insurance policy which insures the amount of any claim from any one (1) occurrence involving one (1) or more employees or employers in the same occurrence or incident of exposure in excess of a specified dollar amount.

(17) "Surplus funds" means monies in the self- insurance fund in excess of all losses, reserves and other costs.

(18) "Trustees" means persons elected by the group members or appointed by the board of directors of the sponsoring trade association to oversee the administration of the group self-insurance fund.

Section 2. Certification. **Except for activities arising in the creation of a group self-insurance fund,** no person or entity shall **issue binders or certificates of insurance for workers' compensation coverage** [~~act as, or hold itself out as, a workers' compensation~~] group self-insurance fund unless the group has been certified to do so by the commissioner. All certifications issued by the commissioner shall remain in effect until revoked or suspended by the commissioner pursuant to Section 12 of this administrative regulation.

Section 3. Initial Application. (1) An application for certification as a workers' compensation group self-insurance fund may be filed on form SI-06 with the commissioner by a group of eleven (11) or more employers having common interests or membership in a bona fide trade association. Any group members having more than fifty (50) percent common ownership shall constitute one (1) group member. Each initial application shall set forth or be accompanied by:

(a) The fund's name, location of principal office, date of organization, name and address of each member, and the dates of the fiscal year for accounting purposes;

(b) A description of the group members' common interest or a description of the bona fide trade association including date of organization, articles of incorporation, and a history of the association's activities;

(c) A copy of the articles of association, articles of incorporation, trust agreement or bylaws of the proposed group self-insured fund. The group self-insurance fund's enabling documents shall describe the time and methodology by which premiums shall be determined, assessed and collected during regular operations and in the event of insolvency of the **group self-insurance** fund;

(d) The managed care and utilization review plans**, if any,** for the group self-insurance fund;

(e) Copies of any instruments by which the applicant or its agents have made any commitments to pay for any past or purchase any future goods or services;

(f) An executed copy of the indemnity agreement by which group members jointly and severally bind themselves to pay their workers' compensation liability;

(g) Identification by name, address, and term of the initial board of trustees, administrator, and service organization;

(h) The name of the custodian and the address where the group self-insurance fund's books and records will be kept;

(i) **Specimen** [~~Copies~~] of the **proposed** policy **and certificate of insurance** [~~or binders~~] for the specific and aggregate excess **coverage** [~~insurance~~];

(j) Copies of surety deposits and fidelity bonds as required by Section 11 of this administrative regulation;

(k) A proposed schedule of premium rates and any plan by which rates will be modified. If employment classifications are to vary from those utilized by the National Council of Workers' Compensation Insurers, a description of each classification shall be presented;

(l) A schedule of projected annual premiums and expenses; and

(m) Financial statements for initial group members prepared by a certified public accountant **and signed by an owner or officer of each member** demonstrating a combined net worth of no less than $5,000,000 for the group and the financial stability of each member.

(2) The premium of one (1) group member shall not exceed forty (40) percent of the estimated total premium for the group self-insurance fund.

(3) The first year's premium for the initial membership of the group self-insurance fund shall be no less than $750,000. Verification must be presented that twenty-five (25) percent of the initial estimated premium has been paid and deposited with the group's fiscal agent.

(4) The initial application must be filed no later than sixty (60) days prior to the proposed inception date of the group self-insurance fund.

(5) Certification as a group self-insurance fund shall be granted if the commissioner finds that the applicant has complied with all requirements of this administrative regulation; that the persons responsible for the affairs of the group self-insurance fund are financially stable, competent and experienced in the administration of workers' compensation self-insurance; and that the proposed group self-insurance fund has demonstrated the ability to meet all of its obligations. The commissioner shall consider the adequacy of the funding mechanisms, the presence of excess insurance, the financial strength of the participating members, the stability of the membership and the risks of the industry.

Section 4. Annual Filing. The following information and reports shall be filed by the group self-insurance fund with the commissioner on an annual basis:

(1) Within thirty (30) days prior to the expiration of each self-insurance year, the group self-insurance fund shall file:

(a) [~~Proof of excess insurance coverage for the ensuing self-insurance year;~~

~~(b)~~] Copies of all fidelity and surety bonds or surety deposits;

(b) [~~(c)~~] A current listing of the group members of the fund;

(c) [~~(d)~~] A schedule of proposed premiums by employment classifications; and

(d) [~~(e)~~] Any material changes in administration or the service organization.

(e) A plan by which premium shall be determined, assessed, and collected in the event of insolvency or liquidation of the group self-insurance fund, unless such a plan has been previously submitted.

(2) Within ten (10) days prior to the expiration of each self-insurance year, the group self-insurance fund shall file proof of excess insurance coverage for the ensuing year.

(3) [~~(2)~~] Within 150 days after the close of a self-insurance year, the group self-insurance fund shall file:

(a) The actuarial information required by Section 5 of this administrative regulation;

(b) A certified audit report in conformity with generally accepted accounting principles; and

(c) Any other **relevant** financial information requested by the commissioner.

(4) [~~(3)~~] In the event the certified audit report reveals a fund deficit or inadequate reserves, [~~within thirty (30) days of the certified audit report~~] the trustees shall prepare and file[~~d~~] a plan of remedial action **within thirty (30) days of the receipt of the certified audit report.**

(5) [~~(4)~~] Within 150 days **after** [~~of~~] the end of each self-insurance year, the trustees shall furnish to the group members a statement setting forth all premiums, losses, expenses and distributions **for the group self-insurance fund**.

Section 5. Actuarial Reports. (1) On an annual basis, the group

self-insurance fund shall file with the commissioner an actuarial opinion by a qualified actuary addressing the adequacy of current premium levels and setting forth the actuarial assumptions on which the opinion is based. The opinion **shall** [~~should~~] advise if the premium levels are adequate to provide financial resources to reasonably meet all of the fund's estimated liability for the payment of all workers' compensation benefits **previously** [~~which were~~] incurred **and projected for the ensuing year** [~~during each fund year~~], including a reasonable allowance for incurred but not reported claims plus all administrative, marketing and reinsurance costs of the program.

(2) If in the opinion of the qualified actuary, the group self-insurance fund's current premium levels are not adequate to provide for the payment of all incurred **and projected** losses and [~~other~~] related expenses, the fund's trustees shall adjust the rates and the plan by which premiums will be collected to the level estimated by the qualified actuary to be sufficient to cover all incurred **and projected liabilities** [~~liability~~] and other expenses.

Section 6. Withdrawals and Terminations. (1) A member may withdraw from a group self-insurance fund upon sixty (60) days notice to **the commissioner and** the trustees.

(2) If a group self-insurance fund determines to terminate its self-insurance program, the trustees shall give thirty (30) days advance written notice by certified mail to the commissioner and each group member and shall pay no dividends without the written approval of the commissioner for **five (5)** [~~three (3)~~] years following the close of the last year in which it operated. The **trustees** [~~group~~] shall demonstrate to the commissioner that [~~it has made~~] satisfactory arrangements **have been made** for the continued payment and servicing of all outstanding claims.

Section 7. Trustees; Duties. (1) The Board of Trustees of the group self-insurance fund shall consist of no less than three (3) nor more than seven (7) persons, none of whom are to be officers, employees or agents of a service organization.

(2) The trustees on behalf of the group members shall be responsible for the administration of the group self-insurance fund, for the assessment and collection of premium, for disbursements from the group self-insurance fund, and investment of the fund's monies.

(3) The trustees may contract with a service organization, an administrator, or a fiscal agent to carry out the administration of the group self-insurance fund.

(a) A service organization, its employees and agents must be duly licensed to perform those functions for which a license is required under Kentucky law.

(b) Any contract with a service organization that includes the adjustment and settlement of claims shall include a requirement that the service organization will adjust to final conclusion any and all claims that result from an occurrence during the period for which the contract is effective.

(c) A revolving fund of not more than twenty (20) percent of estimated premiums may be established for use by a servicing organization for the payment of claims.

Section 8. Excess Insurance. (1) With the exception of group self-insurance funds qualifying under subsection (2) of this section, the trustees shall purchase aggregate excess insurance. The retained liability and other fixed costs of the fund shall not exceed 100 percent of the annual assessment of the group members, unless such amount over 100 percent is secured by unencumbered surplus **funds. In the computation of the retained liabilities of the group self-insurance fund, reserves for claims or projected reserves for claims may be discounted for their present value, provided such discounting is based upon the computation of a qualified actuary.** [~~monies.~~] The limit of liability of the aggregate excess insurance **coverage** shall be no less than $2,000,000 or fifty (50) percent of the earned premium, whichever is greater.

(2) A group self-insurance fund meeting all of the following conditions is not required to purchase aggregate excess insurance:

(a) The fund has been in continuous operation for at least five (5) years;

(b) The fund's annual premium has exceeded $5,000,000 in each of the three (3) preceding years; and

(c) Reserves and premium structure have been established so as to secure adequately all predictable losses.

(3) The trustees shall purchase specific excess insurance **coverage** with a limit of at least $25,000,000 per occurrence.

(4) To be eligible to write excess liability coverage for group self-insurance funds, a casualty insurance company shall at all times maintain on file with the Kentucky Insurance Commissioner financial statements demonstrating assets, including surplus to policyholders, at least equal to the Insurance Department requirements of a carrier to do business in the state. The latest financial statement shall reflect a minimum policyholder surplus of not less than **$25,000,000** [~~15,000,000~~] and the carrier shall have demonstrated excellent overall performance and a strong ability to meet **its** [~~their~~] obligations to policyholders over a long period of time.

Section 9. Fund Balances. (1) Prior to inception of each group member's self-insurance year, the trustees shall collect from that member twenty-five (25) percent of the estimated premium for the ensuing year. The balance of the estimated premium shall be collected in either quarterly or monthly installments. Each group member's payroll shall be audited and an adjustment to premium shall be made accordingly.

(2) Disbursements from the fund shall be only for those purposes related to the group self-insurance fund. Dividends shall not be paid until at least twenty-four (24) months after the expiration of the self-insurance year and shall be paid only from surplus funds not required for payment of claims or other liabilities.

(3) The formula to be used for collection of premiums and for the distribution of dividends shall be determined by the trustees. [~~Between group members the distribution may be based upon a formula which does not reflect an individual group member's claim experience.~~]

(4) No trustees, fiscal agent or service organization shall utilize any **assets** [~~monies~~] of the group self-insurance fund for any purpose unrelated to workers' compensation. [~~Borrowing any monies from the fund shall be prohibited.~~] The trustees may, at their discretion, invest any surplus **funds** [~~monies~~] not needed for current obligations, but such investments shall be limited to U.S. government bonds, U.S. Treasury notes, investment share accounts in any savings and loan association whose deposits are insured by a federal agency, and certificates of deposit if issued by a duly chartered commercial bank. Such deposits in savings and loan associations and commercial banks shall be limited to institutions in the state of Kentucky and the safety of any investments which exceed the federally insured amounts shall be the responsibility of the trustees.

(5) Variation from the requirements of this section **for good cause shown** may be sought by application to the commissioner.

Section 10. Group Members. (1) The trustees shall not accept as a member of the group, any employer that does not have a net worth of at least two (2) times its estimated annual premium, unless such employer pays its full **estimated** annual premium in advance. The trustees shall not accept as a member of the group any employer that does not meet all other qualifications for being a member of the group as set forth in the bylaws of the group.

(2) At the discretion of the trustees, the group self-insurance fund may include the Kentucky employees of foreign (out-of-state) employers.

(3) The trustees may suspend or expel any member from the group due to adverse claims experience or lack of cooperation with safety and loss prevention policies by giving the member and the

commissioner thirty (30) days advance written notice. [~~The trustees may suspend or expel any members from the group for nonpayment of premium, by giving the member and the commissioner ten (10) days advance written notice.~~]

(4) The trustees shall report to the commissioner any attempt by any person as defined in KRS 342.0011 who knowingly, as defined in KRS 501.020, makes any false representation, including misrepresentation of hazards, classifications, payrolls, or other facts of an employer or its agent that are designed to cause a reduction in the employer's premium. The trustees shall secure from each member an agreement to report payroll in accordance with the rules and rating plan of the fund. Willful failure to properly report in accordance with the rules and rating plan is ground for expulsion pursuant to subsection 3 of this section.

(5) At least thirty (30) days prior to due date, the trustees shall notify each group member of all premium due, including adjustments. Failure by any member to pay the premium due **prior to the due date** [~~within thirty (30) days of the notice~~] may[~~,~~] result in immediate suspension or expulsion from the group by the trustees. **Ten (10) days advance written notice shall be given to the member and the commissioner.**

(6) The group **self-insurance fund** shall be considered as an individual employer for all purposes of taxation and the individual members of the group shall not be exposed to tax liability other than liability existing as a result of the indemnity agreement with the other group members and the group self-insurance fund.

Section 11. Bonds. (1) The trustees and fund administrators shall provide a fidelity bond to the commissioner in the amount of not less than $300,000, which may be subject to a deductible not exceeding $10,000 for each trustee, each fund administrator and the administrator's employees.

(2) The fiscal agent shall provide a fidelity bond to the trustees of not less than fifty (50) percent or $1,000,000, whichever is lower, of the funds to be handled by the fiscal agent. This requirement shall be waived if the fiscal agent is a national bank.

(3) The service organization shall provide a fidelity bond to the trustees of not less than two (2) times the amount of the revolving fund.

(4) In lieu of the bonds required under subsections (1), (2) and (3) of this section, the trustees may secure a fidelity blanket bond in an amount not less than fifty (50) percent of the self-insurance fund or $2,000,000, whichever is lower. The fidelity blanket bond shall include the trustees, **the administrator, the service organization,** personnel of the service organization and the fiscal agent, unless the fiscal agent is a national bank.

(5) The fund shall provide surety to the commissioner on form SI-03 in an amount no less than $250,000 or ten (10) percent of the annual premium as established in the most recent certified audit on file with the commissioner, whichever is greater.

(6) Any corporate surety, to be eligible for writing group self-insurance fund bonds in the state of Kentucky, shall be authorized by the Kentucky Insurance Commissioner to transact such business in the state, and its latest financial statement on file with the insurance commissioner shall at all times show assets, including surplus to policyholders, at least equal to the latest Insurance Department requirements for admission of a new company to do business in the state. On its latest financial statement, the corporate surety shall reflect a minimum policyholder surplus of not less than **$25,000,000** [~~15,000,000~~]. The corporate surety shall have demonstrated excellent overall performance and a strong ability to meet their obligations to policyholders over a long period of time. No surety shall expose itself to any loss on any one (1) risk in an amount exceeding its current U.S. Treasury limit.

(7) The trustees may file a cash or cash equivalent security deposit on form SI-05 or bank letter of credit on form SI-04 in satisfaction of the surety requirement.

Section 12. Suspension, Revocation or Modification of Certification. (1) The commissioner may suspend, revoke or direct remedial actions regarding any group's certification as a group self-insurance fund if he finds any of the following conditions exist:

(a) The group self-insurance fund is operating significantly in contravention of the basic organizing documents of the group self-insurance fund or is in material violation of this administrative regulation or KRS Chapter 342;

(b) The group self-insurance fund is no longer financially responsible and may reasonably be expected to be unable to meet its current obligation to participants or employees of participants for the payment of workers' compensation medical and indemnity benefits; or

(c) There has been a significant and adverse change in the administration of the group **self-insurance fund**.

(2) In the event the commissioner suspends or revokes any group self-insurance fund's certification, the commissioner may appoint one (1) or more individuals or professional corporations as a receiver to conduct the ongoing **workers' compensation** affairs of the group self-insurance fund. In the event the commissioner appoints a receiver to assume certain administrative responsibilities over the activities of the group **self-insurance fund**, the trustees, service **organization** [~~company~~] and administrator shall cooperate with the commissioner or receiver and are required to reply promptly in writing to any inquiry from the commissioner or his representative, to make available and to deliver to the commissioner or his representative any books, accounts, documents, or other records or information in their custody and control. The receiver may take any action necessary and reasonable to preserve all of the group **self-insurance fund**'s assets and to insure timely payment of all workers' compensation benefits. The receiver may consult with and obtain advice or professional services from appropriate experts or other third-party professionals.

(3) A group **self-insurance fund**'s certification [~~as a group self-insurance fund~~] may be suspended or revoked after compliance with the following procedures:

(a) The commissioner shall conduct a hearing upon a written application by any person or group aggrieved by an order of the commissioner. Written request for a hearing shall be filed within thirty (30) days after an order by the commissioner. The application for hearing shall briefly state the grounds on which the aggrieved party is relying and a basis for the relief sought. The hearing shall be held within thirty (30) days after the filing of the application for hearing, unless postponed by mutual consent. The commissioner shall give written notice of the hearing not less than ten (10) days in advance, stating the date, time and place for the hearing, and specify the matters to be considered.

(b) The commissioner, during the pendency of any appeal or request for hearing, may utilize the surety deposit provided by the group **self-insurance fund** to make any payment of workers' compensation benefits which is currently due.

(c) Any party to the hearing shall have the right to appear in person or by counsel and to be present during the giving of all evidence and to have a reasonable opportunity to inspect all documentary and other evidence, and to examine and cross-examine witnesses, to present evidence in support of his interest and to have subpoenas issued by the commissioner to compel attendance of witnesses and production of evidence on his behalf. Testimony may be taken orally or by deposition, and the parties shall have such right of introducing evidence by interrogatories or by deposition as may be obtained in circuit court. Formal rules of pleadings or evidence need not be reserved in any hearing as long as procedural due process is afforded all parties. The commissioner shall cause a full stenographic record of the proceedings to be made.

(d) **Within** thirty (30) days after the conclusion of the hearing, the commissioner shall make his order covering all matters involved at the hearing and serve a copy of the order upon each party [~~which has appeared~~]. The order shall contain concise findings of fact and

conclusions of law. The final order may suspend, revoke or modify a group self-insurance fund's certification.

Section 13. Forms. (1) Forms SI-03, SI-04, SI-05 and SI-06, (**all** revised 3/15/95), are hereby adopted **and incorporated** by reference.

(2) ~~[One (1) copy of Forms SI-03, SI-04, SI-05, SI-06 (revised 3/15/95), is filed herewith, and incorporated by reference.~~

~~(3)~~] Obtaining forms.

(a) Forms are available to the public at main and branch offices of the Department of Workers' Claims.

1. Frankfort - Perimeter Park West - Building C, 1270 Louisville Road, Frankfort, Kentucky 40601;

2. Louisville - 410 West Chestnut Street, Louisville, Kentucky 40202;

3. Paducah - 220B North 8th Street, Paducah, Kentucky 42001; and

4. Pikeville - 412 Second Street, Pikeville, Kentucky 41501.

(b) Office hours of each office are 9 a.m. to 4 p.m., **local time,** Monday through Friday, inclusive, for this purpose.

Section 14. 803 KAR 25:025, Joint self-insurers, is hereby repealed.

WALTER W. TURNER, Commissioner
APPROVED BY AGENCY: May 9, 1995
FILED WITH LRC: May 9, 1995 at noon

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services
(Amended After Hearing)

907 KAR 1:671. Conditions of Medicaid provider participation; enrollment, documentation of services, disclosure, claims processing, withholding overpayments, appeals process, and sanctions.

RELATES TO: KRS 194.515, 205.510 to 205.990, 42 CFR 431.107, Part 455, Part 1002, **1003,** 42 USC 1320a-3, 1320a-3a, 1320a-5, 1320a-7, 1395cc, 1395vv, 1396b, 1396d, 1396m, 1396n

STATUTORY AUTHORITY: KRS 194.050, 205.520, 205.560, 205.6318, 42 USC 1396a

NECESSITY AND FUNCTION: The Cabinet for Human Resources shall administer the Medicaid Program. KRS 205.8451 through 205.990, 205.624 and 194.515 provide that the Cabinet for Human Resources and the Department for Medicaid Services shall be responsible for the control of Medicaid provider fraud and abuse. KRS 205.520 authorizes 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 Medicaid provider participation.

Section 1. Definitions. (1) "Abuse" is defined by KRS 205.8451.

(2) "Administrative process" means meeting, review, investigation, hearing, appeal, deliberation or exchange of documents or information between the provider and the department.

(3) "Affiliate" means an individual agency or organization controlled by the provider or associated with the provider under common ownership or control.

(4) "Applicant" means a person or entity who submits an application to become a Medicaid provider.

(5) "Application" means completion and submission of a Medicaid provider agreement, and any required addendum specific to a provider type, which is the contract between the provider and the cabinet for the provision of Medicaid services.

(6) "Billing agent" means a contractor that prepares and submits claims on behalf of the provider.

(7) "Bribes and kickbacks" means soliciting or receiving any payment, or offering or making any payment whether in cash or goods or services, in return for:

(a) Referring a recipient to a provider for any medical care, services or supplies; or

(b) Purchasing, leasing, ordering or recommending any medical care, services or supplies, for which payment is claimed under the Medicaid Program.

(8) "Cabinet" means the Cabinet for Human Resources.

(9) "Claim" means any request for payment under the Medicaid Program, and relates to each individual billing submitted by a provider to the department which details services rendered to an individual recipient on a given date or dates of service. The claim may be either a line item of service or all services for one (1) recipient within a bill.

(10) "Conversion" means converting a Medicaid payment, or any part of a payment, to a use or benefit other than for the use and benefit intended by the Medicaid Program.

(11) "Convicted" shall have the same meaning as that shown in KRS 205.8475, regardless of whether an appeal from that judgment is pending.

(12) "Department" means the Department for Medicaid Services (including any contract agents).

(13) "Disclosing entity" means a Medicaid provider or the fiscal agent for the department.

(14) "Disclosure" means the provision of information in accordance with the requirements shown in 42 CFR 455, Subpart B.

(15) "Exclusion" means the termination of the participation of a provider or the denial of the enrollment of a provider; and no reimbursement shall be made to the provider under Medicaid for items or services furnished by the provider during any period of exclusion.

(16) "Factor" shall have the same meaning as shown in 42 CFR 447.10.

(17) "False claim" means a claim for:

(a) Unfurnished medical care, services, or supplies; or

(b) Medical care, services, or supplies provided:

1. In excess of accepted standards of practice for the medical service that was provided;

2. In an amount in excess of established ~~[amounts or]~~ limits which were communicated by prior written notice to providers; or

3. Where there is documentation that the provider has knowledge of third-party coverage of the recipient, but the provider knowingly chooses not to bill the third-party payor.

(18) "Fiscal agent" means a contractor that processes or pays provider claims on behalf of the department.

(19) "Full investigation" means the activities of the Medicaid Fraud and Abuse Control Unit of the Office of the Attorney General (MFACU) or any other law enforcement or investigative agency to resolve a complaint of Medicaid fraud or abuse (if the abuse involves substantial allegations or other indications of fraud).

(20) "Furnish" means to provide medical care, services, or supplies that are:

(a) Provided directly by the provider;

(b) Provided under the supervision of the provider: or

(c) Prescribed by the provider.

(21) "Managing employee" means the general manager, business manager, administrator, director, or other individual who exercises operational or managerial control over, or who conducts the day-to-day operation of, an institution, organization, or agency.

(22) "Medicaid Fraud and Abuse Control Unit" (MFACU) means the unit of staff in the Office of the Attorney General of Kentucky, certified under the provisions of 42 USC 1396b(q), which conducts a statewide program for the investigation and prosecution of violations of all state laws regarding fraud and abuse in connection with the provision of Medicaid services and the activities of Medicaid providers.

(23) "Preliminary investigation" means the activities of the Office of Inspector General (OIG), MFACU, or the department to determine whether a complaint of Medicaid fraud or abuse has sufficient basis to warrant a full investigation.

(24) "Provider" is defined by KRS 205.8451.

(25) "Recipient" is defined by KRS 205.8451.

(26) "Reliable evidence" means:

(a) Preliminary determinations based on a preponderance of evidence as verified by the department by audit or utilization review staff of unacceptable practices or significant overpayments;

(b) Information of an ongoing investigation of a provider based on a preponderance of evidence, as verified by the cabinet, involving fraud or criminal conduct pertaining to the Medicaid Program.

(c) Information based on a preponderance of evidence, as verified by the cabinet, from a state professional medical licensing or certifying agency of ongoing investigation of a Medicaid provider involving fraud, abuse, professional misconduct, unprofessional conduct, or utilization; or

(d) Information from department staff or other sources based on a preponderance of evidence, as verified by the cabinet, regarding unacceptable practices or program abuse.

(27) "Sanction" means any administrative action taken by the department which limits a person's or a provider's participation in the Medicaid Program or imposes a fiscal penalty against the provider including the imposition of civil penalties and interest and the withholding of payments. Sanctions which may be imposed are described in KRS 205.8467 and Section 9 of this administrative regulation.

(28) "Services" means medical care, services, or supplies provided to recipients under Medicaid.

(29) "Subcontractor" means an individual, agency, or organization to which a disclosing entity has:

(a) Contracted or delegated some of its management functions or responsibilities of providing medical care or services to its patients; or

(b) Has entered into a contract, agreement, purchase order or lease including real property, to obtain space, supplies, equipment or nonmedical services provided under Medicaid.

(30) "Supplier" means an individual, agency, or organization from which a provider purchases goods or services used in carrying out its responsibilities under Medicaid.

(31) "Terminated" means the provider's participation in the Medicaid Program has been ended, and that a contractual relationship no longer exists between the provider and the department for the provision of Medicaid covered services to Medicaid eligible recipients by that individual, entity, or organization.

(32) "Unacceptable practice" means conduct by a provider which constitutes "fraud" or "provider abuse", as defined in KRS 205.8451(2) or (8), or willful misrepresentation, and includes the following practices:

(a) Knowingly submitting, or causing the submission of false claims, or inducing, or seeking to induce, any person to submit false claims;

(b) Knowingly making, or causing to be made, or inducing, or seeking to induce, any false, fictitious or fraudulent statement or misrepresentation of material fact in claiming a Medicaid payment, or for use in determining the right to payment;

(c) Having knowledge of any event affecting the right to payment of any provider and concealing or failing to disclose the event with the intention that a payment be made when not authorized or in a greater amount than due;

(d) Conversion;

(e) Soliciting or accepting bribes and kickbacks;

(f) Failing to maintain or to make available, for purposes of audit or investigation, administrative and medical records necessary to fully disclose the medical necessity for the nature and extent of the medical care, services and supplies furnished, or to comply with other requirements as contained in Section 4 of this administrative regulation;

(g) Knowingly submitting a claim or accepting payment for medical care, services, or supplies furnished by a sanctioned provider;

(h) Seeking or accepting additional payments such as gifts, money, donations, or other consideration in addition to the amount paid or payable under the Medicaid Program for any covered medical care, services, or supplies for which a claim is made;

(i) Charging or agreeing to charge or collect any fee from a recipient for covered services which is in addition to amounts paid by the Medicaid Program except for any required copayments**, or recipient liability (if any) as required by the Medicaid Program**;

(j) Engaging in conspiracy, complicity, or criminal syndication;

(k) Furnishing medical care, services, or supplies that fail to meet professionally recognized standards, or which are found to be noncompliant with licensure standards promulgated under KRS Chapter 216B **and failing to correct the deficiencies or violation as reported to the department by the Office of Inspector General, Division of Licensure and Regulation**, for health care or which are beyond the scope of the provider's professional qualifications or licensure;

(l) Illegally discriminating in the furnishing of medical care, services, or supplies based on a recipient's race, color, national origin, religion, sex, age, disabling condition, or marital status;

(m) Having payments made to or through a factor, either directly or by power of attorney, as prohibited by 42 CFR 447.10;

(n) Offering or providing any premium or inducement to a recipient in return for the recipient's patronage of the provider or other provider to receive medical care, services or supplies under the Medicaid Program;

(o) Knowingly failing to meet disclosure requirements;

(p) Unbundling; and

(q) An act committed by a nonprovider on behalf of a provider which, if committed by a provider, would result in the termination of the provider's enrollment in the program.

(33) "Unbundling" means submitting multiple claims for constituent parts of services provided which results in enhanced reimbursement to a provider for a covered service where the claims do not conform with professionally recognized coding standards;

(34) "Withholding" means not paying a provider for claims which have been processed, pending the results of an investigation of a report of fraud or willful misrepresentation based upon receipt of reliable evidence. **Withholding may also occur as a result of provider bankruptcy, failure to submit timely cost reports, or closure (termination) of a business.**

Section 2. Enrollment Process for Provider Participation in Medicaid. (1) Scope.

(a) The department shall contract with only those providers or entities who can demonstrate that they are qualified as determined by the cabinet to participate as a provider. **The department reserves the right to contract or not contract with any potential provider.**

(b) All providers or entities who wish to participate in the Medicaid Program shall be enrolled as participating providers prior to being eligible to receive reimbursement.

(2) New enrollments. Any provider or entity interested in participating as a Medicaid provider on or after the effective date of this administrative regulation shall be required to submit an application for enrollment in accordance with this section.

(3) Enrolled providers. All providers or entities enrolled as participating providers in Medicaid prior to the effective date of this administrative regulation shall continue to be participating providers on the effective date of this administrative regulation. Upon receiving notice from the department, existing providers shall be required to submit a new or revised application for enrollment to continue their Medicaid participation.

(a) Providers shall have thirty-five (35) days from the date of the

notice to submit a completed and signed application to the department.

(b) The notice shall inform the provider that failure to return the completed and signed application within thirty-five (35) days shall result in termination of participation.

(c) Submission of the application within thirty-five (35) days shall permit the continuation of the existing provider participation which shall remain in effect until a determination with respect to the application for enrollment has been made and notice of approval or denial of enrollment sent to the provider.

(d) The department may revise enrollment requirements by regulatory revision made in accordance with the requirements of KRS Chapter 13A and re-enroll providers if necessary for effective management of the Medicaid Program.

(4) Application for enrollment as a participating provider shall be processed in the following manner:

(a) All applicants for participation shall complete a provider agreement, disclosure of ownership and control interest statement, certification with regard to lobbying activity (pursuant to 31 USC 1352), provide proof of a currently valid professional license, registration, or certificate which allows the applicant to provide the services for which the applicant contracts, and provide any additional clarifying information requested for processing of the application for participation.

(b) The department may require any additional clarifying information from the applicant with regard to qualifications for participation. If the applicant does not respond within the time period specified in the request, the application for participation may be denied unless an extension of time is requested and granted.

(c) The department may require that an on-site inspection be performed to ascertain compliance with applicable licensure standards as promulgated under KRS Chapter 216B, and certification standards, prior to an enrollment determination.

(d) The department shall complete its application review and determine whether or not to enroll the applicant within ninety (90) days after receipt of the completed application and any additional clarifying information requested by the department. The department may take additional time for the decision when necessary for resolution of issues or disputes.

(5) Approval of an application.

(a) Upon approval of an application, the provider shall be issued an identifying number to be used exclusively by the provider for billing and identification purposes.

(b) A provider's participation shall begin on the date specified in the notification of approval of program participation and continue for the period specified in the notification, unless the provider participation is otherwise terminated in accordance with this administrative regulation or other applicable state or federal laws.

(6) By enrolling, the provider, its officers, directors, agents and employees (and all subcontractors pursuant to written agreement made a part of the contract) agrees to:

(a) Maintain the documentation for claims as required by Section 4 of this administrative regulation;

(b) Furnish all information regarding the nature and extent of services and claims for payment submitted by, or on behalf of, the provider to representatives of the cabinet, the Kentucky Health Policy Board, the Attorney General, the Auditor of Public Accounts, the Secretary of the United States Department of Health and Human Services, and the Office of the United States Attorney upon request;

(c) Comply with the disclosure requirements of Section 3 of this administrative regulation;

(d) Comply with the applicable advance directives requirements of 42 USC 1396a(w) with regard to the right to accept or reject lifesaving medical procedures as described in KRS 311.621, et seq;

(e) Accept payment from Medicaid as payment in full for all care, services, and supplies billed under Medicaid, except with regard to copayments and recipient liability (if any);

(f) Submit claims for payment only for care, services, and supplies actually furnished to eligible recipients and medically necessary or otherwise authorized by law;

(g) Provide true, accurate, and complete information in relation to any claim for payment;

(h) Permit review or audit by representatives of the cabinet, the Kentucky Health Policy Board, the Attorney General, the Auditor of Public Accounts, the Secretary of the United States Department of Health and Human Services, and the Office of the United States Attorney or any other body with investigative authority over Medicaid, of all books or records or, in the discretion of the auditing agency, a sample thereof, relating to services furnished and payments received under Medicaid, including recipient histories, case files, and recipient specific data. Failure to allow access to records may result in the provider's liability for costs incurred by the cabinet associated with the review of records, including food, lodging and mileage.

(i) Not engage in any activity which would constitute unacceptable practice;

(j) Comply with all terms and provisions contained in the provider agreement; and

(k) Comply with all applicable federal and state statutes and regulations relating to their provider type and provision of services under the Medicaid Program.

(7) Denial of an application for participation.

(a) ~~[The following factors shall be]~~ Reasons for denial of application for participation **may include the following factors**:

1. Any false representation, omission, or failure to disclose of any material fact in making an application;

2. Any suspension, exclusion, or involuntary withdrawal from participation currently in effect in any governmental medical insurance program as a result of fraud or abuse of that program;

3. Any false representation or omission relating to the application for any license, permit, certificate, or registration related to a health care profession or business;

4. Any previous failure to comply with applicable standards in the operation of a health care business or enterprise after having received written notice of noncompliance from the department or a state or federal licensing, certifying, or auditing agency;

5. A current investigation, indictment or conviction for fraud and abuse or unacceptable practice in Medicaid of this or any other state, Medicare, or any other publicly funded health care program;

6. Failure to comply with any Medicaid policy as specified in Kentucky statutes or administrative regulations of the department; **or**

7. ~~[Provider participation in the medical service area is sufficient so that care and services of that type of provider are available under the Medicaid Program to the extent that they are available to the general population in that geographic area; or~~

~~8.~~] Failure to pay any outstanding debt owed to the department.

(b) If an application is denied, the applicant may resubmit only upon correction of the factors leading to its denial, and after the expiration of any period of exclusion imposed under Sections 9 and 10 of this administrative regulation.

(c) Notice of denial of enrollment. A written notice of the denial mailed to the applicant's last known address shall be given which contains:

1. The reason for the denial; and

2. The date the applicant may make a new submission for enrollment.

(d) The denial shall be effective upon the date of the written notice.

(8) A provider of medical services or supplies may enroll for a time limited period of thirty (30) days in an exceptional situation for emergency services provided to an eligible recipient upon request by the provider and approval by the department.

Section 3. Required Provider Disclosure. (1) Providers and the fiscal agent shall comply with the disclosure of information require-

ments contained in 42 CFR 455 Subpart B and KRS 205.8477.

(2) Time and manner of disclosure.

(a) The required provider information specified in 42 CFR 455, Subpart B shall be provided:

1. Upon application for enrollment;

2. Annually thereafter; and

3. Within thirty-five (35) days of the request by the department or the Secretary, United States Department of Health and Human Services.

(b) The disclosure requirement may coincide with the certification or recertification period except when the provider is certified other than on an annual basis.

~~[(c) The provider shall file an amended, signed ownership and disclosure form with the department within fifteen (15) days if there is a change:~~

~~1. In ownership or control;~~

~~2. Of a managing employee or management company;~~

~~3. In a provider's federal tax identification number; or~~

~~4. Which could be considered to constitute a new entity.]~~

(3) If the provider or fiscal agent fails to disclose required information within the time period specified, the provider shall be terminated from participation in the Medicaid Program on the day following the last day for submittal of the required information in accordance with Section 10(3) of this administrative regulation.

(4) The provider shall file an amended, signed ownership and disclosure form with the department within thirty-five (35) days if there is a change:

(a) In ownership or control;

(b) Of a managing employee or management company;

(c) In a provider's federal tax identification number.

(5) Failure to comply with the requirements may result in termination from the Medicaid Program.

Section 4. Required Provider Documentation. (1) Each provider shall maintain documentation of:

(a) Care, services, or supplies provided to an eligible recipient;

(b) The recipient's medical record (or other provider file, as appropriate) which shall demonstrate that the care, services, or supplies billed for, were actually performed or delivered;

(c) The diagnostic condition necessitating the service performed or supplies provided; and

(d) Medical necessity as substantiated by appropriate documentation (need for procedure as indicated by appropriate medical order).

(2) A cost based provider shall maintain all fiscal and statistical records and reports which are used for the purpose of establishing rates of payment made in accordance with Medicaid policy, and all underlying books, records, documentation and reports which formed the basis for the fiscal and statistical records and reports.

(3) All documentation required by this section shall be maintained by the provider for a minimum of five (5) years from the latter of:

(a) The date of final payment for services;

(b) The date of final cost settlement for cost reports; or

(c) The date of final resolution of disputes (if any).

(4) If any litigation, claim, negotiation, audit, investigation, or other action involving the records has been started before the expiration of the five (5) year period, the records shall be retained until the latter of:

(a) The completion of the action and resolution of all issues which arise from it; or

(b) The end of the regular five (5) year period.

Section 5. Claims Processing. (1) Claim submittal.

(a) A provider shall submit a claim, using forms and procedures specified by the department, for covered services or supplies rendered to an eligible recipient within twelve (12) months of the provision of service.

(b) A claim may be submitted on:

1. A paper form;

2. An electronic billing process; or

3. Any form approved by the department.

(c) A provider shall submit additional clarifying documentation for claims processing when required by the department.

(d) By submitting a claim a provider shall be:

1. Liable for the accuracy of all claims submitted by the provider, on the provider's behalf or by employees of the provider; and

2. Responsible for reviewing the statement of payment or remittance statement to assure that paid claims shown are true and correct, and for informing the department of any discrepancy.

(e) If a provider submits a claim electronically, the provider's acceptance of payment shall be considered to be the provider's certification that a paid claim is true and correct; and

(f) Any submittal of a false claim, statement, or document shall be considered an unacceptable practice.

(2) Claim payment.

(a) Payment shall be made by the department if:

1. The information required to pay the claim is complete;

2. The claim is not under review for medical necessity;

3. The provider has submitted all reports and information required by the department; and

4. The department is not withholding the provider's payments in accordance with Section 8 of this administrative regulation.

(b) The department may audit paid claims to determine if any unacceptable practices have occurred which may result in sanctions.

Section 6. Methods for Recoupment of Overpayments. (1) Medicaid overpayments. If a determination is made by the department that a provider was overpaid, a demand letter shall be sent to the provider which shall set forth the amount of the overpayment, the period of time involved, and the basis for determining the overpayment exists.

(a) In response to the demand letter, the provider shall~~[,]~~ within **sixty (60)** ~~[thirty (30)]~~ days from the date of the letter:

1. Pay the amount in full; or

2. Submit a written request for a payment plan.

(b) If payment amounts due a provider are recalculated within the Medicaid Management Information System due to rate revisions, the department shall apply the rate adjustment against the next payment cycle for the provider prior to notifying the provider of the amount of the overpayment. **A provider shall be notified at least sixty (60) days in advance of any payment recalculation resulting from a reimbursement rate revision.**

(2) A payment plan may be approved by the department if a provider documents that payment in full would create an undue hardship. A declaration in writing to the department of undue hardship shall include the following:

(a) Copies of financial statements which indicate payment in full within **sixty (60)** ~~[thirty (30)]~~ days would create an undue hardship; and

(b) Copies of notarized letters from at least two (2) financial institutions indicating the provider's loan request was denied for the overpayment amount.

(3) Payment plans shall not extend beyond a six (6) month period except as provided for in subsection (4) of this section.

(4) The department may approve a payment plan in excess of six (6) months but not to exceed twenty-one (21) months if the monthly repayment exceeds twenty-five (25) percent of the provider's average monthly Medicaid payment. The average monthly Medicaid payment is based on the previous twelve (12) month's payments.

(5) All payment plans shall include provisions for payments of both principal and interest as provided in KRS Chapter 360.

(6) If a provider fails to make a payment as specified in the payment plan or takes no action toward repayment, the department shall recoup the amount due from future payments. If a provider has insufficient funds available for recoupment through the payment

system in the first payment cycle following the due date, payments shall **continue to be recouped** [~~be withheld~~] and the account referred to the cabinet's Office of the Counsel for collection.

(7) If a provider disputes the amount of overpayment due the department, the provider may **submit additional information,** request a resolution in accordance with Section 12 of this administrative regulation, and **request** an administrative hearing in accordance with Section 13 of this administrative regulation. Disputing the amount of overpayment shall not relieve the provider of his obligation to submit full payment **in sixty (60) days**, or to request a payment plan, within **sixty (60)** [~~thirty (30)~~] days of the demand letter.

(a) If the department determines that no adjustments are required as a result of the resolution process, the initial determination shall stand.

(b) If it is determined that the amount requested should be reduced, any refund plus applicable interest as provided for in KRS Chapter 360 due to the provider shall be refunded to the provider within thirty (30) days from the date of the final determination letter sent to the provider.

(c) If it is determined that the amount requested should be increased, the additional amount due shall be subject to subsection (1) of this section.

(8) Withholding Medicare payments to recover Medicaid overpayments.

(a) The cabinet may request that the Health Care Financing Administration (HCFA) withhold Medicare payments to a provider in order to recover Medicaid overpayments to the provider. The requests for withholding shall be accomplished in accordance with the terms and conditions specified in 42 USC 1395vv.

(b) Amounts withheld by HCFA and returned to the cabinet by HCFA (as provided in 42 USC 1395vv) which are ultimately determined by the cabinet to be in excess of overpayments shall be returned to the provider.

(9) Statutory recovery. The cabinet shall not issue payments otherwise due a provider if withholding is ordered by a state or federal government agency or by a court for recovery of money. The payments shall be withheld in accordance with the provisions of the order issued by the state or federal government agency or the court.

(10) Medicare overpayments. If ordered to do so by HCFA, the department shall recoup the federal share of Medicaid payments otherwise due Medicaid providers as a means to recover Medicare overpayments. The federal share of Medicaid payments is that portion of the payment funded with federal funds.

(11) Any contract for the sale or change of ownership of a provider participating in the Medicaid Program shall specify whether the buyer or seller is responsible for any amounts owed the department by the provider, regardless of whether the amounts have been identified at the time of the sale.

Section 7. Administrative Process for Detection of Unacceptable Practice. (1) A preliminary investigation of alleged unacceptable practice shall be conducted by the department or its agent if:

(a) A complaint is received by the department or other cabinet staff or upon referral from the Office of Attorney General to the cabinet; or

(b) **Questionable** [~~Potentially~~] unacceptable practices are identified by the department or its contractors.

(2) If the findings of a preliminary investigation indicate that an incident of fraud or abuse involving substantial allegations or other indication of fraud may have occurred under the Medicaid Program, a referral for a full investigation shall be made to the MFACU or the Office of the United States Attorney, if appropriate.

(3) In order to facilitate a full investigation, the department shall, at the request of the MFACU or the Office of the United States Attorney, provide access to, and free copies of, any records, data, or information kept by the department, its contractors, or providers if authorized as specified in Section 4 of this administrative regulation.

(4) A full investigation shall continue until:

(a) Appropriate legal action is initiated;

(b) The investigation is discontinued because of insufficient evidence to support the allegation of unacceptable practice; or

(c) The case is returned to the department for administrative action.

(5) At any time during a preliminary or full investigation, the department may make an administrative determination that a provider has committed an act of unacceptable practice based on receipt of reliable evidence. The Commissioner of the Department for Medicaid Services shall issue a written notice of a determination of unacceptable practice to the provider upon which an exclusion or sanctions are intended to be imposed, as specified in Section 9 of this administrative regulation. The notice shall be mailed to the provider's designated payment or correspondence address or last known address and shall clearly state:

(a) The determination made;

(b) The basis and specific reasons for the determination;

(c) The effect of any action to be taken;

(d) The amount of any overpayment or penalty, if any;

(e) The effective date of the action; and

(f) The hearing rights of the provider as outlined in Section 13 of this administrative regulation.

(6) At any time during a preliminary or full investigation, the cabinet may refer the case to the United States Attorney's Office for all action deemed appropriate.

(7) The Medicaid Program may use random or other statistical sampling methodologies and extrapolate the Medicaid Program's findings based on the sample.

Section 8. Withholding of Payments During Investigation of Fraud or Willful Misrepresentation. (1) The department may withhold Medicaid payments as provided for in 42 CFR 455.23 upon receipt of reliable evidence that the circumstances giving rise to the need for a withholding of payments involve fraud or willful misrepresentation under the Medicaid Program.

(2) The department may withhold payments without first notifying the provider of its intention to withhold payments.

(3) The department shall mail written notice to the provider at the provider's last known address of its withholding of program payments within five (5) days of the date upon which withholding began.

(a) The notice shall set forth the general allegations of the nature of the withholding action, but shall not disclose any specific information concerning its ongoing investigation.

(b) The notice shall advise the provider:

1. That payments are being withheld in accordance with this administrative regulation;

2. The statutory and regulatory basis for withholding and the facts upon which the action is taken;

3. The date upon which withholding began;

4. That withholding shall be for a temporary period;

5. Of the circumstances under which withholding shall be discontinued;

6. Of the type of Medicaid claim, as appropriate, to which withholding shall apply;

7. Of the provider's right to submit written evidence for consideration by the agency; and

8. Of the provider's hearing rights in accordance with Section 13 of this administrative regulation.

(4) Any withholding of payment action under this section shall be temporary and shall not continue after:

(a) The investigation has been discontinued due to insufficient evidence of fraud or willful misrepresentation by the provider;

(b) Legal proceedings related to the provider's alleged unacceptable practice are completed and all related issues have been resolved; or

(c) The matter is resolved between the department and the

provider through an administrative determination of unacceptable practice, as specified in Section 7 of this administrative regulation.

(5) Upon completion of the process described in subsection (4)(a) and (b) of this section all monies due on verified claims shall be promptly disbursed to the provider.

Section 9. Sanctions. (1) The cabinet shall comply with the requirements of 42 CFR 1002.

(2) The cabinet shall impose sanctions as provided in KRS 205.8467, as provided in this section and in Sections 7, 8, and 10 of this administrative regulation ~~[when legal proceedings against a provider have established that the provider has engaged in fraud or abuse or when an administrative determination as provided in Section 7 of this administrative regulation establishes that the provider has engaged in an unacceptable practice]~~.

(3) The department may hold a provider responsible for the conduct of its affiliates in the administrative determination of unacceptable practice. However, conduct may only be imputed to another if the conduct was accomplished within the course of the duties of the provider to be sanctioned; and

(a) The provider knew or reasonably should have known of the conduct; or

(b) The conduct was effected with the knowledge and consent of the provider.

(4) If the department sanctions a provider, it may also sanction any affiliate of the provider. However, the determination to sanction the affiliate shall be made during the process leading to the administrative determination of unacceptable practice, on a case-by-case basis, after full review and consideration of all relevant facts and circumstances leading to the sanction of the primary provider. The affiliate shall have the same notification and due process rights as any sanctioned provider.

(5) The sanction process may include the termination of the provider from the Medicaid Program; if a termination is made the termination notice shall specify a period of exclusion. In determining the sanction, or the duration of exclusion, the department shall consider as appropriate:

(a) The number and nature of the unacceptable practice incidents;

(b) The nature and extent of any adverse impact the violations had on recipients;

(c) The amount of damages to the program;

(d) Other facts related to the nature and seriousness of the unacceptable practice; and

(e) The previous record of violations by the provider under Medicare, Medicaid and any program administered by the cabinet.

(6) The sanction process shall include liability for civil payments, restitution of overpayments and agency costs as specified in KRS 205.8467.

(7) The cabinet shall use a lien, as specified in KRS 205.8471 to assure payment of restitution and monetary penalties imposed under the administrative determination of fraud.

(8) A provider excluded from the Medicare Program shall be excluded from the Medicaid Program for the same period of time.

(9) The provider shall be notified in writing by the department of any sanctions that are imposed.

Section 10. Provider Participation Termination. (1) Except as provided in subsection (6) of this section, a provider's participation may be terminated by either the provider or the department upon thirty (30) days written notice to the other without cause or as otherwise specified in the provider agreement.

(2) Except as provided in subsection (6) of this section, a provider's participation may be terminated and a period of exclusion imposed if an administrative determination is made, as set forth in Section 7 of this administrative regulation, that the provider engaged in an unacceptable practice.

(3) ~~[A provider shall provide up-to-date information in accordance with Section 3 of this administrative regulation.]~~ Except as provided for in subsection (6) of this section, failure to maintain up-to-date information, or to submit the information within thirty-five (35) days of a request by the department (except as provided for in Section 2 of this administrative regulation) shall result in termination of the provider's participation.

(4) Except as provided in subsection (6) of this section, a provider's participation shall be terminated immediately if it is found that the information provided at the time of application was incorrect, inaccurate or incomplete and where provision of correct, accurate and complete information would have resulted in the denial of the application based upon one (1) or more of the factors set forth in Section 2 of this administrative regulation.

(5) Except as provided in subsection (6) of this section, a provider's participation shall be terminated if the provider fails or refuses to pay or enter into an agreement to pay the amount of any penalty imposed, including interest, in accordance with Section 9 of this administrative regulation and KRS 205.8467 within sixty (60) days from the date of the department's notice or the date of a hearing decision (if any).

(6) Before the participation of a nursing facility, as defined in 42 USC 1396r(a), or an intermediate care facility for the mentally retarded, as defined in 42 USC 1396d(d), is terminated, it shall have the right to receive a hearing in accordance with Section 13 of this administrative regulation and 42 CFR 431.151 through 431.154.

(7) Except as provided in subsection (6) of this section, a provider's participation in Medicaid shall be terminated if the provider fails to submit a completed and signed application within thirty-five (35) days from the date of the notice to provide the application.

(8) Except as provided in subsection (6) of this section, a provider's participation in Medicaid shall be terminated and a period of exclusion imposed upon a Medicare or Medicaid related conviction through the judicial process.

(9) A provider's participation in Medicaid shall be terminated in accordance with 42 CFR 1003.105 on the date of termination or suspension from Medicare.

(10) Except as provided in subsection (6) of this section, a provider's participation in Medicaid shall be terminated as of the date of any termination, revocation, or suspension of any registration, certification or license to practice a medical profession, or as required to provide medical care, services or supplies under Medicaid.

(11) Except as provided in subsection (6) of this section, a provider's participation:

(a) Shall be terminated and a new application required if the ownership or controlling interest of the provider has substantially changed, since acceptance of its enrollment application, due to one (1) or both of the following actions:

1. The addition or elimination of one (1) or more partners in a provider organized as a partnership; or

2. The sale of the business or assets directly related to the provision of health care under the Medicaid Program if such sale will result in a change of ownership or control of any provider;

(b) May be terminated and a new application required if ownership or controlling interest of the provider has substantially changed since the acceptance of its enrollment application due to the sale or exchange of capital stock in a provider organized as a corporation; and

(c) A notice advising of the termination and of the requirements to make a new application for enrollment shall be sent to the provider thirty (30) days prior to its termination from the program.

(12) Notice of termination.

(a) A notice of termination shall be in writing, mailed to the last known address, and contain the following information:

1. The reason for the termination, if any;

2. The effective date of the termination;

3. The date the provider may submit an application for re-enrollment, if appropriate; and

4. The provider's hearing rights in accordance with Sections 12 and 13 of this administrative regulation.

(b) If notice has been provided in accordance with Section 7(5) of this administrative regulation, no additional notice of termination shall be required.

(13) The department may extend participation or waive termination for any provider of covered medical service if necessary to assure that adequate medical services will be available in the area served by the provider.

(14) The department may terminate a provider immediately if necessary to protect the health or well-being of Medicaid recipients.

Section 11. Provider Reinstatement or Re-enrollment Following Termination. (1) A provider whose participation has been terminated under the provisions of this administrative regulation may request reinstatement in accordance with the provisions set forth in the written notice from the department and shall be subject to the enrollment requirements in Section 2 of this administrative regulation. An application for enrollment under this section shall be identified by the provider as a reinstatement application.

(2) The department may only grant reinstatement from an exclusion based on a program violation if the provider can demonstrate and assure the department that the violation which led to the sanction is corrected and shall not be repeated.

(3) If the department approves the request for reinstatement, after imposition of a sanction in accordance with Section 9 of this administrative regulation, the department shall provide written notice to the provider and to all others who were informed of the sanction, specifying the date on which program participation may resume.

(4) A provider terminated from the Medicaid Program and excluded for a specified period of time shall be eligible for re-enrollment upon the expiration of the period of exclusion. In addition, providers excluded on the basis of a conviction for a program related offense shall not be eligible for re-enrollment until the conviction is final and unappealable.

Section 12. Resolution of Provider Disputes Prior to Hearing. (1) If a provider disagrees with Medicaid determinations with regard to **appealable issues as provided for in Section 13 of** [~~claims payment, sanctions, participation or other matters covered in~~] this administrative regulation, the provider may request in writing within thirty (30) days of the date of notice a resolution meeting. [~~; provided, however,~~] Any disagreements relating to cost based rates including such items as the rate itself, cost reporting, recoupments, withholding, and any other matter relating to the provider's payments and rates, shall be resolved in accordance with Section 14 of this administrative regulation. [~~A request for a resolution meeting shall not extend the thirty (30) day time period for filing a request for an administrative hearing in accordance with Section 13 of this administrative regulation.~~]

(2) The request from the provider shall clearly identify the disputed issue, the specified basis for believing the department's decision is erroneous, provide any documentation (or a summary supporting the provider's position), and identify the provider's representative(s) expected to attend the resolution meeting.

(3) The agency shall, within five (5) days of receipt of the request, send a written response to the provider identifying the time and place of the meeting which shall be held within thirty (30) days of receipt of the request and identifying the agency's representative(s) expected to attend the meeting.

(4) The resolution meeting shall be conducted in an informal manner as directed by the department's representative with the provider afforded the opportunity to present any evidence or testimony to support his case.

(5) A provider may, within thirty (30) days of the date of the notice, submit any information which the provider wishes considered in relation to the agency determination without requesting a resolution meeting. **The submission of additional documentation shall not extend the thirty (30) day time period for requesting a resolution meeting.**

(6) The department may rescind, modify or take no action with regard to the disputed issue but shall provide written notice to the provider of the **department's** [~~agency's~~] decision within thirty (30) days from the date of the resolution meeting, or from the date the information to be considered was presented to the department [~~if no resolution meeting was requested~~]. The notice of the department shall include the determination and the facts upon which it is based with reference to applicable statutes and administrative regulations.

(7) Information submitted for the purpose of informally resolving a provider dispute shall not be considered a request for an administrative hearing.

Section 13. Administrative Hearing Process. (1) The administrative hearing shall be conducted by an impartial hearing officer knowledgeable of Medicaid policy appointed by the secretary of the cabinet.

(2) This process shall be used in the following situations except as specified in Section 14 of this administrative regulation:

(a) If the provider's participation is terminated as specified in Section 10(2), (3), (4), (5), (6), (7), (8), (10), (11) and (14) of this administrative regulation or if a provider alleges discrimination on the basis of age, race, sex, country of national origin, ethnic group, or disability; or

(b) If the agency imposes a fiscal sanction; or

(c) If the agency requires the repayment of an overpayment or restitution; or

(d) If the provider's payments are being withheld in accordance with Section 8 of this administrative regulation.

(3) A written request for a hearing shall be received by the department within thirty (30) days of the date of the department's notice of **a** [~~adverse~~] determination. This request shall be sent to the **Office of the** Commissioner, Department for Medicaid Services, Cabinet for Human Resources, 275 East Main Street, **3rd Floor, Cabinet for Human Resources Building,** Frankfort, Kentucky 40621. The department shall forward to the hearing officer an administrative record which shall include the notice of action taken, the statutory or regulatory basis for the action taken, the department's decision following the resolution process, and any documentary evidence provided by the appellant to the department.

(4) The hearing officer shall schedule the hearing within thirty (30) days of the **receipt of the** request from the provider with the hearing to be held not later than thirty (30) days thereafter. Either party may request a prehearing exchange of information and documents or a prehearing conference. At least fifteen (15) calendar days prior to the date of the hearing, written notice shall be sent by the hearing officer to the parties and their representatives. The notice shall inform them of:

(a) The date, time and place of the hearing (with the hearing to be held in Frankfort, Kentucky) and the parties' right to request a postponement;

(b) The manner and means by which a postponement may be requested and granted;

(c) The issues which are to be the subject of the hearing;

(d) The manner in which the hearing will be conducted;

(e) The right of each party to be represented or to represent himself, to testify, to produce witnesses, to present documentary evidence and to examine opposing witnesses; and

(f) The date of the prehearing exchange between the provider and department, if requested.

(5) A prehearing conference may be held at least seven (7) days in advance of the hearing date at which time each party shall disclose the evidence that the party intends to introduce at the hearing, including documentary evidence and identification of witnesses.

(6) A request for a hearing shall be considered to be abandoned

if the provider does not appear at the hearing on the scheduled date and the hearing has not been rescheduled. A hearing request shall be withdrawn only under the following circumstances:

(a) The hearing officer receives a written statement from the provider stating that the request is withdrawn; or

(b) The provider makes a statement on the record at the hearing withdrawing the request.

(7) Documentary evidence which may be used at the hearing shall be made available in accordance with the following:

(a) If copies of the documentary evidence which the provider plans to use at the hearing have not been provided to the department, an opportunity to examine the documents shall be afforded the department upon request; and

(b) If copies of the documentary evidence which the department plans to use at the hearing have not been provided to the provider, or the provider's representative, an opportunity to examine the documents shall be afforded the provider upon his request. Information relating to the selection of the provider for audit, investigation notes or other material which may reveal auditor investigation techniques, material prepared for submission to a law enforcement or prosecutorial agency, information concerning law enforcement investigations, or judicial proceedings or confidential sources or confidential information shall not be revealed.

(8) The hearing officer shall preside over the hearing and have all the powers conferred by law to require attendance of witnesses and the production of books and records, and to administer oaths and to take testimony.

(9) The provider or representative, counsel or other representative of the department, an interpreter if the appellant is deaf or hearing impaired and an interpreter has been requested, witnesses for both parties, providers who may be called as witnesses by the hearing officer and other providers or members of the public as the hearing officer in his discretion may admit, shall be entitled to be present at the hearing. Staff of the department shall be entitled to observe or to assist the official representative of the department.

(10) The issues and documentation considered at the hearing shall be limited to issues directly relating to the adverse determination.

(a) Formal rules of evidence shall not apply.

(b) Irrelevant and unduly repetitious testimony and cross-examination shall be excluded.

(c) The cabinet shall show the facts, circumstances, administrative regulations, or statutes on which the determination was based, and the provider has the burden of showing that the determination of the department was incorrect.

(d) If the determination is based upon an alleged failure of the provider to comply with applicable generally accepted business, accounting, professional or medical practices or standards of health care, the department shall establish the existence of the practice or standard.

(e) The department shall be responsible for notifying the hearing officer of the record of previous relevant violations by the provider under Medicare, Medicaid, and any program administered by the Cabinet for Human Resources which the department wishes the hearing officer to consider in his deliberations.

(11) Witnesses shall testify under oath or affirmation and shall be subject to cross-examination.

(12) The hearing proceedings shall be recorded but not transcribed unless requested by either party. The cost of a court reporter, if utilized, and the transcription shall be the responsibility of the party making the request. If a third party requests a copy of the original transcript, the party requesting the copy shall be responsible for the cost of the copy.

(13) The hearing officer shall consider the facts as presented at the hearing (including supplementary material, if requested) and prepare a decision based on the record consistent with Medicaid policy as expressed in statutes and administrative regulations.

(a) The hearing officer shall prepare a hearing report to be issued within sixty (60) days of the conclusion of the hearing or the closing of the record, and sent to each of the parties.

(b) The hearing report shall include findings of fact, conclusions of law, determination of issues, and the hearing officer's decision and reasons for the determination.

(c) The hearing officer's decision shall be submitted to the secretary of the cabinet. Either party shall have ten (10) days within which to file exceptions to the hearing officer's decision, with the secretary. The secretary shall make the final decision of the agency pursuant to KRS 211.090(2), supported by findings of fact and conclusions of law.

(d) In the correspondence transmitting the decision, clear reference shall be made to the availability of judicial review.

(14) The hearing officer may grant an extension of any time frames specified in this section, except the requirement that the request for a hearing be filed in a timely manner, if determined necessary for the efficient administration of the hearing process or to prevent an obvious miscarriage of justice with regard to the provider.

Section 14. Administrative Hearing Process for Use in Appeals Relating to Cost Based Rates. Participating providers reimbursed using a cost based system shall have the right to appeal all issues relating to their rates, cost reporting, recoupments, withholding **(except as described in Section 8 of this administrative regulation)**, and any other matters, except termination, relating to the provider's payments and rates utilizing the process described in this section.

(1) Type of review. This section provides for a program review by the Director, Division of Reimbursement Operations, Department for Medicaid Services, or the director's designee, and an administrative hearing (following the program review) by an administrative hearing officer.

(2) Program review requirements and processes.

(a) Upon receipt of the department's determination with regard to rates, cost reports, withholding, recoupment, or other issues relating to payment rates the provider shall have thirty (30) days, from date of notice by the department, to request a program review of the determination. The department's determination on cost reports shall include the basis for the determination. The request for program review shall be received by the department within the thirty (30) day period.

(b) The request for review shall be in writing and identify the following:

1. The specific aspects of the determination with which the provider is dissatisfied; and

2. The specific reason the provider believes the determination is incorrect.

(c) The request shall be accompanied by any documentary evidence (or an appropriate summary) which the provider considers necessary to support its position.

(d) The department shall schedule the program review to be held within thirty (30) days after receipt of the request from the provider.

(e) If an audited cost report (including cost reports that have been desk reviewed) or rate of reimbursement is not appealed in a timely manner the provider's appeal rights shall terminate for that cost report or reimbursement rate and the cost report or reimbursement rate shall not be subject to reopening unless the department determines that there was suspected fraud or misrepresentation by the provider or that an error has been made by the department which should be corrected. **Reopening of a cost report or rate of reimbursement for suspected fraud or misrepresentation by the provider or an error made by the department shall not extend any previous appeal limitations, except that any change made as a result of the reopening may be appealed.**

(f) A request for program review of a reimbursement rate, desk review, or audited cost report which does not specify the exact item(s)

being appealed shall not be accepted.

(g) The program review shall be conducted in the following manner.

1. The program review shall be conducted by the director or his designee. The proceedings shall be recorded and a transcription made. If transcribed by the department, a copy shall be made available to the provider upon payment of the usual fee for copied material; if transcribed for the department by a court reporter, the provider may obtain a copy from the court reporter upon payment of the court reporter's usual fee for a copy.

2. During the hearing the provider shall provide any testimony or documentation which he desires in support of the provider's contention that the department's decision should be amended or nullified. Cabinet staff within the merit system who are knowledgeable of the issue shall explain the department's position and present any evidence the staff feels supports the department's position.

3. Merit system staff participating in the program review (or as designated by the director or his designee if necessary) shall prepare and submit to the director or his designee a written opinion and recommendation with findings of fact, and supporting documentation, with regard to the director's or his designee's decision. The director or his designee shall make a decision with regard to the issue within thirty (30) days of the hearing either adopting the recommendation of staff, or, if the director's or his designee's decision is different from the recommendation(s) of merit system staff, the director or his designee shall document his decision and provide, for the record, justification for that decision.

(h) The director or his designee may extend any of the time frames that are specified in subsection (2) of this section, if determined necessary for the efficient administration of the program review process or to prevent an obvious miscarriage of justice with regard to the provider.

(3) Administrative hearing requirements and processes.

(a) Upon receipt of the program review decision of the director or his designee, the provider may appeal the decision (and underlying program issue) by mailing or delivering a request for appeal to the Office of the Commissioner, Department for Medicaid Services, Cabinet for Human Resources, **Third Floor,** CHR Building, 275 East Main Street, Frankfort, Kentucky, 40621 within thirty (30) days of the decision. The request for a hearing shall be received by the **Office of the** Commissioner within the thirty (30) day period; if a request for a hearing is not received within the thirty (30) day period the decision of the director shall be final.

(b) The request shall be in writing and identify the following:

1. The specific aspects of the director's decision with which the provider is dissatisfied;

2. The specific reason the provider believes the decision is incorrect; and

3. Be accompanied by the documentary evidence previously before introduced to the director or his designee (or an appropriate summary) which the provider considers necessary to support its position.

(c) The secretary shall appoint a hearing officer who is knowledgeable of Medicaid administrative regulations and policies. The hearing officer shall schedule a hearing on the record within thirty (30) days of receipt by the cabinet of the provider's request for a hearing with the hearing to be held not later than thirty (30) days thereafter. At least fifteen (15) calendar days prior to the date of the hearing, written notice shall be sent by the hearing officer to the parties and their representatives. The notice shall inform them of the date, time, and place of the hearing and of the issues which are to be the subject of the hearing.

(d) The hearing officer shall restrict the scope of the hearing to the same issues considered and determined during the program review.

(e) The following provisions shall govern the conduct of the hearing.

1. The hearing shall be conducted with the hearing officer responsible for ensuring that a complete and accurate record of the proceedings is made. The provider shall notify the hearing officer sufficiently in advance of the hearing if a transcript is desired, with the transcript provided upon payment of customary fees to the department or court reporter as appropriate.

2. The provider shall be afforded the opportunity to present any testimony and documentary evidence in support of its position, including but not limited to a written statement rebutting the program review findings and decision of the director if desired.

3. The department shall be afforded the opportunity to present any testimony and documentary evidence in support of its position, including but not limited to the transcript of the program review, opinions and recommendations of merit system staff that contributed to the director's decision, and the actual program review decision.

4. The hearing officer shall solicit, through questions to participants in the hearing or any other appropriate manner, any further information that he considers necessary for the resolution of the issue.

(f) The hearing officer shall consider the facts as presented at the hearing (including supplementary material if requested) and prepare a decision based on the record consistent with statutes and administrative regulations.

1. The hearing officer shall prepare a hearing report to be issued within sixty (60) days of the conclusion of the hearing or the closing of the record, and sent to each of the parties.

2. The hearing report shall include findings of fact, conclusions of law, determination of issues, and the hearing officer's decision and reasons for the determination.

3. The hearing officer's decision shall be submitted to the secretary of the cabinet. Either party shall have ten (10) days within which to file exceptions to the hearing officer's decision, with the secretary. The secretary shall make the final decision of the agency pursuant to KRS 211.090(2) supported by findings of fact and conclusions of law.

4. In the correspondence transmitting the decision, clear reference shall be made to the availability of judicial review.

(g) The hearing officer may grant an extension of any time frames specified in subsection (3) of this section, except the requirement that the request for a hearing be filed in a timely manner, if determined necessary for the efficient administration of the hearing process or to prevent an obvious miscarriage of justice with regard to the provider.

MASTEN CHILDERS, II, Commissioner and Secretary
APPROVED BY AGENCY: May 5, 1995
FILED WITH AGENCY: May 5, 1995 at noon

KENTUCKY HEALTH POLICY BOARD
(Amended After Hearing)

909 KAR 1:040. Certificate of need process.

RELATES TO: KRS 216B.010 to 216B.310, 216B.990
STATUTORY AUTHORITY: KRS 13A.350, 216B.040, 216B.075
NECESSITY AND FUNCTION: KRS 216B.040 requires the Kentucky Health Policy Board to promulgate administrative regulations outlining the certificate of need review procedures and to establish criteria for the issuance of certificates of need. These administrative regulations set forth the requirements for batching applications, for review of the applications, for the issuance of advisory opinions for public hearings on the applications and for "show cause" hearings on noncompliance.

Section 1. Definitions. (1) "Cost escalation" means an increase in the capital expenditure authorized on a certificate of need which has not been the subject of an obligation as defined in KRS

216B.015(26).

(2) "Defined geographic area" means the area and population the proposal seeks to serve.

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

(4) "Emergency circumstances" means natural disasters, fire, vandalism, structural or mechanical failure, or other circumstances affecting existing health facilities and services that pose an imminent threat to the life, health, or safety of any citizen of the Commonwealth if not acted upon immediately.

(5) "Improvement" means change or addition to the premises of an existing facility that enhances its ability to deliver the services that it is authorized to offer under its existing license or an approved certificate of need.

(6) "Long-term care beds" means those beds located in a nursing facility, nursing home, skilled nursing beds, intermediate care beds, Alzheimer disease facility beds, and personal care beds.

(7) "Medically underserved" means those populations or geographic areas as designated by the board in the state health plan.

(8) "Proposed service area" means the geographic area and population the applicant proposes to serve.

(9) "Public information channels" means the Office of Communications in the Cabinet for Human Resources.

(10) "Show cause hearing" means a hearing before the board or its designee at which a person is required to explain or demonstrate why the person should not be subject to the penalties provided by KRS 216B.990 for specific violations of the provisions of KRS Chapter 216B.

Section 2. Criteria. In determining whether to issue or deny a certificate of need, an applicant shall provide and the board shall utilize the following information:

(1) Consistency with state health plan and any biennial state budget authorizations and limitations directly affecting the proposal.

(2) Need and accessibility.

(a) The defined geographic area's need for the proposed services;

(b) Accessibility of proposed service to the defined population, particularly those with an inability to access such services and those designated in the state health plan as medically underserved;

(c) The extent to which the health professions' schools in the area have access to the services for training purposes;

(3) Interrelationships and linkages.

(a) The relationship of the proposed service with the existing health care system of the defined geographic area and the state.

(b) The relationship, including the organizational relationship, of the proposed health service with ancillary or support services.

(c) The efficiency and appropriateness of the use of similar existing services and facilities to meet identified needs.

(4) Costs, economic feasibility, and resource availability.

(a) The availability of less costly or more effective alternatives to the proposal;

(b) The immediate and long-term financial feasibility of the proposal;

(c) The probable impact of the proposal on:

1. The applicant's costs and charges for providing health services; and

2. The costs and charges of other providers in the defined geographic area.

(d) The availability of resources, including health care personnel, management personnel, and funds for capital and operating needs;

(e) For construction or renovation projects, costs and methods of the project, including the costs and methods of energy provisions;

(f) The effect of competition on the supply of health services being reviewed and whether the approval of the application may unnecessarily increase the cost of health care to the public;

(g) Improvements or innovations in the proposed financing and delivery of health services that foster competition and promote quality and cost effectiveness;

(5) Quality of services.

(a) The quality of care provided by the applicant in the past, or

(b) The qualifications of the persons responsible for the quality of care to be provided;

(c) Any detrimental effects of the proposal on the quality of similar services in the area, including those associated with decreased utilization; and

(d) The ability of the applicant to comply with applicable licensure requirements.

Section 3. Letter of Intent. (1) At least thirty (30) days prior to submitting an application for a certificate of need, an applicant shall file a letter of intent with the board or its designee on Letter of Intent Form Number 1.

(2) A letter of intent shall be valid for one (1) year.

(3) If an application is denied by the board or withdrawn, the applicant shall file a new letter of intent before resubmitting an application.

(4) If an application is withdrawn before the board makes a final decision, the applicant shall file a new letter of intent before resubmitting an application.

(5) A letter of intent shall not be required from an applicant requesting nonsubstantive review under the provisions of Section 8 of this administrative regulation.

Section 4. Application for Certificate of Need. (1) Upon receipt of a letter of intent, the board or its designee shall provide the applicant with:

(a) Written acknowledgement of receipt of the letter of intent; and

(b) Copies of:

1. "Certificate of Need Application Form Number 2A"; or

2. "Certificate of Need Application for Ground Ambulance, Air Ambulance and Nonemergency Health Transportation Services Form Number 2B".

(2) The applicant shall file an original and three (3) copies of a certificate of need application together with the prescribed fee set forth in 909 KAR 1:050 with the board or its designee on or before the deadlines established by Section 5 of this administrative regulation.

(3)(a) Fifteen (15) days after receipt of an application, the board or its designee shall:

1. Notify the applicant that the application is completed; or

2. Request specific additional information.

(b) If an application is not complete, the applicant shall:

1. Complete the application by submitting the requested specific additional information; or

2. Notify the board that its application shall be processed as submitted.

(4) Upon receipt of an applicant's response, the board or its designee shall:

(a) Declare an application complete; and

(b) Notify the applicant of the beginning of the review.

(5)(a) Public notice of review shall include all applications deemed complete six (6) or more working days before the scheduled date of the applicable public notice.

(b) After an application has been declared complete, an applicant may not submit additional information to be made part of the public record unless the information is introduced at a hearing.

(6)(a) Public notice of review shall include:

1. The schedule for the review; and

2. The period during which a public hearing may be requested by the applicant and other affected persons.

(b) The board or its designee shall provide notice through public information channels.

(c) The board or its designee shall mail notice to mayors, county

judge executives, and all known providers of similar services in the proposed service area.

(d) The applicant shall ensure that notice is published in one (1) newspaper of general circulation in the proposed service area pursuant to KRS 424.120.

Section 5. Review of Certificate of Need Application. (1) Batching review cycles shall be as follows:

Type of Proposal	Applications shall be filed by third Wednesday of:	Month of public notice, ninety (90) days prior to decision date:	Month and day of decision, third Wednesday of:
(a) Hospital, psychiatric, rehabilitation, chemical dependency and psychiatric residential treatment facilities, freestanding ambulatory surgical center, birthing center.	October, January, April, July	November, February, May, August	February May, August, November
(b) Skilled nursing, nursing home, intermediate care, personal care, nursing facility, and Intermediate Care, Mental Retardation, and Developmentally Disabled facility.	November, May	December, June	March, September
(c) Transplantation, magnetic resonance imaging, lithotripter, radiation therapy, cardiac catheterization, open heart surgery, and new technological developments	December, June	January, July	April, October
(d) Day health care center, ambulatory care clinic, rehabilitation agency, hospice, home health or home health/hospice	October, January, May, July	November, February, June, August	February, May, September, November
(e) Ambulance, nonemergency health transportation, and air ambulance providers.	November, January, April, June, August	December, February, May, July, September	March, May, August, October, December
(f) All mobile services except those covered under specialized equipment and services	October, December, February, April, June, August	November, January, March, May, July, September	February, April, June, August, October, December
(g) Any proposals not listed above shall be placed in the most appropriate cycle as determined by the board.			
(h) Any proposals granted nonsubstantive review status as specified in KRS 216B.095(3)(a)(b)(c)(d)(e)(f) shall be processed in accordance with KRS 216B.095(1)			

(2) The board or its designee shall notify the applicant by certified mail, and any party to the proceeding by regular mail, of the final action on a certificate of need application.

(3) Written notification of approval shall include:

(a) Verification that the criteria have been met;

(b) If the application is inconsistent with any criteria, the reasons for approval despite the inconsistency; and

(c) Notice of appeal rights.

(d) The amount of capital expenditure authorized, where applicable.

(4) Written notification of disapproval shall include:

(a) The reason for the disapproval; and

(b) Notice of appeal rights.

(5) An application that is not declared complete within a year from the date of filing shall expire and shall not be reviewed.

(6) An application for certificate of need that is disapproved shall not be refiled for a period of twelve (12) months, absent a showing of significant change in circumstances, as determined by the board.

Section 6. Certificate of Need Hearings. (1) The applicant or any affected person may request a hearing on an application. Notice of hearing shall be mailed by certified mail to the applicant and parties requesting the hearing no later than twenty (20) days before the date of the hearing. The content of the notice shall conform to KRS 13B.050.

(2) The board or its designee shall provide the following notice of the date, time, and location of the hearing:

(a) Members of the public through public information channels; and

(b) Mailed to county judge executives, mayors and all known providers of similar services in the proposed service area.

(3)(a) A hearing request may be withdrawn by written request filed with the board, or its designee and shall be accepted if it is received by the board at least three (3) working days before the scheduled hearing date. .

(b) A public hearing shall be cancelled if all persons who requested the hearing agree in writing to its cancellation; agreement of other affected persons shall not be required.

(4) Preliminary conference. The board or its designee may convene a preliminary conference. The purposes of the conference are to formulate and simplify the issues, identify additional information and evidence needed for the hearing, and dispose of pending motions. Any petitions to intervene filed pursuant to KRS 13B.060 shall also be considered. A written summary of the preliminary conference and the orders thereby issued shall be made a part of the record. The board or its designee may tape record the conference or have a stenographer present. During the preliminary conference, the board or its designee may:

(a) Instruct the parties and others who have indicated an intent to participate in the hearing to:

1. Formulate and submit a list of genuine contested issues to be decided at the hearing;

2. Identify potential witnesses using Form Number 3 and the subject matter of their testimony;

3. Serve subparagraphs 1 and 2 of this paragraph on all parties by mail; and

4. Raise and address issues that can be decided before the hearing.

(b) Submit any exhibits and documents that they wish to introduce at the hearing and list them on Form Number 4 and serve them on all parties to the hearing.

(c) Prescribe the manner and extent of the participation of the parties or persons who shall participate.

(d) Formulate and submit stipulations to facts, laws, and other matters.

(e) Rule on any pending motions for discovery or subpoenas.

(f) Require any additional information relevant to the application requested by the board and any information or evidence to be gathered by discovery shall be filed no less than seven (7) days before the hearing and copies shall be served on all known parties.

(g) Schedule dates for the submission of prefiled testimony, further preliminary conferences, and submission of briefs and documents.

(5) Public hearing. The board or a member of the board designated by the chairman shall convene the hearing and serve as hearing officer at the hearing upon the application. In no event shall a member of the board act as hearing officer on any application in which he has a conflict of interest as defined in KRS 13B.040 or 45A.340. Any party may file with the chairman a petition for removal based upon a conflict of interest supported by affidavit in accordance with KRS 13B.040(2)(a).

(6) The hearing officer shall convene the hearing and shall state the purpose and scope of the hearing or the issues upon which evidence shall be heard. Every party appearing shall enter an appearance by stating their name and address. The hearing officer shall rule on preliminary matters appropriate for disposition prior to receipt of any evidence.

(7) The hearing shall be conducted in accordance with KRS 13B.080 and 13B.090. Each party shall have the opportunity to present its case, make opening statements, call and examine witnesses, offer documentary evidence into the record and make closing statements. Every party shall also have the opportunity to cross-examine opposing witnesses on matters covered in direct examination and, at the discretion of the hearing officer, upon other matters relevant to the issues. A party that is a corporation shall be represented by an attorney licensed to practice in the Commonwealth of Kentucky.

(a) The hearing officer may allow testimony or other evidence on issues not previously identified in the preliminary order which may arise during the course of the hearing, including any additional petitions for intervention which may be filed. He may act to exclude irrelevant, immaterial or unduly repetitious evidence, and may question any party or witness.

(b) The hearing officer is not bound by the Kentucky rules of evidence and may allow hearsay evidence in his discretion if it is relevant to the issue.

(c) The applicant may be allowed to open and close the presentation of evidence and arguments. The hearing officer shall designate the order of presentations in the preliminary order.

(d) Witnesses may appear through deposition or in person. Witnesses shall be examined under oath or affirmation. If the hearing officer determines that the hearing will be expedited and the interests of the parties will not be prejudiced any part or all of the evidence may be received in written form. Written testimony of a witness in the form of questions and answers or a narrative statement may be received in lieu of direct examination, provided that the witness authenticates the document under oath. The witness shall then be subject to cross-examination.

(e) The hearing officer may accept documentary evidence in the form of copies of excerpts if the original is not readily available, provided that upon request parties shall be given an opportunity to compare the copy with the original. Documents to be considered for acceptance shall be filed with the hearing officer and other parties at least seven (7) days before the hearing.

(f) A document may not be incorporated into the record by reference without the permission of the hearing officer. Any reference document shall be precisely identified.

(g) The hearing officer may permit a party to offer or request a party to produce additional evidence or briefs of issues as part of the record within a designated time, not to exceed the ten (10) days after the conclusion of the hearing. During this period, the hearing record shall remain open, and the conclusion of the hearing shall occur when the additional information is filed.

(8) Within ten (10) days after the conclusion of the hearing, the

hearing officer shall forward a copy of the recommended decision by regular mail to each party. The original hearing decision shall be filed in the administrative record maintained by the board.

(9) Within fifteen (15) days of the date of the recommended order, the parties may file written exceptions to the recommended order with the board. If no exceptions are filed, the recommended order will become final on the day of decision as indicated in Section 5(1) of this administrative regulation. If exceptions are filed, the board shall consider the written exceptions before issuing a final order.

Section 7. Requests for Reconsideration. (1) The board shall act upon requests for reconsideration filed pursuant to KRS 216B.090 within thirty (30) days following receipt of a request. [~~If no exceptions are filed, the order will become final and the board will issue a CON.~~]

(2) If reconsideration is granted, a hearing before a hearing officer designated by the board shall be held within thirty (30) days of the decision, and a final decision by the board shall be issued no later than thirty (30) days following the hearing.

Section 8. Maintenance of Administrative Record. The board shall maintain an administrative record of its hearings which shall conform to the requirements of KRS 13B.130.

Section 9. Conditions Relative to Nonsubstantive Review. (1) In addition to the projects specified in KRS 216B.095(3)(a) through (f), the following proposals may be granted nonsubstantive review status:

(a) Technical modifications to an approved certificate of need;

(b) Emergency circumstances. An applicant acting under this subsection may proceed to relieve any emergency circumstances as defined in Section 1(4) of this administrative regulation provided the board is notified in writing prior to the action, and an application is submitted within thirty (30) days of the occurrence of the emergency.

(2) Procedures for nonsubstantive review.

(a) The original certificate of need application and three (3) copies with a request for nonsubstantive review shall be submitted to the board.

(b) Within fifteen (15) days of the receipt of the application, the board shall:

1. Notify the applicant that the application is complete; or

2. Request specific additional information.

(c) If an application is not complete, the applicant shall:

1. Complete the application by submitting specific additional information; or

2. Notify the board that its application shall be processed as submitted.

(d) Upon receipt of an applicant's response, the board shall:

1. Declare an application complete; and

2. Notify the applicant of the beginning of the review.

(e) The board shall review all documents submitted by the applicant to determine whether the application conforms to the stated grounds for nonsubstantive review and whether the project is necessary to meet the circumstances thereby described.

(f) No later than ten (10) days after an application has been declared complete, the board's decision on a request for nonsubstantive review shall be mailed to the applicant. Notice of a decision to conduct a nonsubstantive review shall be given to the third party payors and members of the public through public information channels, and mailed to newspapers, county judge executives, mayors, and other known affected persons in the proposed service area.

(g) A proposed or final decision order and supporting documents shall be presented to the board for its approval.

(h) If a certificate of need is denied following a nonsubstantive review and the applicant requests a formal review, the filing of the request for nonsubstantive review shall be considered to constitute compliance with any requirement for a letter of intent. The applicant shall provide all information requested in the application that pertains to the formal review process no later than the relevant deadline as provided in Section 5 of this administrative regulation.

(i) Any hearing requested by an affected person will be conducted according to Section 6 of this administrative regulation.

Section 10. Conditions Relative to Certificate of Need. (1) Certificates of need issued to an existing facility for purposes other than replacement of the facility may be transferred to the new owner of the facility if the change of ownership occurs prior to implementation of the project for which the certificate of need was issued.

(2) A certificate of need approved for establishment of a new facility or the replacement of an existing facility is valid only for the location stated on the certificate.

(3) Any person found by the board to have violated KRS 216B.0615 shall be subject to the penalties for Class B misdemeanors set forth in KRS 532.090(b), 534.040(2)(b), and 534.050(1) as amended.

(4) A certificate of need holder shall notify the board of any reduction or termination of a health service or a reduction in bed capacity for an approved project no later than the first progress report after the decision to make the change has been determined.

Section 11. Show Cause Hearings. (1) The board may conduct a show cause hearing in order to determine whether there has been a violation of KRS Chapter 216B or these administrative regulations, and may assess penalties if willful violations are found. The accused violator may present evidence to assist the board in determining whether such a violation has occurred.

(2) Prior to convening a show cause hearing, the board or its designee shall give the certificate of need holder twenty (20) days' notice of its intent to conduct a hearing. The notice shall advise the holder of the allegations against him, of any facts determined to exist which support the existence of the allegation, and the statute or administrative regulation alleged to have been violated.

(3) The board, shall convene the hearing and shall allow the holder to establish through testimony or other evidence any grounds in support of its position that no action should be taken by the board.

(4) Within ten (10) days of the conclusion of the hearing, the board shall issue a final decision and order on the matter. A copy of the final decision shall be mailed to the holder or his legal representative with the original hearing decision filed in the administrative record maintained by the board.

Section 12. Cost Escalations. (1) A certificate of need shall be required for an escalation of the capital expenditure authorized by an approved certificate of need if there is a substantial change in the project or the escalation exceeds the following limits:

(a) Twenty (20) percent of the capital expenditure authorized or $100,000, whichever is greater, if the project's capital expenditure is less than $500,000;

(b) Twenty (20) percent of the capital expenditure authorized for projects with a capital expenditure of $500,000 to $4,999,999;

(c) Ten (10) percent of the amount in excess of $5,000,000, plus $1,000,000, for projects with a capital expenditure of $5,000,000 to $24,999,999;

(d) Five (5) percent of the amount in excess of $25,000,000, plus $3,000,000, for projects with a capital expenditure of $25,000,000 to $49,999,999.

(e) Two (2) percent of the amount in excess of $50,000,000, plus $4,250,000, for projects with a capital expenditure of $50,000,000 or more.

(2)(a) Requests for administrative cost escalations shall be submitted to the board or its designee on Form #6 (Cost Escalation).

(b) The requests shall include:

1. Amount of the escalation;

2. Factors causing the escalation; and

3. Information confirming that the scope of the project as originally

approved has not changed and that funds have not been obligated in excess of the approved capital expenditure.

(c) The board or its designee shall review all requests for administrative cost escalations and shall notify the certificate of need holder within thirty (30) days of receipt whether the requested escalation meets the requirements of subsection (1) of this section.

(3) The certificate of need holder shall submit any additional certificate of need application fee required by the increased capital expenditure pursuant to the requirements of 909 KAR 1:050.

(4) The board may conduct a show cause hearing in order to determine whether a certificate of need holder has willfully obligated capital expenditure beyond the amount authorized, and may assess penalties if willful obligations are found.

Section 13. Timetables and Standards for Implementation. (1) As a condition for the issuance of a certificate of need, a holder of a certificate of need shall submit progress reports on "Progress Report Form #8" at the six (6) month intervals specified in this section.

(2)(a) A notice specifying the date each progress report is due shall be sent to every holder of a certificate of need whose project is not fully implemented.

(b) The board or its designee shall review a progress report and shall:

1. Determine whether the required elements have been completed; and

2. If the required elements have not been completed, whether sufficient reasons for failure to complete have been provided.

(3) A certificate of need shall be deemed complete when:

(a) The project has been approved for licensure or occupancy by the Division of Licensing and Regulation;

(b) A final cost breakdown has been submitted; and

(c) Documentation that services are being provided to all of the licensed service area has been submitted.

(4) Until a project is deemed complete by the board, the board may require:

(a) The submission of additional reports; or

(b) Progress reports in addition to those required at six (6) month intervals under the provisions of this section.

(5)(a) Except for long-term care bed proposals, a certificate of need shall not be revoked for failure to complete the items required during a six (6) month period, if the holder of the certificate of need establishes that the failure was due to emergency circumstances or other causes that could not reasonably be anticipated and avoided by the holder, or were not the result of action or inaction of the holder.

(b) If the board determines that required elements have not been completed for reasons other than those set forth in paragraph (a) of this subsection, it shall notify the holder of the certificate of need, in writing, it has determined to revoke the certificate of need.

(c) The revocation shall become final thirty (30) days from the date of notice of revocation, unless the holder requests a hearing to show cause why the certificate of need should not be revoked.

(6) The first progress report for all projects other than long-term care beds shall include:

(a) Projects for the purchase of equipment only: a copy of the purchase order;

(b) Projects involving the acquisition of real property: evidence of an option to acquire the site;

(c) Construction or renovation projects: evidence that schematic plans have been submitted to the Public Protection and Regulation Cabinet, Department of Housing, Buildings and Construction and the Division of Licensing and Regulation.

(7) For projects other than long-term care not deemed complete, a second progress report shall include:

(a) Projects converting beds: documentation that all beds are licensed;

(b) Projects for addition of new services or expansion of existing services that do not involve construction, renovation, or the installation of equipment: documentation of approval for licensure and occupancy by the Division of Licensing and Regulation; and

(c) Construction or renovation projects: the schedule for project completion, evidence of preliminary negotiation with a financial agency, and evidence of preliminary negotiation with contractors.

(8) For projects other than long-term care not deemed complete, a third progress report shall include:

(a) Construction or renovation projects:

1. Copy of deed or lease of land;

2. Documentation of final enforceable financing agreement, where applicable.

3. Documentation that final plans have been submitted to the Public Protection and Regulation Cabinet, Department of Housing, Buildings and Construction and the Division of Licensing and Regulation; and

4. Enforceable contract with a construction contractor.

(b) Projects for purchase of equipment only: evidence of approval for licensure and occupancy by the Division of Licensing and Regulation.

(9) For projects other than long-term care not deemed complete, a fourth progress report shall include documentation of final plan approval by the Public Protection and Regulation Cabinet, Department of Housing, Buildings and Construction and the Division of Licensing and Regulation and that construction has begun.

(10) For projects other than long-term care not deemed complete, a fifth progress report shall include documentation that construction or renovation is progressing according to schedule.

(11) For projects other than long-term care not deemed complete, a sixth progress report shall include documentation that the project has been approved for licensure or occupancy by the Division of Licensing and Regulation and if required that the appropriate license has been approved for the health care service or facility.

(12) For projects other than long-term care not deemed complete after the sixth progress report, the certificate holder shall, upon request, provide the board or its designee with a written statement showing cause why the certificate should not be revoked. The board may defer revocation action upon a showing by the certificate holder that the project will be completed on a revised schedule. The board or its designee may require additional progress reports.

(13) For projects involving long-term care beds:

(a) The first progress report shall include:

1. Copy of deed or lease of land for projects requiring acquisition of real property;

2. Evidence that final plans have been submitted to the Public Protection and Regulation Cabinet, Department of Housing, Buildings and Construction and the Division of Licensing and Regulation.

(b) For projects involving long-term care beds not deemed complete, a second progress report shall include: documentation that beds in projects for conversion of beds are licensed.

(14) For construction projects:

(a) Schedule for project completion with projected dates;

(b) Documentation of final financing;

(c) Documentation of final plan approval by the Public Protection and Regulation Cabinet, Department of Housing, Buildings and Construction and the Division of Licensing and Regulation; and

(d) Enforceable construction contract.

(15) For projects involving long-term care beds not deemed complete, a third progress report shall include documentation that construction or renovation is progressing according to the schedule for project completion;

(16) For projects not involving long-term care beds not deemed complete, a fourth progress report shall include documentation that the project has been appropriately licensed and approved for occupancy by the Division of Licensure and Regulation.

(17) The board or its designee may grant no more than two (2) extensions of six (6) months for good cause shown when the certificate holder of long-term care beds has failed to comply with the

above relevant progress report requirements;

(18)(a) Within six (6) months following licensure of a project for which a certificate of need has been issued, the certificate holder shall submit documentation that services are being provided to all of the licensed service area. Failure to provide such documentation shall constitute grounds for revocation of the certificate of need and the license for those areas where service is not being provided.

(b) If the project involves a capital expenditure, a final cost breakdown shall be included in the final progress report.

Section 14. Revocation of Certificates of Need. The board may act to revoke a certificate of need at any time in accordance with the requirements of KRS 216B.086.

Section 15. Biennial Review. (1) Certificate of need holders may be subject to biennial review to determine that they are in compliance with the terms as listed on their certificate of need.

(2) Biennial review may be conducted within sixty (60) days of the second anniversary of the final progress report and at twenty-four (24) month intervals thereafter.

(3) The board or its designee shall provide sixty (60) days' advance written notification to the subject of any biennial review, including the following:

(a) When the biennial review will be initiated;

(b) Request for information necessary for the review to which the board does not have ready access; and

(c) A deadline for response to the request for information.

(4) The board or its designee shall notify the certificate of need holder of any finding that it is not in compliance with the terms of its certificate of need, and shall provide the certificate of need holder with a reasonable period of time in which to demonstrate a good faith effort to remedy the specified deficiencies.

(5) The board may institute disciplinary proceedings, including but not limited to revocation of the certificate of need for willful failure to comply with the terms of a certificate of need as determined by a biennial review.

(6) The board shall notify the Division of Licensing and Regulation of any adverse findings under this subsection.

Section 16. Advisory Opinions. (1) Requests for advisory opinions shall be completed on Form Number 9 (Advisory Opinion).

(2) In rendering an advisory opinion, a proposal shall be considered to constitute an improvement within the definition of a nonclinically related expenditure exempt from review if the proposed expenditure meets the definition of an improvement contained in Section 1 of this administrative regulation.

(3) The board or its designee may require verification of information and request additional documentation.

(4) The board or its designee shall issue a written advisory opinion within thirty (30) days of receipt of a completed request for an opinion or of receipt of additional information.

(5) Public notice of the advisory opinion shall be published in the monthly certificate of need newsletter and disseminated through public information channels.

(6) An affected person may request a public hearing regarding an advisory opinion from the board in writing within thirty (30) days of the public notice of the advisory opinion. If a public hearing is not requested, the advisory opinion shall be the final action of the board. Failure to request a public hearing shall not constitute a failure to exhaust administrative remedies.

Section 17. Material Incorporated by Reference. (1) The following forms necessary for the administration of the certificate of need program are hereby incorporated by reference:

(a) Letter of Intent (Form #1).

(b) Certificate of Need Application (Form #2A).

(c) Certificate of Need Application for Ground Ambulance, Air Ambulance and NonEmergency, Health Transportation (Form 2b).

(d) Certificate of need application for change of location, replacement, or cost escalation (Form #2C).

(e) Witness List (Form #3).

(f) Exhibit List (Form #4).

(g) Notice of Appearance (Form #5)

(h) Cost Escalation (Form #6)

(i) Six (6) Month Progress Report (Form #7).

(j) Advisory Opinion Request (Form #8).

(k) Acquisition of a Health Facility, Notice of Intent (Form #9).

(2) These forms may be inspected and copied at the Kentucky Health Policy Board, 275 E. Main Street, Frankfort, Kentucky 40621, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

Section 18. 902 KAR 20:004, Certificate of need process, is hereby repealed.

JACK B. HALL, Chairman
APPROVED BY AGENCY: May 15, 1995
FILED WITH LRC: May 15, 1995 at 11 a.m.

KENTUCKY HEALTH POLICY BOARD
(Amended After Hearing)

909 KAR 1:060. Licensure hearings.

RELATES TO: KRS 216B.105
STATUTORY AUTHORITY: KRS 13A.350, 216B.040
NECESSITY AND FUNCTION: KRS 216B.040 and 216B.105 authorize the Kentucky Health Policy Board to provide a due process hearing and issue a final determination on all actions by the Cabinet for Human Resources to deny, revoke, modify or suspend a license. This administrative regulation sets forth the hearing procedure for licensure actions.

Section 1. Notice of Action and Request for Hearing. Any applicant or licensee who has been notified of the cabinet's decision to deny, revoke, modify or suspend a license to operate a health facility or health service may request an evidentiary hearing for the purpose of appealing the cabinet's decision. The request must be filed with the chairman of the board within thirty (30) days of the date of mailing of notice of the cabinet's decision.

Section 2. Notice of Hearing. The board shall provide the appellant with notice of date, time and location of the hearing by certified mail at least thirty (30) days before the date of the hearing.

Section 3. Disqualification of Hearing Officer. No hearing officer or board member shall participate in any hearing in which he or she has had within the past twelve (12) months preceding the hearing, any ownership, employment, staff, fiduciary, contractual, creditor, personal, or consultative relationship with the applicant or licensee.

Section 4. Hearing Procedure. (1) The hearing shall be conducted in accordance with KRS 13B.080 and 13B.090. Each party shall have the opportunity to present its case, make opening statements, call and examine witnesses, offer documentary evidence into the record and make closing statements. Every party shall also have the opportunity to cross-examine opposing witnesses on matters covered in direct examination and, at the discretion of the hearing officer, upon other matters relevant to the issues. A party that is a corporation shall be represented by an attorney licensed to practice in the Commonwealth of Kentucky.

(a) The hearing officer may allow testimony or other evidence on issues that may arise during the course of the hearing, including any additional petitions for intervention which may be filed. The hearing

officer may act to exclude irrelevant, immaterial or unduly repetitious evidence, and may question any party or witness.

(b) The hearing officer is not bound by the Kentucky rules of evidence and may allow hearsay evidence in his discretion if it is relevant to the issue.

(c) The applicant or licensee may be allowed to open and close the presentation of evidence and arguments. The hearing officer shall designate the order of presentations, in the preliminary order.

(d) Witnesses may appear through deposition or in person. Witnesses shall be examined under oath or affirmation. If the hearing officer determines that the hearing will be expedited and the interests of the parties will not be prejudiced, any part or all of the evidence may be received in written form. Written testimony of a witness in the form of questions and answers or a narrative statement may be received in lieu of direct examination, provided that the witness authenticates the document under oath. The witness shall then be subject to cross-examination.

(e) A written **[~~or oral~~]** statement from any party, or a statement or resolution of a political subdivision, trade association, civic organization or other organization may be received without cross examination, but will be considered only as argument, and not as proof of any matter addressed in these documents **unless the party against whom the document is being offered is allowed to cross-examine the proponent of the document**.

(f) The hearing officer may accept documentary evidence in the form of copies of excerpts if the original is not readily available, provided that upon request parties shall be given an opportunity to compare the copy with the original. Documents to be considered for acceptance shall be filed with the hearing officer and other parties at least seven (7) days before the hearing.

(g) A document may not be incorporated into the record by reference without the permission of the hearing officer. Any reference document shall be precisely identified.

(h) The hearing officer may permit a party to offer or request a party to produce additional evidence or briefs of issues as part of the record within a designated time, not to exceed the (10) days after the conclusion of the hearing. During this period, the hearing record shall remain open, and the conclusion of the hearing shall occur when the additional information is filed.

(2) In lieu of an evidentiary hearing, the parties to a proceeding, with the consent of the board or designated hearing officer, may file written stipulations of relevant facts. The board or hearing officer may decide the appeal on the basis of such stipulation or may schedule a hearing and take such further evidence as it deems necessary.

(3) The board or designated hearing officer may, at its discretion, grant a continuance of a hearing in order to secure necessary evidence.

Section **5.** **[~~6.~~]** Findings and Recommendations. (1) After the hearing, the hearing officer or the board shall prepare written findings of fact and recommendations with a synopsis of the evidence contained in the record on the issues involved. If the applicant or licensee fails to appear and prosecute the appeal, the board or hearing officer may dismiss or recommend dismissal of the appeal.

(2) The **hearing officer or** board shall **within twenty (20) days of the close of the hearing** send findings and recommendations by certified mail to the applicant or licensee and to the licensing agency, who may submit exceptions within **seven (7)** **[~~ten (10)~~]** days of receipt.

(3) If the hearing is before a designated hearing officer, within thirty (30) days from the conclusion of the hearing the hearing officer shall transmit the findings and recommendations to the board.

(4) The board shall make its final decision at the first meeting following receipt of the hearing officer's findings and recommendations, but not less than ten (10) days after transmission of the findings and recommendations **to** **[~~by~~]** the applicant or licensee pursuant to subsection (2) of this section.

(5) The decision of the board shall be final for purposes of judicial appeal, as set forth in KRS 216B.115, upon mailing of notice of the board's decision.

Section **6.** **[~~7.~~]** 902 KAR 20:126, Certificate of need process, is hereby repealed.

JACK B. HALL, Chairman
APPROVED BY AGENCY: May 15, 1995
FILED WITH LRC: May 15, 1995 at 11 a.m.

PROPOSED AMENDMENTS RECEIVED BY NOON, MAY 15, 1995

OFFICE OF THE GOVERNOR
Executive Branch Ethics Commission
(Amendment)

9 KAR 1:010. Statement of financial disclosure.

RELATES TO: KRS 11A.050
STATUTORY AUTHORITY: KRS 11A.050(2), (3), 11A.110(3), (4)
NECESSITY AND FUNCTION: KRS 11A.050 mandates that each officer as defined in KRS 11A.010(7), [and] public servant as listed in KRS 11A.010(9)(a)-(i), and candidate for the public offices listed in KRS 11A.010(9)(a)-(i) file a statement of financial disclosure with the commission.

Section 1. The "Statement of Financial Disclosure" and the "Instructions for Filing a Statement of Financial Disclosure" are [form is] incorporated by reference.

Section 2. Those required to file are officers as defined in KRS 11A.010(7), [and] public servants [as] listed in KRS 11A.010(9)(a)-(i), and candidates for the public offices listed in KRS 11A.010(9)(a)-(i).

Section 3. The "Statement of Financial Disclosure (Rev. 030195)" and the "Instructions for Filing a Statement of Financial Disclosure (030195)" [(011493)"] may be inspected, copied, or obtained from the Executive Branch Ethics Commission, [Room 136, State Capitol, Frankfort, Kentucky 40601,] 8 a.m. to 4:30 p.m., Monday through Friday.

LIVINGSTON TAYLOR, Chairman
APPROVED BY AGENCY: April 27, 1995
FILED WITH LRC: May 15, 1995 at noon
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 30, 1995, 9 a.m. in Room 386 of the Capitol Annex, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by June 25, 1995, five days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by this date, the hearing may be cancelled. 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 comment on the proposed administrative regulation to the contact person.
CONTACT PERSON: Jill E. LeMaster, Executive Director, Executive Branch Ethics Commission, 273 Capitol Annex, 702 Capital Avenue, Frankfort, Kentucky 40601, (502) 564-7954.

REGULATORY IMPACT ANALYSIS

Contact person: Jill LeMaster
(1) Type and number of entities affected: This regulation will affect all individuals who are required to file with the commission an annual Statement of Financial Disclosure. Currently, approximately 1,400 state employees are required to file.
(2) Direct and indirect costs or savings on the:
(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented: Not applicable.
(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented: Not applicable.
(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:
1. First year following implementation: This is an amendment to an existing regulation. We do not anticipate any increase in the cost of complying with this regulation due to the amendments.
2. Second and subsequent years: This is an amendment to an existing regulation. We do not anticipate any increase in the cost of complying with this regulation due to the amendments.
(3) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: There are minimal costs associated with printing the new Statement of Financial Disclosure form and the Instructions to Filing a Statement of Financial Disclosure informational brochure.
1. First year: See above.
2. Continuing costs or savings: See above. The forms and brochures will have to be printed for distribution each year.
3. Additional factors increasing or decreasing costs: None known.
(b) Reporting and paperwork requirements: Persons affected will complete and file with the commission a Statement of Financial Disclosure form annually. A similar form is currently required to be filed by the same individuals who will be required to file the new form.
(4) Assessment of anticipated effect on state and local revenues: Any cost will be paid for by the existing revenues budgeted to this agency.
(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Any cost will be paid for by the existing revenues budgeted to this agency.
(6) Economic impact, including effects of economic activities arising from administrative regulation, on:
(a) Geographical area in which administrative regulation will be implemented: None
(b) Kentucky: None
(7) Assessment of alternative methods; reasons why alternatives were rejected: The commission is charged with developing a format for the Statement of Financial Disclosure pursuant to KRS 11A.050(2). The current form needs improvement and the Instructions for Filing a Statement of Financial Disclosure was developed to further assist filers in determining what information is required to be disclosed. The alternative is to keep the current form, the format and language of which has confused many filers.
(8) Assessment of expected benefits: No economic impact assessed.
(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: None
(b) State whether a detrimental effect on environment and public health would result if not implemented: A detrimental effect on the environment and public health would not result if this regulation is not implemented.
(c) If detrimental effect would result, explain detrimental effect: Not applicable.
(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known.
(a) Necessity of proposed regulation if in conflict: Not applicable.
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.
(10) Any additional information or comments: None
(11) TIERING: Is tiering applied? Tiering was not applied; all provisions of this regulation apply equally to all individuals who are statutorily required to file with the commission an annual Statement of Financial Disclosure. Tiering was not applied since the statute

requires the same information from all filers.

OFFICE OF THE GOVERNOR
Executive Branch Ethics Commission
(Amendment)

9 KAR 1:040. Initial registration statement and registration card, executive agency lobbying handbook, including registration forms, expenditure statements, financial disclosure forms and termination forms.

RELATES TO: KRS 11A.211, 11A.216, 11A.221, 11A.241(4), (5)
STATUTORY AUTHORITY: KRS 11A.241(4), (5), (6)
NECESSITY AND FUNCTION: KRS 11A.201 to 11A.246 and 11A.990(5) to (9) establishes the requirements for executive agency lobbying, including forms and penalties for violation thereof. This administrative regulation establishes the Initial Registration Form for executive agency lobbyists and their employers, the Updated Registration Statement which includes the Statements of Expenditures and Financial Transactions which are required to be filed three (3) times per year, the Lobbyists Registration Card, and the Termination Form. All of these forms are contained in the Executive Agency Lobbying Handbook, which is also adopted in this administrative regulation. [~~The effective date of Senate Bill 7, 1993 (1st Extra. Sess.) Ky. Acts ch. 4, secs. 45 to 55 (to be codified as KRS 11A.201 to 11A.246 and 11A.990(5) to (9)) is September 16, 1993. KRS 11A.211(1) requires the filing of an initial registration statement by an executive agency lobbyist and his employer within ten (10) days following the engagement of an executive agency lobbyist. KRS 11A.211(6) requires the commission to issue a registered executive agency lobbyist a registration card. Engaged executive agency lobbyists and their employers will be required to file initial registration statements with the commission on the effective date of Senate Bill 7. The commission is required to implement the provisions of KRS 11A.201 to 11A.246 by administrative regulation, including the initial registration statement form. This administrative regulation establishes the initial registration form and the registration card.~~]

Section 1. Definitions. "Regular and substantial basis" means [~~the~~] executive agency lobbying activity of more than one (1) time per year regarding a decision that involves state expenditures that exceed $5,000 per year.

Section 2. (1) [~~Effective September 16, 1993,~~] An "Initial Registration Statement" shall be filed by an engaged executive agency lobbyist and his employer within ten (10) days following the engagement of the lobbyist.

(2) The brief description of the executive agency decision shall include the subject matter for which an executive agency lobbyist has been engaged or for which he is responsible, such as an award of a grant for social services, a lease for office space or equipment, a contract to provide food, clothing or other consumable products, or a personal service contract.

(3)(a) The signature on the "Initial Registration Statement" which is filed with the commission shall be an original signature [~~in blue ink~~].

(b) The "Initial Registration Statement" form and each of the other forms which is incorporated in this administrative regulation by reference in Section 3 may be reproduced by an executive agency lobbyist or his employer.

Section 3. Material Incorporated by Reference.

(1) The following documents are incorporated by reference:

(a) "Executive Agency Lobbyist/Employer Initial Registration Statement (Rev. 030195)"; [~~(EBEC:EAL:I 9/93)"; and~~]

(b) "Updated Registration Statement - Executive Agency Lobbyist (Rev. 030195)";

(c) "Updated Registration Statement - Employer of Executive Agency Lobbyist (Rev. 030195)";

(d) "Termination Notification as Executive Agency Lobbyist (Rev. 030195)";

(e) Executive Agency Lobbying Handbook (Rev. 030195)"; and

(f) "Commonwealth of Kentucky Registration Card Executive Agency Lobbyist (9/93)".

(2) The "Executive Agency Lobbyist/Employer Initial Registration Statement (Rev. 030194)", "Updated Registration Statement - Executive Agency Lobbyist (Rev. 030195)", "Updated Registration Statement - Employer of Executive Agency Lobbyist (Rev. 030195)", "Termination Notification as Executive Agency Lobbyist (Rev. 030195)", and "Executive Agency Lobbying Handbook (Rev. 030195)" [~~(EBEC:EAL:I 9/93)"~~] may be inspected, copied, or obtained from the Executive Branch Ethics Commission, [~~Room 161, Capitol Annex, Frankfort, Kentucky 40601,~~] 8 a.m. to 4:30 p.m., Monday through Friday.

LIVINGSTON TAYLOR, Chairman
APPROVED BY AGENCY: April 27, 1995
FILED WITH LRC: May 15, 1995 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 30, 1995, 9 a.m. in Room 386 of the Capitol Annex, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by June 25, 1995, five days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by this date, the hearing may be cancelled. 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 comment on the proposed administrative regulation to the contact person.

CONTACT PERSON: Jill E. LeMaster, Executive Director, Executive Branch Ethics Commission, 273 Capitol Annex, 702 Capital Avenue, Frankfort, Kentucky 40601, (502) 564-7954.

REGULATORY IMPACT ANALYSIS

Contact person: Jill LeMaster

(1) Type and number of entities affected: This regulation will affect all individuals who are required to register with the commission as executive agency lobbyists and employers. These individuals are required to file updated registration statements three times per year. Currently, the commission has registered approximately 670 executive agency lobbyists and approximately 280 employers, for a total of 950 people affected.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented: Not applicable.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented: Not applicable.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: All costs associated with filing the registration statement, the updated statements and the termination notification are due to the statutory requirements that these documents be filed. This regulation merely establishes the forms which should be utilized for statutory compliance and establishes a handbook for assistance.

2. Second and subsequent years: See explanation above.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: The commission must print the forms which are adopted by this regulation. We do not anticipate any other costs.

1. First year: See above. This office will have to print these forms and the handbook each year.

2. Continuing costs or savings: See above. This office will have to print these forms and handbook each year.

3. Additional factors increasing or decreasing costs: None known.

(b) Reporting and paperwork requirements: The individuals who will use the forms and handbook adopted by this regulation are currently required to use substantially similar forms. There will be no increase in reporting and paperwork requirements.

(4) Assessment of anticipated effect on state and local revenues: Any cost will be paid for by the existing revenues budgeting to this agency.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Any cost will be paid for by the existing revenues budgeted to this agency.

(6) Economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: None

(b) Kentucky: None

(7) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives exist. The commission must develop a format for the filing forms.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: No economic impact assessed.

(b) State whether a detrimental effect on environment and public health would result if not implemented: None

(c) If detrimental effect would result, explain detrimental effect: Not applicable.

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known.

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? Tiering was not applied; all provisions of this regulation apply equally to all individuals who are statutorily required to register as executive agency lobbyists or employers with the commission and to file updated statements and termination notices, when applicable. Tiering was not applied since the statutes require the same information from all filers.

GENERAL GOVERNMENT CABINET
Board of Accountancy
(Amendment)

201 KAR 1:300. Rules of professional conduct.

RELATES TO: KRS 325.240, 325.340

STATUTORY AUTHORITY: KRS 325.240

NECESSITY AND FUNCTION: Pursuant to KRS 325.240, the Kentucky State Board of Accountancy may promulgate rules of professional conduct. This administrative regulation is necessary to establish the Kentucky State Board of Accountancy Rules of Professional Conduct that are patterned after the Code of Professional Conduct adopted by the American Institute of Certified Public Accountants (AICPA). The function of this administrative regulation is to adopt appropriate rules of professional conduct to establish and maintain a high standard of integrity and dignity in the public accounting profession. The Kentucky State Board of Accountancy may review the AICPA's interpretations of its code of professional conduct for guidance when applying the provisions of this administrative regulation.

Section 1. Definitions. (1) "AICPA" means the American Institute of Certified Public Accountants.

(2) "Audit" means an examination of financial statements of an entity in accordance with standards promulgated by the American Institute of Certified Public Accountants (AICPA), including generally accepted auditing standards (GAAS) and upon which an opinion is expressed or disclaimed regarding whether the financial statements conform to generally accepted accounting principles (GAAP) or other comprehensive basis of accounting.

(3) "Board" is defined in KRS 325.220(1).

(4) "Client" means a person or entity which retains a licensee to provide public accounting services.

(5) "Commission" means any item of value given or received by a licensee to or from any third party in return for suggesting the purchase of any product or service.

(6) "Compilation" means presenting in the form of financial statements information that is the representation of management or owners without undertaking to express any assurance on the statements.

(7) "Contingent fee" means a fee established for the performance of any public accounting service pursuant to a written or oral agreement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of the service.

(8) "Financial statement" means a presentation of financial data, including accompanying notes, derived from accounting records and intended to communicate an entity's economic resources and obligations at a point in time, or the changes therein for a period of time, in accordance with generally accepted accounting principles (GAAP) or a comprehensive basis of accounting other than generally accepted accounting principles (GAAP).

(a) General use financial statements, financial forecasts, projections and similar presentations are considered financial statements.

(b) Financial presentations included in tax returns are not financial statements.

(9) "Generally accepted accounting principles (GAAP)" means the conventions, rules, and procedures which describe accepted accounting practices at a particular time. They include broad guidelines of general applications and detailed practices and procedures that provide a standard by which to measure financial presentations.

(10) "Review" means performing inquiry and analytical procedures that provide the licensee with a reasonable basis for expressing limited assurance that there are no material modifications that should be made to the financial statements for them to be in conformity with generally accepted accounting principles (GAAP) or, if applicable, with another comprehensive basis of accounting.

Section 2. Independence. (1) A licensee or a firm shall not express an opinion on financial statements of an entity unless he or the firm is independent with respect to the entity.

(2) Prior to expressing an opinion on financial statements, the licensee shall assess his relationship with the entity to determine whether his opinion will be considered independent, objective and unbiased by a third party having knowledge of all facts referring to the relationship between the licensee and the entity.

(3) A licensee shall not be considered to be independent if during the period:

(a) Of the engagement or at the time of expressing his opinion, the licensee or his firm:

1. Had or was committed to acquire any direct or material indirect financial interest in the entity;

2. Was a trustee of any trust or executor or administrator of any

estate if the trust or estate had or was committed to acquire any direct or material indirect financial interest in the entity;

3. Had any joint, closely held business investment with the entity or any officer, director or principal stockholder which was material in relation to the licensee's or his firm's net worth;

4. Had any loan to or from the entity or to or from any officer, director or principal stockholder of the entity.

(b) Covered by the financial statements, the period of the professional engagement or at the time of expressing an opinion, the licensee or his firm served as a:

1. Promoter, underwriter, voting trustee, director, officer or in any capacity equivalent to that of a member of management or an employee of the entity; or

2. Trustee for a pension or profit sharing trust of the entity.

(4) The restriction found in subsection (3)(a)4 of this section shall not apply to the following loans obtained from a financial institution prior to January 1, 1992, which are current as to all terms of the loan, were made under normal lending procedures, terms and requirements, and have not been renegotiated:

(a) Loans obtained by a licensee or his firm which are not material in relation to the net worth of the borrower;

(b) Home mortgages; and

(c) Other secured loans, except loans guaranteed by a licensee's firm which are otherwise unsecured.

Section 3. Integrity and Objectivity. A licensee engaged in the practice of public accounting shall maintain objectivity, integrity, and be free of conflicts of interest. The licensee shall not subordinate his judgment to others.

Section 4. Competence. A licensee or a firm engaged in the practice of public accounting shall:

(1) Perform, or offer to perform, only those professional services that he or his firm may reasonably expect to complete with professional competence;

(2) Exercise due professional care in the performance of professional services;

(3) Adequately plan and supervise the performance of professional services; and

(4) Obtain sufficient relevant data to afford a reasonable basis for conclusions or recommendations in relation to any professional services performed.

Section 5. Standards of Practice. When performing an audit, review, compilation, or any other professional service within the practice of public accounting, the licensee and his firm shall comply with the appropriate practice standards as follows:

(1) Generally accepted auditing standards (GAAS) as reflected in the following documents:

(a) "AICPA Professional Standards", Volume 1, U.S. Auditing Standards, Section AU, as of June 1, 1994 [~~1992~~];

(b) "AICPA Professional Standards", Volume 1, Attestation Standards, Section AT, as of June 1, 1994 [~~1992~~];

(c) Government Auditing Standards, "Yellow Book", General Accounting Office, 1994 [~~1988~~] revision;

(d) "Interpretation of Continuing Education and Training Requirements", Government Auditing Standards, General Accounting Office, April, 1991; and

(2) Other applicable standards:

(a) "AICPA Professional Standards", Volume 2, Accounting and Review Services, Section AR, as of June 1, 1994 [~~1992~~];

(b) "AICPA Professional Standards", Volume 2, Consulting Services, Section CS, as of June 1, 1994 [~~1992~~]; or

(c) "AICPA Professional Standards", Volume 2, Tax Practice, Section TX, as of June 1, 1994 [~~1992~~].

(3) These standards are incorporated by reference and may be inspected at the board office, 332 W. Broadway, Suite 310, Louisville, Kentucky 40202, between 8:30 a.m. and 4:30 p.m. Monday through Friday.

Section 6. Accounting Principles. (1) A licensee who is aware that the financial statement or financial data of any entity contains a departure from GAAP that has a material effect on the financial statement or financial data taken as a whole shall not:

(a) Express an opinion or state affirmatively that the financial statement or financial data are presented in conformity with GAAP or another comprehensive basis of accounting; or

(b) State that he is unaware of any material modifications that should be made to the statements in order for them to be in conformity with GAAP.

(2) Financial statements may depart from GAAP, if the licensee:

(a) Demonstrates that due to unusual circumstances the financial statements or data would otherwise have been misleading;

(b) Describes the departure;

(c) States the approximate effects, if practicable; and

(d) Explains the reasons why compliance with GAAP would result in a misleading statement.

(3) GAAP is established by principles, practices, or guidance provided in statements, interpretations, bulletins, guides, and other documents identified in "AICPA Professional Standards", Volume 1, U.S. Auditing Standards, Section AU 411, as of June 1, 1994 [~~1992~~].

(4) These standards are incorporated by reference and may be inspected at the board office, 332 W. Broadway, Suite 310, Louisville, Kentucky 40202, between 8:30 a.m. and 4:30 p.m. Monday through Friday.

Section 7. Confidential Client Information. A licensee shall comply with the requirements of KRS 325.440 relating to the disclosure of confidential client information.

Section 8. Client Records. (1) A licensee shall comply with the requirements of KRS 325.420 relating to the ownership of accountant's working papers - client records. [~~furnish to his client upon request:~~

~~(a) A copy of a tax return, report, or other document, any of which was previously issued to or for such client; and~~

~~(b) Any accounting or other records received from or on behalf of the client.~~]

(2) The licensee shall not have a lien on these accounting or other records.

Section 9. Advertising and Other Forms of Solicitation. (1) A licensee shall not seek to obtain clients by advertising or other forms of solicitation that are false, misleading, or deceptive.

(2) The use of coercion, overreaching or harassing conduct.

Section 10. Commissions. (1) A licensee shall not recommend or refer to a client any product or service in exchange for a commission, recommend any product or service to be supplied by his client to a third party, or receive a commission when the licensee or the licensee's firm also performs for that client:

(a) An audit or review of a financial statement;

(b) A compilation of a financial statement when the licensee expects or reasonably might expect that a third party will use the financial statement and the licensee's report does not disclose a lack of independence; or

(c) An examination of prospective financial information.

(2) The prohibition of subsection (1) of this section applies during the period in which the licensee is engaged to perform any of the services listed in subsection (1)(a), (b), and (c) of this section and the period covered by any historical financial statements involved in the listed services.

(3) A licensee who is not prohibited from receiving a commission and who is paid or expects to be paid a commission shall disclose

that fact to any person or entity to whom the licensee recommends or refers a product or service to which the commission relates.

(4) A licensee who accepts a fee for recommending or referring any service of another licensee to any person or entity or who pays a fee to obtain a client shall disclose the receipt or payment of the fee to the client.

~~[(a) Pay a commission to obtain a client; or~~

~~(b) Accept a commission for a referral to a client of products or services of others.]~~

(5) ~~[(2)]~~ This rule shall not prohibit:

(a) Payments for the purchase of an accounting practice; or

(b) Retirement payments to individuals, and their heirs or estates, who were formerly engaged in the practice of public accounting.

Section 11. Form of Practice and Name. (1) A licensee shall not practice under a firm name which includes any assumed business name ~~[that does not consist of the names of one (1) or more present or former certified public accountant partners or shareholders]~~.

(2) A licensee shall only practice in the form of a sole proprietorship, partnership, or professional service corporation, registered limited liability partnership, or a limited liability company registered with the board.

Section 12. Contingent Fees. (1) A licensee shall not accept or perform any public accounting services for a contingent fee or receive a contingent fee from a client for whom the licensee or the licensee's firm performs:

(a) An audit;

(b) A review;

(c) A compilation of a financial statement when the licensee expects or reasonably might expect that a third party will use the financial statement and the licensee's report does not disclose a lack of independence; or

(d) An examination of prospective financial information.

(2) The prohibition of subsection (1) of this section applies during the period of time in which the licensee is engaged to perform those services and the period covered by any historical financial statements involved in those services.

(3) A licensee in public practice shall not prepare for a contingent fee:

(a) An original or amended tax return or claim for a tax refund. Preparation of an original or amended tax return or claim for tax refund includes giving advice on events which have occurred at the time the advice is given if such advice is directly relevant to determining the existence, character, or amount of a schedule, entry, or other portion of a return or claim for refund; or

(b) An amended federal or state income tax return for a client claiming a refund of taxes because a deduction was inadvertently omitted from the return originally filed when there is no question as to the propriety of the deduction, rather the claim is filed to correct an omission.

(4) The following are examples of circumstances where a contingent fee would be permitted regardless of whether the licensee or licensee's firm is performing the services specified in subsection (1) of this section:

(a) Representing a client in an examination by a revenue agent of the client's federal or state income tax return;

(b) Filing an amended federal or state income tax return claiming a tax refund based on a tax issue that is either the subject of a test case by a different taxpayer or with respect to which the taxing authority is developing a position;

(c) Filing an amended federal or state income tax return or refund claim which claims a tax refund in an amount greater than the threshold for review by the Joint Committee on Internal Revenue Taxation ($1,000,000 at March, 1991) or state taxing authority;

(d) Requesting a refund of either overpayments of interest or penalties charged to a client's account or deposits of taxes improperly accounted for by the federal or state taxing authority in circumstances where the taxing authority has established procedures for the substantive review of such refund requests;

(e) Requesting, by means of protest or similar document, consideration by the state or local taxing authority of a reduction in the assessed value of property under an established taxing authority review process for hearing all taxpayer arguments relating to assessed value; or

(f) Representing a client to obtain a private letter ruling or influencing the drafting of an administrative regulation or statute.

(5) Fees shall not be considered as contingent:

(a) If fixed by courts or other public authorities; or

(b) In tax matters if determined based on the results of judicial proceedings or the findings of governmental agencies. A fee is considered determined based on the findings of governmental agencies, if the licensee can demonstrate a reasonable expectation at the time of the fee arrangement, of substantive consideration by an agency with respect to the licensee's client. The expectation is deemed not reasonable in the case of preparation of original tax returns.

(6) Fees may vary depending on the complexity of services rendered.

JOHN N. CRAFT, CPA, President

APPROVED BY AGENCY: March 25, 1995

FILED WITH LRC: May 12, 1995 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 21, 1995, at 9 a.m. at the administrative offices of the board located at 332 W. Broadway, Suite 310, Louisville, Kentucky 40202. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1994, five days prior to the meeting, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given the opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for at transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Susan G. Stopher, Executive Director, Kentucky State Board of Accountancy, 332 W. Broadway, Suite 310, Louisville, Kentucky 40202, (502) 595-3037.

REGULATORY IMPACT ANALYSIS

Contact person: Susan G. Stopher

(1) Type and number of entities affected: 250 CPA firms annually.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments received.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments received.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: No increased costs.

2. Second and subsequent years: See 1 above.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: No impact since these are standards of practice and will be communicated in regular quarterly newsletters.

2. Continuing costs or savings: No impact either negatively or positively.

3. Additional factors increasing or decreasing costs: No impact either negatively or positively.

(b) Reporting and paperwork requirements: This does not apply, since no costs exist.

(4) Assessment of anticipated effect on state and local revenues: No effect.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Trust and agency funds.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: No public comments received.

(b) Kentucky: No public comments received.

(7) Assessment of alternative methods; reasons why alternatives were rejected: This is the only manner in which to reference professional standards.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: N/A

(b) State whether a detrimental effect on environment and public health would result if not implemented: N/A

(c) If detrimental effect would result, explain detrimental effect: N/A

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no overlapping or conflicting statute/regulation.

(a) Necessity of proposed regulation if in conflict: There is no overlap.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no conflict.

(10) Any additional information or comments: No

(11) TIERING: Is tiering applied? No. Only one class of certified public accounting firms exist.

TOURISM CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 2:111. Deer and turkey hunting on federal [special] areas.

RELATES TO: KRS [150.010,] 150.025, [150.092,] 150.170, 150.175, [150.305, 150.330,] 150.340, 150.360, 150.370, 150.390, 150.395, 150.411, 150.4111, 150.990

STATUTORY AUTHORITY: KRS 150.015, [13A.350,] 150.025, 150.170, 150.175, 150.390, 150.990

NECESSITY AND FUNCTION: To establish deer and turkey hunting seasons on federal areas. This amendment is necessary to establish hunting dates for these areas, and to remove extraneous subject matter which the department does not regulate, to remove references to areas now included in 301 KAR 2:078, and to meet the formatting and language requirements of KRS Chapter 13A. [This administrative regulation pertains to the deer gun and archery season and the turkey season on special areas. This administrative regulation is necessary for the continued protection of the species listed herein, and to insure a permanent and continued supply of the wildlife resource for present and future residents of the state. The function of this administrative regulation is to provide for the prudent taking of deer and turkey within reasonable limits based upon an adequate supply. This amendment is necessary to establish current season dates and hunting requirements.]

Section 1. General Requirements. (1) Unless otherwise stipulated in this administrative regulation, the provisions of 301 KAR 2:172 and 301 KAR 2:140 apply.

(2) On the areas listed in this administrative regulation, hunters shall:

(a) Obtain appropriate permission to hunt, in the form of area permits, before hunting.

(b) Not hunt deer or turkey except on assigned hunting dates.

(c) Remain in assigned areas.

(d) Unless exempted by KRS 150.170(3) through (8), have in their possession the signature portion of a valid deer or turkey permit.

(e) Unless otherwise specified in this administrative regulation, tag deer with area tags issued on the area in lieu of the state deer tag.

(f) Keep the area tag attached to the deer until the carcass is processed.

(3) Hunters may obtain specific information about application procedures and deadlines, permit fees, or other hunting requirements from the appropriate federal agency. [Deer and turkey Season on Special Areas. Unless otherwise stated, the provisions of 301 KAR 2:171 and 301 KAR 2:140 apply. If dates are specified, these areas are open for deer or turkey hunting only on the dates specified below. Deer hunters on these areas shall possess the signature portion of a valid deer permit. A WMA tag to place on harvested deer shall be issued except on the Westvaco WMA, Cyprus Amax WMA, Robinson Forest WMA and Land Between the Lakes WMA.]

Section 2. [(1)] Land Between the Lakes [Wildlife Management Area (LBL) located in Trigg and Lyon Counties. For LBL general hunting requirements refer to administrative regulation 301 KAR 2:050]. (1) [(a)] Deer archery hunts: any white-tailed deer on assigned areas and dates between the last Saturday in September and January 15. [the last Saturday in September through December 31, except on quota hunt days and one (1) day immediately before and after each quota hunt.]

(2) [(b) Quota hunt.] Quota [gun] hunt: one (1) white-tailed deer, antlered or antlerless [sex of deer] as specified on permit, on assigned areas and dates between October 1 and January 15. [November 5-6 and 26-27.]

(3) [(c)] Quota youth hunt: one (1) white-tailed deer, antlered or antlerless [of either sex] as specified on permit, on assigned areas and dates between October 1 and January 15. [on October 22-23. Participants shall possess an LBL Youth Hunt Permit.]

(4) Persons shall not take more than:

(a) In 1995:

1. Two (2) deer per season;

2. One (1) deer during quota hunts.

(b) In 1996 and subsequent years:

1. Two (2) deer during archery hunts; and

2. One (1) deer during quota hunts.

[(d) Bag limits. The deer bag limit for the Kentucky portion of LBL shall be two (2) deer; except that no more than one (1) deer shall be taken during any quota hunt, and no more than one (1) deer shall be taken during the deer archery hunt.]

(5) [(e)] Turkey archery hunts: one (1) turkey of either sex during [the] deer archery hunt[s as specified in subsection (1)(a) of this section.

(f) Areas open and closed to hunting. State line to Barkley Canal is open to hunting except for developed public use areas (unless posted as open), safety zones and areas posted as closed].

(6) Quota hunters shall:

(a) Apply in advance at Land Between the Lakes.

(b) check in prior to hunting.

(7) Persons shall tag:

(a) Harvested turkeys with the appropriate state turkey tag.

(b) Harvested deer with either:

1. The appropriate state antlered or antlerless state deer tag; or

2. A wildlife management area tag.

(8) Persons harvesting deer or turkey shall take the entire or field-dressed carcass to a Land Between the Lakes check station before leaving Land Between the Lakes.

(9) Persons shall not hunt deer or turkey with crossbows.

~~[(g) Quota hunt applications. Hunters shall be selected by a drawing. Application forms are available from, and shall be submitted to, Quota Deer Hunt, 100 Van Morgan Drive, Land Between the Lakes, Golden Pond, Kentucky 42211. Completed applications shall be postmarked no later than July 31. If unfilled quotas exist after the regular drawing, quotas may be filled by issuing permits on a first-come, first-served basis at the Land Between the Lakes administrative office.~~

~~(h) Checking in and out.~~

~~1. Quota gun hunters. All hunters, including those camping in LBL, shall check in prior to hunting, but shall not be required to check out unless a deer is harvested. Hunters shall check in between 8 a.m. and 6 p.m. the day before the hunt, or after 4 a.m. on hunt days.~~

~~2. Archery hunters. Archery hunters are not required to check in or out. All deer and turkey harvested shall be checked out.~~

~~(i) Permits and tagging requirements.~~

~~1. Permits. An LBL hunter use permit shall be required for each hunter participating in the deer and turkey archery season and an LBL computer card permit shall be required for each hunter participating in the quota deer hunts.~~

~~2. Tags. All harvested deer and turkey shall be tagged with an LBL permanent game tag before being removed from the area. Permanent LBL game tags shall be attached to all harvested deer and turkey at LBL check stations. The LBL permanent game tag shall be used in place of the Kentucky Department of Fish and Wildlife Resources official game check card as proof of check in and for taxidermy purposes.~~

~~(j) Prohibited weapons: crossbows.~~

~~(k) The taking of coyotes. Hunters participating in the quota gun hunts may take coyotes if they possess a valid deer tag.]~~

Section 3. ~~[(2)]~~ Fort Campbell ~~[Wildlife Management Area located in Christian and Trigg Counties. There will be no hunting on Tuesdays and Wednesdays except when Tuesday or Wednesday is a federal holiday or as follows: December 20-21 and 27-28, then hunting shall be permitted. There will be no hunting on December 25 and January 1]~~. (1) ~~[(a)]~~ Youth deer ~~[shotgun]~~ hunts: any deer on assigned areas and dates between September 1 and January 15. ~~[during the months of September, October, November and December on selected areas and dates. Any deer. For persons aged ten (10) through sixteen (16) who shall be accompanied by an adult. Shotguns only.]~~

(2) ~~[(b)]~~ Deer gun or ~~[and]~~ archery hunts ~~[season]~~. Any deer on assigned areas and dates from September 1 through January 15. ~~[: September 24 through November 17 and November 18 through January 2, 1995 on selected areas.]~~

(3) Turkey, either sex:

(a) Deer archery hunters may take turkey.

(b) Firearm season: on assigned areas and dates between October 15 and December 31.

(c) Turkeys taken at Fort Campbell are bonus birds.

(4) White turkey.

(a) Hunters may take one (1) white turkey of either sex during open Fort Campbell hunting seasons.

(b) Statewide and post limits and tagging requirements do not apply to white turkey.

~~[(c) Wild turkey archery season: Any turkey. For deer hunters using archer equipment September 24 through January 2, 1995.~~

~~(d) Wild turkey shotgun only season: any turkey. October 15 through November 16.~~

~~(e) White turkey season: any white turkey. The post bag limit is one (1) white turkey. Statewide and post season limits and tagging requirements on wild turkey do not apply to the taking of white turkey. White turkey may be taken during any open hunting season on Ft. Campbell. Only those hunters who possess valid unfilled deer tags may hunt white turkey during deer season and only those possessing turkey hunting permits may hunt white turkey during turkey season.~~

~~(f) Deer bag limits. The bag limit for Kentucky license holders shall be two (2) deer taken by either gun or bow. Prior to the fourth Monday in November, once a hunter has taken his first deer on Fort Campbell, he shall be ineligible for weekend drawings (i.e., he may only hunt on Mondays, Thursdays, or Fridays or on weekend standby) until the reopening of deer hunting on the fourth Monday in November. Then if he has not harvested his limit he shall be eligible for the weekend drawing until he has taken his limit.~~

~~(g) Permits and tagging requirements. Deer hunters shall purchase a fifteen (15) dollar post hunting and fishing permit which includes a Fort Campbell deer tag, at building #6645. All Fort Campbell deer hunters shall also have the signature portion of a valid Kentucky deer permit in their possession.~~

~~(h) Prohibited and permitted weapons. Handguns and crossbows are prohibited. Rifles shall be permitted only in areas west of Palmyra Road. All rifles shall be equipped with telescopic sights. Hunting arrows shall not be less than twenty-four (24) inches in length, equipped with broadhead barbless blades not less than seven-eighths (7/8) inch nor more than two (2) inches wide for single two (2) edged blades, or not more than three (3) or more blades. The minimum weight for all broadheads is 100 grains.]~~

Section 4. ~~[(3)]~~ Fort Knox ~~[Wildlife Management Area located in Hardin, Bullitt and Meade Counties]~~. (1) ~~[(a)]~~ Deer archery hunt: any deer on assigned areas and dates between September 30 and December 31. ~~[October 1 through November 13 and December 12 through December 31.]~~

(2) ~~[(b)]~~ Deer gun hunt: any deer on assigned areas and dates between November 1 and January 31. ~~[November 19-20, November 26-27, and December 10-11.~~

~~(c) Bag limits. The bag limit shall be two (2) deer, only one (1) deer shall be taken by gun and one (1) by bow.~~

~~(d) Applications. Separate applications are required for archery and gun hunts. No more than five (5) hunters shall apply on any one (1) application. Applications shall not be postmarked earlier than August 15 or later than August 31.~~

~~1. Archery hunts. Civilians not working on post may apply for weekend archery hunts by mail. Applicants drawn shall be assigned one (1) weekend of archery hunting. Weekday archery hunting shall be on a first come, first served basis. Sign up for weekday hunts shall be made at least forty-eight (48) hours in advance at Hunt Control Headquarters Building 112.~~

~~2. Gun hunts. Civilians not working on post may apply by mail for a two (2) day gun hunt. Hunters shall be assigned one (1), two (2) day hunting period.~~

~~3. Application procedure. All applications shall contain the type of hunt (gun or bow), names and addresses of each hunter, a self-addressed stamped envelope and an eighteen (18) dollar money order, certified check or cashier's check for each hunter, made payable to Treasurer of the United States. Mail applications to Hunt Control Office, Attn: ATZK-EHE, Fort Knox, Kentucky 40121-5000.~~

~~(e) Check station. All deer taken during the archery season shall be checked in at Building 112. Deer taken during the gun hunts shall be checked in at Building 7331 on 9th Avenue or the North Mt. Eden Rd. station. Successful hunters shall have the completed hunter portion of their game check card in their possession.~~

~~(f) Hunting hours: one half (1/2) hour before sunrise until 5 p.m. local prevailing time. Hunters shall clear hunt control by 7 p.m.~~

~~(g) Weapons. Only breech loading and muzzle loading shotguns of twelve (12) gauge maximum and twenty (20) gauge minimum firing a single projectile, and muzzle loading rifles of .38 caliber to .58 caliber firing a single projectile shall be permitted. Magazined shotguns shall be plugged to a three shot capacity. Hunters shall have no more than ten (10) rounds of ammunition in possession for~~

~~any one (1) hunting day. Crossbows shall only be valid for use by holders of a disability exemption and only during archery season.~~

~~(h) Hunter safety certificates. All deer hunters under the age of fifty-five (55) shall possess a valid hunter safety certificate.~~

~~(i) Special equipment. All hunters shall possess a Fort Knox special hunting and fishing map and a flashlight.~~

~~(j) Intoxicants. Intoxicants are prohibited in vehicles and hunting areas.~~

~~(k) Post permit. All persons deer hunting on the Fort Knox Military Reservation shall possess a Fort Knox Deer Permit.~~]

Section 5. [~~(4)~~] Bluegrass Ordnance Depot Activity [~~located in Madison County~~]. (1) [~~(a)~~] Deer archery hunts: during the month of October and November on assigned areas and [~~selected~~] dates.

(2) [~~(b)~~] Deer gun hunts: during the month of November and December on assigned areas and [~~selected~~] dates.

[~~(c) Bag limits. The post bag limit is one (1) deer of the sex announced on the day of the hunt.~~

~~(d) Applications. Hunters may submit applications for archery or gun hunts. Applications for the drawings shall be made on a three (3) inch by five (5) inch card with only two (2) applicants allowed per card. More than one (1) card per individual shall disqualify the applicant. When a maximum of two (2) people desire to hunt together, the required information shall be written on a single three (3) inch by five (5) inch card. Each applicant or pair of applicants shall submit with their application a five (5) dollar check or money order. Each applicant shall furnish name and address (including zip code), date of birth, Social Security number, telephone number and specify their choice for shotgun or archery hunting. Hunters, their hunting dates and areas shall be selected by a drawing. All envelopes shall be post-marked no earlier than August 1 or later than August 30 to be eligible for the drawing. Improper applications shall be discarded. A twenty (20) dollar per person fee shall be charged for hunting payable on the assigned hunting date. Mail all applications to: Lexington Bluegrass Depot, Attention: Land Manager, Lexington, Kentucky 40511-5010.~~

~~(e) Weapons. Only breech loading and muzzle loading shotguns of twelve (12) gauge maximum and twenty (20) gauge minimum firing a single projectile, and muzzle loading rifles of .45 or larger caliber firing a single conical projectile shall be permitted. Only longbows, recurve and compound bows having a pull weight of forty-five (45) pounds or greater are permitted. Crossbows are prohibited.~~

~~(f) Harvest quota. Hunting shall be discontinued whenever the designated deer harvest quota is reached or upon the direction of the Activity Commander.~~

~~(g) Hunter safety certificates. All deer hunters born after January 1, 1970 shall possess a valid hunter safety certificate.~~]

Section 6. [~~(5)~~] Reelfoot National Wildlife Refuge [~~located in Fulton county~~]. (1) [~~(a)~~] Quota hunts: any deer first Saturday in November for two (2) consecutive days.

[~~(b) Drawing. Only those persons selected by a drawing may participate in the quota hunts. If unfilled quotas exist after the regular drawings, quotas shall be filled by issuing permits on a first come, first served basis. Applications shall be accepted only during the month of July and shall be accompanied by an application fee of five (5) dollars.~~]

(2) [~~(c)~~] Archery hunt: any deer, the first Monday in October for fourteen (14) consecutive days. [~~October 3-16.~~]

(3) [~~(d)~~] Bag limits. The refuge bag limit is four (4) deer. No more than [~~Only~~] two (2) deer shall be taken by gun.

(4) Gun [~~(e) Check stations. All gun~~] deer hunters shall check in [~~and out~~] at designated refuge check stations.

(5) Deer [~~Archery~~] hunters shall check harvested [~~their~~] deer at the nearest state check station.

[~~(f) All deer hunters shall have purchased a ten (10) dollar refuge hunting permit.~~

~~(6) Westvaco public hunting areas. All persons hunting shall possess a valid Westvaco hunting permit.~~

~~(a) Persons shall not operate vehicles off designated roads.~~

~~(b) Persons shall not hunt from or place a tree stand on Westvaco property within fifty (50) yards of a property line.~~

~~(c) Persons shall not ignite, feed or allow an open fire on the area.~~

~~(7) Zilpo and Twin Knobs Campgrounds in Bath and Rowan Counties.~~

~~(a) Persons applying and hunting shall follow the procedures and administrative regulations described in administrative regulation 301 KAR 2:171, Section 10.~~

~~(b) Only persons with a disability license issued by the Department of Fish and Wildlife Resources may apply and shall have this license in their possession when they hunt.~~

~~(c) Quota gun hunt: second Saturday in December for two (2) consecutive days.~~

~~(8) Cyprus Amax and Robinson Forest WMA's in Breathitt, Knott and Perry counties.~~

~~(a) Archery hunt: bucks only. October 1 January 15, 1995.~~

~~(b) Deer muzzle loader hunt: bucks only. October 15-16 and December 10-16.~~

~~(c) Bag limit. The bag limit is one (1) deer.~~

~~(d) Checking deer. Deer that are harvested on the area shall be checked in at the nearest state deer check station.~~

~~(e) User permits. All deer hunters shall have in their possession an individual user permit.~~

~~(f) Hunting shall not be allowed on areas posted as closed to hunting.~~

~~(g) All hunters shall check in and out at the self service check stations.~~]

C. THOMAS BENNETT, Commissioner
GREG GINTER, Secretary
MIKE BOATWRIGHT, Chairman

APPROVED BY AGENCY: March 3, 1995
FILED WITH LRC: May 12, 1995 at 8 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 28, 1995 at 9 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 23, 1995, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends 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: Don Walker, Acting Director, Division of Wildlife, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601, (502) 564-4406.

REGULATORY IMPACT ANALYSIS

Contact Person: Don Walker, Division of Wildlife

(1) Type and number of entities affected: There are an estimated 211,000 deer hunters and 20,000 turkey hunters in Kentucky. An unknown portion of these hunters will hunt on the federal areas covered in this regulation.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments

received. This amendment continues long-standing hunting seasons on federal areas and will have no impact on costs or savings.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments received. This amendment continues long-standing hunting seasons on federal areas and will have no impact on costs of doing business.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: No additional compliance, reporting or paperwork requirements; hunters, as in years past, will be required to check deer taken.

2. Second and subsequent years: Same as first year.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The amendments to this administrative regulation will create no costs or savings to the department.

2. Continuing costs or savings: Same as first year.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Check station results will be tabulated and analyzed.

(4) Assessment of anticipated effect on state and local revenues: The continuation of established hunting seasons on federal areas will have no effect or state or local revenues.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: This administrative regulation establishes permissible hunting dates on federal areas. Implementation and enforcement is the responsibility of each installation using their federal sources of revenue.

(6) To the extend available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: No public comments received. The continuation of established hunting seasons should have no impact on economic activities.

(b) Kentucky: No public comments received. The continuation of established hunting seasons should have no impact on economic activities.

(7) Assessment of alternative methods; reasons why alternatives were rejected: The alternatives are (1) to permit hunting on federal areas only within statewide season dates and limits, or (2) not to permit hunting on these areas at all. Alternative (1) was rejected because other priorities on the areas, particularly on military installations, often preclude hunting during statewide seasons. Alternative (2) was rejected because to close these areas would deprive Kentuckians of recreational opportunities and could lead to deer overpopulation and habitat destruction.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: Health benefits will result from outdoor recreational exercise by those who participate in hunting on these areas. Wildlife management afforded by regulated hunting will help maintain deer populations at levels that will prevent the environmental damage associated with overpopulation.

(b) State whether a detrimental effect on environmental and public health would result if not implemented: Slight.

(c) If detrimental effect would result, explain detrimental effect: Lack of outdoor recreational opportunity; potential for habitat destruction caused by deer overpopulation.

(9) Identify and statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? Tiering was used to the extent that each area is afforded differing season dates and other hunting requirements tailored to the specific needs of the area. Otherwise, tiering is not appropriate because the administrative regulation applies equally to all individuals or entities it regulates. Disparate treatment of any persons of 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.

FISCAL NOTE ON LOCAL GOVERNMENT

1. Does this administrative regulation relate to any aspect of a local government, including any service provided by that local government? Yes

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. Only parts of local government will be affected.

3. State the aspect or service of local government to which this administrative regulation relates. The County Clerks office serves as a distribution system for the hunting licenses required by this administrative regulation. The County Courts are where violators of these administrative regulations are prosecuted.

4. How does this administrative regulation affect the local government or any service it provides? The County Clerk's office personnel are involved in the sale of hunting licenses and deer tags. This office receives a $.75 fee for selling licenses and deer or turkey tags. The County circuit courts are utilized for prosecution of cases made against violators of these administrative regulations and recover their costs as the court cost portion of any levied fines.

DEPARTMENT OF CORRECTIONS
(Amendment)

501 KAR 6:020. Corrections policies and procedures.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorizes the commissioner to adopt, amend or rescind administrative regulations necessary and suitable for the proper administration of the cabinet or any division therein. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association. These administrative regulations are in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Department of Corrections the following policies and procedures, revised May 12, 1995 [~~December 14, 1994~~], are incorporated by reference and shall be referred to as Corrections Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Kentucky Department of Corrections, State Office Building, Frankfort, Kentucky 40601 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

1.1	Legal Assistance for Corrections Staff
1.2	News Media
01-04-01	The operation of Contracted Adult Correctional Facilities
1.6	Extraordinary Occurrence Reports
1.9	Institutional Duty Officer
1.11	Population Counts and Reporting Procedures
1.12	Operation of Motor Vehicles by Department of Correc-

tions Employees
2.1 Inmate Canteen
2.2 Warden's Fund
2.10 Surplus Property
3.12 Institutional Staff Housing
4.2 Staff Training and Development
4.3 Firearms and Chemical Agents Training
6.1 Open Records Law
7.2 Asbestos Abatement
8.1 Occupational Exposure to Bloodborne Pathogens
8.4 Emergency Preparedness
9.1 Use of Force
9.4 Transportation of Inmates to Funerals or Bedside Visits
9.5 Execution (Added 5/12/95)
9.6 Contraband
9.7 Storage, Issue and Use of Weapons Including Chemical Agents
9.8 Search Policy
9.9 Transportation of Inmates
9.10 Security Inspections
9.11 Tool Control
9.18 Informants
9.19 Found Lost or Abandoned Property
10.2 Special Management Inmates
10.3 Safekeepers
10.4 Special Needs Inmates
11.2 Nutritional Adequacy of the Diet for Inmates
11.3 Special Diet Procedures
13.1 Pharmacy Policy and Formulary
13.2 Health Maintenance Services
13.3 Medical Alert System
13.4 Health Program Audits
13.5 Acquired Immune Deficiency Syndrome
13.6 Sex Offender Treatment Program
13.9 Dental Services
14.2 Personal Hygiene Items
14.3 Marriage of Inmates
14.4 Legal Services Program
14.6 Inmate Grievance Procedures
15.1 Hair and Grooming Standards
15.2 Offenses and Penalties
15.3 Meritorious Good Time
15-05-01 Restoration of Forfeited Good Time
15.6 Adjustment Procedures and Programs
15.7 Inmate Account Restriction
16.1 Inmate Visits
16.2 Inmate Correspondence
16.3 Telephone Calls
16.4 Inmate Packages
17-01-01 Inmate Personal Property
17.2 Assessment Center Operations
17.3 Controlled Intake of Inmates
18.1 Classification of the Inmate
18.5 Custody and Security Guidelines
18.6 Classification Document
18.7 Transfers
18.9 Out-of-state Transfers
18-10-01 Preparole Progress Reports
18.11 Kentucky Correctional Psychiatric Center Transfer Procedures
18.12 Referral Procedure for Inmates Adjudicated Guilty But Mentally Ill
18.13 Population Categories
18.15 Protective Custody
18.17 Interstate Agreement on Transfers
18.18 International Transfer of Inmates
19.1 Government Services Projects
19.2 Community Services Projects
19.3 Inmate Wage Program [~~(Amended 12/14/94)~~]
20.1 Educational Programs and Educational Good Time
21.1 Staffing Pattern for the First Incarceration Shock Treatment Program (FIST)
21.2 Phase I: Program Selection Assessment Criteria
21.3 Program Schedule - Phase II and Phase III
21.4 Platoon Size and Composition
21.5 Physical Conditions Program Component
21.6 Group and Individual Counseling
21.7 Drug and Alcohol Abuse Counseling and Treatment
21.8 Work Programs Component
21.9 Education and Life Management
21.10 Auxiliary Services
21.11 Offenses and Penalties
22.1 Privilege Trips
23.1 Religion (Added 5/12/95)
25.1 Gratuities
25.2 Public Official Notification of Release of an Inmate (Amended 5/12/95)
25.3 Prerelease Program
25.4 Inmate Furloughs
25.6 Community Center Program
25.7 Expedient Release
25.8 Extended Furloughs
25.10 Administrative Release of Inmates
25.11 Victim Notification (Added 5/12/95)
27-01-01 Probation and Parole Procedures
27-02-01 Duties of Probation and Parole Officers
27-03-01 Workload Formula Supervisor/Staff Ratio
27-05-01 Testimony, Court Demeanor and Availability of Legal Services
27-06-01 Availability of Supervision Services
27-06-02 Equal Access to Services
27-07-01 Cooperation with Law Enforcement Agencies
27-08-01 Use of Force
27-09-01 Kentucky Community Resources Directory
27-10-01 Advanced Supervision
27-11-01 Intensive Supervision
27-12-01 Supervision: Case Classification
27-12-02 Risk/Needs Assessment
27-12-03 Initial Interview
27-12-04 Conditions of Regular Supervision/Request for Modification
27-12-05 Releasee's Report
27-12-06 Grievance Procedures for Offenders
27-12-07 Employment, Education/Vocational Referral
27-12-08 Supervision Plan
27-12-09 Casebook
27-12-10 Guidelines for Monitoring Supervision Fee [~~(Amended 12/14/94)~~]
27-12-11 Guidelines for Monitoring Financial Obligations Ordered by the Releasing Authority
27-12-12 Other Financial Obligations (Not Ordered by Releasing Authority)
27-12-13 Community Service Work
27-12-14 Client Travel Restrictions
27-13-01 Drug and Alcohol Testing of Offenders [~~(Amended 12/14/94)~~]
27-13-02 Alcohol Detection
27-14-01 Interstate Compact Transfers
27-14-02 Interstate Compact Out-of-state Probation and Parole Violation
27-15-01 Supervision Report; Violations, Unusual Incidents
27-16-01 Search; Seizure; Chain of Custody; Disposal of Evidence
27-17-01 Absconder Procedures
27-18-01 Probation and Parole Issuance of Detainer/Warrant

27-19-01 Preliminary Revocation Hearing
27-20-01 Division of Probation and Parole Controlled Intake Program
27-20-02 Prisoner Intake Notification
27-20-03 Prisoner Status Change
27-21-01 Apprehension and Transportation of Probation and Parole Violators
27-22-01 Fugitive Unit - Apprehensions
27-22-02 Fugitive Unit - Transportation of Fugitives
27-23-01 In-state Transfer
27-24-01 Closing Supervision Report
27-24-02 Reinstatement of Clients to Active Supervision
27-25-01 Application for Final Discharge from Parole
27-26-01 Assistance to Former Clients and Dischargees
27-27-01 Restoration of Civil Rights
27-28-01 Firearms/Explosives: Application for Relief from Disability
27-29-01 Parole Review Dates Modification
28-01-01 Probation and Parole Investigation Reports (Introduction, Definitions, Confidentiality, Timing, and General Comments)
28-01-02 Probation and Parole Investigation Reports (Administrative Responsibilities)
28-01-03 Probation and Parole Investigation Reports (Presentence/Postsentence Investigation Interview Procedure)
28-01-04 Probation and Parole Investigation Reports (Presentence/Postsentence Verification, Composition, Case Material and Submission Schedules)
28-01-05 Probation and Parole Investigation Reports (Computation of Jail Custody Credit)
28-01-06 Probation and Parole Investigation Reports (Misdemeanant Presentence Investigation Reports for the Circuit and District Courts)
28-01-07 Probation and Parole Investigation Reports (Supplemental Postsentence Investigation Report, Case Material, and Submission Schedule)
28-01-08 Probation Parole Investigation Reports (Partial Investigation Reports and Submission Schedule)
28-01-09 Release of Information of Factual Content on Presentence/Postsentence Investigation Reports
28-02-01 Expedient Release Program
28-03-01 Parole Plans/Halfway Houses/Extended Furlough/Sponsorship/Gradual Release
28-04-01 Furlough Verifications
28-05-01 Out-of-state Investigations.

JACK C. LEWIS, Commissioner
APPROVED BY AGENCY: May 12, 1995
FILED WITH LRC: May 12, 1995 at noon
PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for June 22, 1995 at 9 a.m., in the Auditorium of the State Office Building. Those interested in attending this hearing shall notify in writing: Susan Alley, Kentucky Department of Corrections, Office of General Counsel, 2nd Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Susan Alley
(1) Type and number of entities affected: 2,948 employees of the Department of Corrections, 8,729 inmates, 14,211 parolees and probationers, and visitors to all state correctional institutions.
(2) Direct and indirect costs or savings on the:
(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented: None
(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented: None
(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:
1. First year following implementation: None
2. Second and subsequent years: None
(3) 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: Policy revisions.
(4) Assessment of anticipated effect on state and local revenues: None
(5) Source of revenue to be used for implementation and enforcement of administrative regulation is the funds budgeted for this 1994-1996 biennium.
(6) Economic impact, including effects of economic activities arising from administrative regulation, on:
(a) Geographical area in which administrative regulation will be implemented: None
(b) Kentucky: None
(7) Assessment of alternative methods; reasons why alternatives were rejected: None
(8) Assessment of expected benefits:
(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: None
(b) State whether a detrimental effect on environment and public health would result if not implemented: None
(c) If detrimental effect would result, explain detrimental effect: N/A
(9) 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: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(10) Any additional information or comments: None
(11) TIERING: Is 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
(Amendment)

501 KAR 6:130. Western Kentucky Correctional Complex.

RELATES TO: KRS Chapters 196, 197, 439
STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640
NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590 and 439.640 authorizes the commissioner to adopt, amend or rescind administrative regulations necessary and suitable for the proper administration of the department or any division therein. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association. This administrative regulation is in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Department of Corrections the following policies and procedures, revised May 12, 1995 [~~March 14, 1995~~] are incorporated by reference and shall be referred to as Western Kentucky 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.

WKCC 01-02-01	Public Information and Media Communication [~~(Added 3/14/95)~~]
WKCC 02-00-03	Invoice and Voucher Processing (Amended 5/12/95)
WKCC 02-00-04	Monetary Receipts During Nonbusiness Hours (Amended 5/12/95)
WKCC 02-00-06	Purchasing Procedures
WKCC 02-01-01	Inmate Funds (Amended 5/12/95)
WKCC 02-01-02	Inmate Canteen
WKCC 02-02-01	Agency Funds and Accounting Procedures (Amended 5/12/95)
WKCC 02-08-01	Property Receipt and Inventory Procedures
WKCC 04-01-01	Travel Reimbursement for Official Business in Attendance at Professional Meetings
WKCC 04-02-01	Employee Training and Development
WKCC 04-04-01	Educational Assistance Program
WKCC 05-01-01	Research, Consultants, and Student Interns
WKCC 06-00-01	Offender Records and Information Access
WKCC 06-00-02	Court Orders, Orders of Appearance, Warrants, Detainers, Etc.
WKCC 09-00-01	Drug Abuse and Alcohol Testing
WKCC 10-02-01	Special Management Inmates
WKCC 11-00-02	Food Service Inmate Work Responsibilities, Evaluations, and Health Requirements
WKCC 11-00-03	Food Service Inspections, Sanitation, Purchasing, and Storage of Food
WKCC 11-00-04	Food Service Security
WKCC 11-00-05	Food Service General Guidelines
WKCC 11-03-01	Food Service Meals, Menus, Nutrition and Special Diets
WKCC 12-01-01	Inmate Clothing [~~(Amended 3/14/95)~~]
WKCC 13-00-01	Special Health Programs
WKCC 13-01-01	Use of Pharmaceutical Products
WKCC 13-02-01	Health Care Services (Amended 5/12/95)
WKCC 14-04-01	Legal Services Program
WKCC 14-06-01	Inmate Grievance Procedure
WKCC 15-01-01	Hair and Grooming Standards
WKCC 16-01-01	Visiting Policy and Procedures
WKCC 16-02-01	Inmate Correspondence
WKCC 16-03-01	Inmate Access to Telephones
WKCC 16-04-01	Inmate Packages
WKCC 17-01-01	Inmate Personal Property
WKCC 17-02-01	Inmate Reception and Orientation
WKCC 18-01-01	Structure, Guidelines, and Functions of the Classification Committee
WKCC 20-01-01	Education Program
WKCC 22-00-01	Inmate Recreation and Leisure Time Activities (Amended 5/12/95)
WKCC 22-00-02	Inmate Clubs and Organizations
WKCC 23-00-01	Religious Services
WKCC 25-02-01	Inmate Release Process
WKCC 25-03-01	Prerelease Programs

JACK C. LEWIS, Commissioner
APPROVED BY AGENCY: May 12, 1995
FILED WITH LRC: May 12, 1995 at 4 p.m.
PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for June 22, 1995 at 9 a.m., in the Auditorium of the State Office Building. Those interested in attending this hearing shall notify in writing: Susan Alley, Corrections Cabinet, 5th Floor,.State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Susan Alley
(1) Type and number of entities affected: 141 employees of the correctional institution, 406 inmates, and all visitors to state correctional institutions.
(2) Direct and indirect costs or savings on the:
(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented: None
(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented: None
(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:
1. First year following implementation: None
2. Second and subsequent years: None
(3) 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: Policy revisions.
(4) Assessment of anticipated effect on state and local revenues: None
(5) Source of revenue to be used for implementation and enforcement of administrative regulation is the funds budgeted for this 1994-1996 biennium.
(6) Economic impact, including effects of economic activities arising from administrative regulation, on:
(a) Geographical area in which administrative regulation will be implemented: None
(b) Kentucky: None
(7) Assessment of alternative methods; reasons why alternatives were rejected: None
(8) Assessment of expected benefits:
(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: None
(b) State whether a detrimental effect on environment and public health would result if not implemented: None
(c) If detrimental effect would result, explain detrimental effect: N/A
(9) 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: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(10) Any additional information or comments: None
(11) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the 14th Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Vehicle Enforcement
(Amendment)

601 KAR 1:005. Safety regulations.

RELATES TO: KRS Chapters 138, 281, Title 49, Code of Federal Regulations, Parts 40, 382-383, 390-397

STATUTORY AUTHORITY: KRS 138.665, 281.600, 281.726, 281.730, 281.750, Title 49, Code of Federal Regulations, Parts 40, 382-383, 390-397

NECESSITY AND FUNCTION: This administrative regulation is necessary to set forth the safety requirements that KRS 281.600 allows the Transportation Cabinet to establish. This administrative regulation sets out safety procedures to be followed by motor carriers operating in the Commonwealth of Kentucky.

Section 1. Definitions. (1) "Farm-to-market agricultural transportation" means the operation of a motor vehicle that is controlled and operated by a farmer who, as a private motor carrier is using a vehicle:

(a) To transport agricultural products from his farm;

(b) To transport farm machinery or farm supplies to his farm; or

(c) Generally thought of as farm machinery; and

(d) Which is not transporting hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with 601 KAR 1:025.

(2) "Daylight hours" means that period of time one-half (1/2) hour before sunrise through one-half (1/2) hour after sunset.

(3) "Load limit" means the seating capacity established by the manufacturer for a passenger-carrying vehicle plus an additional twenty-five (25) percent.

Section 2. Governing Federal Regulations. All commercial motor vehicles operated for-hire or in private carriage, interstate or intrastate, except as set forth in Section 3 of this administrative regulation shall be governed by the following Motor Carrier Safety Regulations adopted and issued by the United States Department of Transportation:

(1) Title 49, Code of Federal Regulations Part 40, Procedures for Transportation Workplace Drug Testing Programs effective as amended through May 22, 1995 [~~October 1, 1992~~];

(2) Title 49, Code of Federal Regulations Part 382, Controlled Substances and Alcohol Use and Testing effective as amended through May 1, 1995 [~~March 17, 1994~~];

(3) Title 49, Code of Federal Regulations Part 383, Commercial Driver's License Standards; Requirements and Penalties, effective as amended through June 17, 1994;

(4) Title 49, Code of Federal Regulations Part 390, General, effective as amended through June 27, 1995 [~~June 17, 1994~~];

(5) Title 49, Code of Federal Regulations, Part 391, Qualifications of Drivers, effective as amended through March 13, 1995 [~~June 17, 1994~~];

(6) Title 49, Code of Federal Regulations, Part 392, Driving of Motor Vehicles, effective as amended through January 11, 1995 [~~March 17, 1994~~];

(7) Title 49 Code of Federal Regulations, Part 393, Parts and Accessories Necessary for Safe Operation, effective as amended through January 1, 1995 [~~with a latest effective date of November 24, 1989~~];

(8) Title 49, Code of Federal Regulations, Part 395, Hours of Service of Drivers, effective as amended through November 23, 1994 [~~March 17, 1994~~];

(9) Title 49, Code of Federal Regulations, Part 396, Inspection, Repair and Maintenance, [~~as~~] effective as amended through January 2, 1995 [~~October 8, 1992~~]; and

(10) Title 49, Code of Federal Regulations, Part 397, Transportation of Hazardous Materials; Driving and Parking Rules, effective as amended through January 11, 1995 [~~September 24, 1992~~].

Section 3. Exemptions and Exceptions. The following exemptions and exceptions to compliance with the provisions of Section 2 of this administrative regulation are adopted:

(1) City buses, suburban buses, taxicabs, motorcycles and motor vehicles primarily designed for carrying passengers and having provisions for not more than eight (8) passengers and the driver are not required to comply with the federal regulations adopted by or incorporated by reference in this administrative regulation. Except that any operator of one (1) of these vehicles who is required by KRS Chapter 281A to obtain a commercial driver's license shall comply with the provisions of 49 CFR Part 383 and provide proof of having passed the medical examination set forth in 49 CFR Part 391 or have received a medical waiver as set forth in 601 KAR 11:040 and subsection (7) of this section.

(2)(a) Vehicles owned by the federal government, a state government, a county government, a city government, or a board of education and vehicles operating in interstate commerce which are specifically excluded by Title 49, Code of Federal Regulations, Part 390 are not required to comply with the federal regulations adopted in this administrative regulation.

(b) In spite of the requirements specified in paragraph (a) of this subsection, any operator of one (1) of these vehicles who is required by KRS Chapter 281A to obtain a commercial driver's license shall provide proof of having passed the medical examination set forth in 49 CFR Part 391 or having received a medical waiver as set forth in 601 KAR 11:040 and subsection (7) of this section.

(c) The operators of the vehicles specified in paragraph (a) of this subsection shall meet the requirements of 49 CFR Part 382 relating to drug and alcohol testing.

(3) Motor vehicles which are used exclusively in intrastate commerce and exclusively in farm-to-market agricultural transportation when operated during daylight hours by a private motor carrier are not required to comply with Title 49, Code of Federal Regulations, Part 393, Subpart B, relative to lighting device requirements. They are, however, required to have two (2) stop lamps and mechanical turn signals as set forth in 49 CFR 393, Subpart B.

(4) Motor vehicles which are used exclusively in intrastate commerce and exclusively for the transportation of primary forest products from the harvest area to a mill or other processing facility which is located at a point not more than fifty (50) air miles (eighty and five-tenths (80.5) air kilometers) from the harvest area when operated during daylight hours are not required to comply with Title 49, Code of Federal Regulations, Part 393, Subpart B relative to lighting devices requirements. They are, however, required to have two (2) stop lamps and mechanical turn signals as set forth in 49 CFR 393, Subpart B.

(5) Except for transporters of hazardous materials under 601 KAR 1:025, motor vehicle operators who are operating a vehicle on an intrastate commerce basis are not required to be twenty- one (21) years of age as set forth in 49 CFR 391.11(b)(1). However, they shall be at least eighteen (18) years of age.

(6) Electric utility motor carriers while operating exclusively in intrastate commerce shall be exempt from the maximum and on-duty hours for drivers set forth in 49 CFR 395.3 during an emergency which requires their employees to work to restore electric power.

(7) A commercial vehicle driver who operates a commercial vehicle exclusively in intrastate commerce within Kentucky, may apply for a medical waiver of the requirements of 49 CFR Part 391 under the provisions of 601 KAR 11:040. If a medical waiver is issued, the waiver shall be in the possession of the commercial driver any time he is operating a commercial motor vehicle.

(8) Motor carrier vehicles operated exclusively in intrastate commerce may comply with the provisions of 601 KAR 1:160 rather than 49 CFR Part 390.21.

Section 4. Buses. (1) Buses shall be maintained in a clean and sanitary condition so that the health of passengers will not be impaired.

(2) Seats shall be comfortable in order that passengers will not be subjected to unreasonable discomfort which might be detrimental to their health and welfare.

(3) Employees in charge of buses shall be courteous and helpful

to passengers, properly caring for baggage so that it will not be damaged, and shall be acquainted with the routes traveled and schedules maintained, so that the passengers will not be subjected to unnecessary delays.

(4) All operators shall take into consideration the health and welfare of their passengers and control their operations in the public interest.

(5) Express and freight, mail bags, newspapers and baggage shall be so placed as not to interfere with the driver or with the safety and comfort of passengers. These items shall be protected from the weather but shall not be carried in the aisles or in a position to block exits or doorways on the bus.

Section 5. Overcrowding of Passenger Vehicles. A bus operated by an authorized carrier, except city or suburban buses, shall not be used to transport passengers in excess of its load limit. A passenger shall not be permitted to occupy the rear door-well of any bus vehicle that is equipped with a rear doorwell.

Section 6. Out-of-service Criteria and Sticker. (1) The basic safety criteria to be followed by the Kentucky Transportation Cabinet in determining if a commercial driver or vehicle shall be declared unqualified or placed out-of-service shall be the "North American Uniform Out-of-service Criteria" adopted on June 21, 1993 by the Commercial Vehicle Safety Alliance. The criteria are incorporated by reference as a part of this administrative regulation.

(2)(a) If a commercial vehicle is being operated either improperly registered or without registration or in violation of any safety regulation or requirement, officers of the Division of Motor Vehicle Enforcement are authorized to affix to the vehicle a notice indicating the nature of the violation and requiring its correction before the motor vehicle is further operated.

(b) Refusal of the vehicle operator to grant permission for a law enforcement officer to conduct a safety inspection of the vehicle shall be cause for the officer to place the vehicle out-of-service until the permission is granted. Operation of a vehicle in violation of the out-of-service notice affixed to it shall constitute a separate violation of these regulations.

(3) If a commercial driver is determined to be unqualified to drive and is placed out-of-service but the commercial motor vehicle is not placed out-of-service, the motor carrier may provide a different driver for the commercial motor vehicle. However, the commercial driver placed out-of-service shall not again operate a commercial motor vehicle until he is once again qualified. Refusal of the commercial driver to grant permission for a law enforcement officer to conduct a safety inspection regarding the driver himself shall be cause for the officer to place the driver out-of-service until the permission is granted. Operating a commercial motor vehicle in violation of an out-of- service order shall constitute a separate violation of this administrative regulation.

(4) The material incorporated by reference in this section may be reviewed at any of the weigh stations operated by the Transportation Cabinet. These weigh stations are generally in operation twenty-four (24) hours a day. Further, the material may be inspected, copied or obtained at the Division of Motor Vehicle Enforcement, 8th Floor, State Office Building, Corner of High and Clinton Streets, Frankfort, Kentucky 40622. The office hours there are 8 a.m. through 4:30 p.m. eastern time on regular Kentucky state government work days.

NORRIS BECKLEY, Commissioner
DON C. KELLY, P.E., Secretary
APPROVED BY AGENCY: May 10, 1995
FILED WITH LRC: May 12, 1995 at 2 p.m.

PUBLIC HEARING: A public comment hearing on this administrative regulation will be held on June 29, 1995 at 2 p.m. local prevailing time in the Transportation Cabinet, Fourth Floor Hearing Room of the State Office Building, Corner of High, Clinton and Holmes Streets, 501 High Street, Frankfort, Kentucky 40622. Any person who intends to attend this meeting must in writing by June 24, 1995, so notify this agency. If no notification of intent to attend the hearing is received by this date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given the opportunity to comment on the administrative regulation. A transcript of the public comment hearing will not be made unless a written request for a transcript is made and then only at the requestor's expense. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirements by June 24, 1995. This request does not have to be in writing. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. Written comments will be accepted until the close of business on June 29, 1995. Send written notification of intent to attend the public comment hearing or written comments on the administrative regulation to: Sandra G. Pullen, Staff Assistant, Transportation Cabinet, 1003 State Office Building, 501 High Street, Frankfort, Kentucky 40622, (502) 564-4890.

REGULATORY IMPACT ANALYSIS

Contact person: Sandra G. Pullen

(1) Type and number of entities affected: 30,000 motor carriers operating in Kentucky; 790,000 commercial trucks operating in Kentucky; and 118,000 commercial drivers licensed in Kentucky.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: N/A

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comment hearing, but the repeal of the requirement for a preemployment alcohol test should save all trucking companies a small amount each year.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: The federal regulations governing this motor carrier safety regulation implemented for motor carriers are a new recordkeeping method relating to drug and alcohol testing. All carriers will be required to maintain the same type of information, but the Federal Highway Administration will select a representative sample each year to actually submit the information for review.

2. Second and subsequent years: Same as first year.

(3) Effects on the promulgating administrative body: The only effect on the Transportation Cabinet of this change to the administrative regulation is to the cabinet as a motor carrier rather than as the administrative body. Therefore, this subsection will remain uncompleted.

(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:

(4) Assessment of anticipated effect on state and local revenues: Due to the elimination of the preemployment alcohol test, the preemployment physical state and local governments require of prospective commercial drivers should be slightly cheaper.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: The Kentucky Road Fund as authorized in the Transportation Cabinet, Department of Vehicle Regulation Biennial Budget.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be

implemented: None

(b) Kentucky: None

(7) Assessment of alternative methods; reasons why alternatives were rejected: There are no alternatives to the federal mandates which were the only real changes to this administrative regulation. The new language in Section 3(2)(c) was added only to clarify that state and local government commercial drivers are subject to the federal mandate relating to commercial driver alcohol and drug testing.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: None

(b) State whether a detrimental effect on environment and public health would result if not implemented: No

(c) If detrimental effect would result, explain detrimental effect:

(9) 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:

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? Yes. The administrative regulation is tiered in that more stringent safety requirements are imposed on the owners and operators of larger vehicles.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 49 CFR Part 350 encourages each state to enforce uniform motor carrier safety and hazardous materials regulations for both interstate and intrastate motor carriers and drivers. A coordinated program of inspection and enforcement activities is needed to avoid duplication of effort, to promote compliance with uniform safety requirements by all types of motor carriers, and to provide a basis for sanctioning carriers for poor safety performance. The states may apply for a Motor Carrier Safety Assistance Program Grant to implement this federal policy. To be eligible for such a grant the state must adopt and assume responsibility for enforcement of the federal motor carrier safety regulations found in 49 CFR Parts 390 - 399. These federal regulations extensively reference 49 CFR Part 383 relating to the commercial driver's license.

2. State compliance standards. Kentucky has been a participant in the Motor Carrier Safety Assistance Program since its inception in the 1980's. The Transportation Cabinet has adopted all of the federal regulations contained in 49 CFR Part 40, Parts 382 - 383 and 390 - 397. To date the Federal Highway Administration has agreed that it is not necessary for Kentucky to adopt 49 CFR Part 398 relating to the transportation of migrant workers and 49 CFR Part 399 relating to motor carrier employee safety and health standards.

3. Minimum or uniform standards contained in the federal mandate. These federal regulations contain the following minimum standards:

a.) Commercial Driver' License standards for the issuance, testing and withdrawal of a CDL;

b.) Establishes 0.04% BAC as the level at which an operator of a commercial vehicle is considered to be DUI;

c.) Establishes the maximum number of hours a commercial driver may be on-duty and how he must keep a record of the amount of time he has worked;

d.) Establishes the qualifications for a commercial driver including his physical fitness, age, emotional condition, prior driving history and a drug testing program for interstate and intrastate motor carriers;

e.) Defines the safe method in which a commercial vehicle must be operated including stopping at railroad crossings; cease driving when ill or fatigued; not to use drugs or alcohol while operating a commercial vehicle; conformance with the speed limit; required use of turn signals; use of seat belts; use of emergency flashers when the commercial vehicle is stopped on the highway; use of lights on the commercial vehicle; duty in case of an accident; and fueling precautions;

f.) Defines the parts and accessories necessary for the safe operation of a commercial vehicle;

g.) Establishes a formal maintenance and repair schedule and records for the safe operation of a commercial vehicle and requires the maintenance and inspections to be preformed by certified inspectors or mechanics; and

h.) Driving and parking rules while transporting hazardous materials.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No. In fact, Kentucky, with reluctantly given federal approval, has imposed slightly less restrictive standards on intrastate drivers. For example, intrastate motor carriers have a minimal medical waiver program. However the medical waiver program for intrastate commercial drivers has been expanded. Unless operating a school bus or transporting hazardous materials, the intrastate Kentucky driver must only be 18 rather than 21, and farmers in daylight hours have less restrictive lighting requirements than the operators of other commercial vehicles.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The less stringent requirements for intrastate motor carriers were adopted to allow Kentucky companies to continue operating as they had been doing for years. The Transportation Cabinet was strongly petitioned by legislators and public interest groups to allow these exemptions.

FISCAL NOTE ON LOCAL GOVERNMENT

1. Does this administrative regulation relate to any aspect of a local government, including any service provided by that local government? Yes

2. State what unit, part or division of local government this administrative regulation will affect. In most instances, the effect will be on the county road or public works department.

3. State the aspect or service of local government to which this administrative regulation relates. The local government drivers of the commercial vehicles above 26,000 pounds will have to be drug and alcohol tested on a preemployment, random, postaccident, and for-cause basis. Previously, state and local government drivers were exempt from this requirement.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the regulation is in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None

Expenditures (+/-): It will cost local governments approximately $100 for each drug and alcohol test performed. The cost to each unit of local government depends on the number of commercial drivers it employs.

Other Explanation:

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

704 KAR 20:020. Fifth-year program for renewal of [~~provisional~~] teaching certificates [~~certification and for Rank II equivalency~~].

RELATES TO: KRS 157.390, 161.020, 161.028, 161.030

STATUTORY AUTHORITY: KRS 161.028, [~~156.070, 157.390,~~] 161.030

NECESSITY AND FUNCTION: [~~KRS 157.390 authorizes the State Board of Education to adopt regulations to determine the salary ranks of certified teachers and to determine equivalent qualifications for the salary ranks; and~~] KRS 161.028 and 161.030 vest[~~s~~] authority for the issuance and renewal of certification for all school personnel in the Education Professional Standards Board [~~State Board of Education~~]. This administrative regulation establishes the standards for the fifth-year program acceptable for certificate renewal. [~~defines an equivalency for the Rank II salary classification and the fifth year program acceptable for provisional certificate renewal.~~]

Section 1. (1) Effective September 1, 1995, candidates shall not be admitted to any plan identified in this administrative regulation. Instead, candidates shall apply for admission to one (1) of the plans identified in 704 KAR 20:021.

(2) Candidates who are admitted to a plan in accordance with this administrative regulation before September 1, 1995, shall complete the program by September 1, 2000, and shall document completion of the program with the Division of Certification prior to June 30, 2001.

Section 2. (1) The standards described in this administrative regulation shall be in keeping with one (1) or more of the following purposes:

(a) To improve the professional competency for the position covered by the initial teaching certificate;

(b) To extend the scope of professional competency to some certification area not covered by the initial certificate; and

(c) To obtain preparation-certification required for professional advancement to a higher position.

(2) The preparation program required for the renewal of [~~provisional~~] teaching certificates [~~and for a Rank II classification under the Foundation Law shall be planned as outlined in 704 KAR 20:010 and~~] shall require completion of one (1) of the plans [~~as~~] described in the following sections.

Section 3. [~~2.~~] The Plan I Fifth Year Program shall be the completion of a master's degree leading to a standard teaching certificate from a regionally accredited college or university or from any foreign institution recognized by its government for teacher education purposes.

Section 4. [~~3.~~] The Plan II Fifth-Year Program shall be the completion of a master's degree in a professional education specialty from a regionally accredited college or university or from a foreign institution recognized by its government for teacher education purposes.

Section 5. [~~4.~~] The Plan III Fifth-Year program shall be the completion of a master's degree in an academic subject identified in the teacher certification requirements as a teaching field from a regionally accredited college or university or from a foreign institution recognized by its government for teacher education purposes.

Section 6. [~~5.~~] The Plan IV Fifth Year Program shall consist of a program completed in accordance with the following guidelines:

(1) The Plan IV Fifth Year Program shall be planned individually with each applicant by the teacher education institution which shall be an institution approved for offering programs leading to the standard teaching certificates.

(2) The Plan IV Fifth Year Program shall consist of thirty-two (32) semester hours of credit earned above and beyond the bachelor's degree and the four (4) year program of preparation required for a provisional certificate, except that persons who complete a mandated dual certification program shall be allowed to count toward the Plan IV Fifth Year Program those credits in the second certification area which are beyond those required for a bachelor's degree and certification in the first area.

(3) The academic standing for the thirty-two (32) semester hour program shall be no less than is required at the planning institution for the teacher education graduates. [~~and of~~] The total program shall include:

(a) At least eighteen (18) semester hours [~~must be~~] earned at the planning institution;

(b) At least twelve (12) semester hours of [~~shall be~~] graduate level course work;

(c) At least twelve (12) semester hours of [~~shall be~~] professional education; and

(d) At least twelve (12) semester hours [~~shall be~~] from the area of the teacher's specialization.

(4) [~~(3)~~] Once the Plan IV Fifth Year Program has been planned with the individual, the planning institution may authorize in advance the completion of a maximum of six (6) semester hours of the program at a senior college.

(5) [~~(4)~~] Course work earned by the applicant prior to planning the Fifth Year Program may be evaluated for acceptance by the planning institution.

(6) [~~(5)~~] Credit earned by correspondence shall not apply toward the Plan IV Fifth Year Program.

Section 7. [~~6.~~] (1) The Plan V Fifth Year Program shall follow the same guidelines as for the Plan IV Fifth Year Program described in Section 6 [~~5~~] of this administrative regulation except for the modifications described and permitted in this section.

(2) The Plan V Fifth Year Program shall include [~~at least~~] thirty-two (32) semester hours of credit, except that continuing education units (CEU) [~~and~~]or professional staff development units (PSDU) may be substituted under an equivalent formula for up to twelve (12) semester hours of the total program.

(3) [~~Among~~] The college credits [~~there~~] shall [~~be~~] include[~~d at least~~] twelve (12) semester hours in professional education and six (6) semester hours from the area of the teacher's specialization.

(4) [~~Furthermore,~~] At least eighteen (18) semester hours of credit shall [~~must~~] be earned at the planning institution. [~~and~~]

(5) Twelve (12) semester hours of the total program shall [~~must~~] be for graduate level credit.

(6) [~~(3)~~] The Plan V Fifth Year Program shall be planned by the teacher education institution individually with each applicant in terms of the position held by the applicant or in terms of a position anticipated by the applicant. Standard college credits earned by the applicant prior to planning the program shall be evaluated for possible acceptance by the planning institution; however, all preparation recorded as continuing education units or as professional staff development units shall [~~must~~] be included as a component of applicant's planned program as approved in advance for acceptance as a part of the Plan V Fifth Year Program.

(7) The grade point standing for the college credit portion of the Plan V Fifth Year Program shall be no less than that required at the planning institution for teacher education graduates. [~~Once the Plan V Fifth Year Program has been planned with the individual.~~]

(8) The planning institution may authorize in advance the completion of a maximum of six (6) semester hours of the program at a senior college.

(9) Credit earned by correspondence shall not apply toward the Plan V Fifth Year Program.

(10) [~~(4)~~] The continuing education unit as used in the Plan V Fifth Year Program shall be the continuing education unit now in use by accredited colleges and universities and shall include [~~defined as~~] ten (10) contact clock hours of participation in an organized professional experience under responsible sponsorship, capable direction, and qualified instruction. For purposes of the Plan V Fifth Year Program the studies and experiences for continuing education units shall be planned in advance to insure relevance to the total program being planned with the applicant. For purposes of the Plan V Fifth

Year Program two (2) continuing education units shall be applied on the same basis as one (1) semester hour of college credit.

(11) [~~(5)~~] The professional staff development unit as used in the Plan V Fifth Year Program shall be awarded for participation in short term workshops organized by the local school district or by the State Department of Education and shall require a minimum of ten (10) contact clock hours of participation for each unit. For purposes of the Plan V Fifth Year Program two (2) professional staff development units shall be applied on the same basis as one (1) semester hour of college credit. For this purpose the local district in-service education committee established under 704 KAR 3:035 shall approve in advance the local district workshops that are to be offered for professional staff development units on the basis of the following criteria:

(a) There is an assessment of educational need based upon input from the persons who are to be participants in the workshop activity;

(b) There is a statement of objectives relating to the assessment;

(c) The workshop activities and the study materials are appropriate to the attainment of the objectives. Participants shall have input into the design of the workshop;

(d) The instructor has appropriate expertise for the nature of the workshop; and

(e) Appropriate records are [~~will be~~] prepared using forms authorized by the State Department of Education. [~~;~~] Each participant shall [~~will~~] be given an individual record of PSDU's granted.

[~~(6) The Superintendent of Public Instruction shall monitor and evaluate the effectiveness of the Plan V Fifth Year Program and report annually by September 1 his evaluation of program effectiveness to the State Board of Education. For this purpose local school districts and teacher education institutions shall provide pertinent information in such form as he may require.~~]

Section 8. 704 KAR 20:010, Ranking procedures; general, is hereby repealed.

DANIEL GREENE, Chair

APPROVED BY AGENCY: May 1, 1995

FILED WITH LRC: May 5, 1995 at 1 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on June 22, 1995, at 10 a.m. in the 1st Floor Conference Room, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1995, 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. Betty Lindsey, Office of Teacher Education and Certification, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4606.

REGULATORY IMPACT ANALYSIS

Contact Person: Betty Lindsey

(1) Type and number of entities affected: Approximately 1,800 individuals who complete requirements for a Fifth Year Program annually and 12 institutions of higher education which offer approved Fifth Year Program.

(2) Direct and indirect costs or savings on the:

a. Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: Cost of tuition and/or professional development required for completing the Fifth Year Program.

b. Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: None

c. Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the: Individuals pursuing the Fifth Year Program under current requirements must be admitted to these programs by September 1, 1995, and must complete these programs before September 1, 2000, and apply for certificate renewal and Rank II before June 30, 2001.

1. First year following implementation:

2. Second and subsequent years:

(3) Effects on promulgating administrative body: Office of Teacher Education and Certification must approve Fifth Year Programs offered by institutions of higher education, review applications from candidates who have completed programs, and issue renewal certificates and maintain records.

a. Direct and indirect costs or savings:

1. First year: Costs associated with disseminating program requirements, approving programs, issuing certificates, and maintaining records.

2. Continuing costs or savings: Same as above.

3. Additional factors increasing or decreasing costs: None

b. Reporting and paperwork requirements: Office of Teacher Education and Certification must maintain records on all approved programs of preparation and maintain records and issue certificates.

(4) Assessment of anticipated effect on state and local revenues: No impact on state or local revenue.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: State General Fund appropriations to the Office of Teacher Education and Certification.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on: No comments received.

a. Geographical area in which administrative regulation will be implemented:

b. Kentucky:

(7) Assessment of alternative methods; reasons why alternatives were rejected: Qualified instructional personnel are required for the education of public school children.

(8) Assessment of expected benefits:

a. Identify effects on public health and environmental welfare of the geographical areas in which implemented and on Kentucky: No direct impact on public health and environment.

b. State whether a detrimental effect on environment and public health would result if not implemented: None

c. If detrimental effect would result, explain detrimental effect: None

(9) 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:

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? No. Certificate renewal requirements are applied uniformly to all applicants.

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

704 KAR 20:305. Written examination prerequisites for teacher certification.

RELATES TO: KRS 161.028, 161.030
STATUTORY AUTHORITY: KRS 161.028 [156.070], 161.030
NECESSITY AND FUNCTION: KRS 161.030 requires that all new teachers, including out-of-state teachers with less than two (2) years' experience, successfully complete appropriate written tests prior to initial certification in Kentucky. The tests are to measure communication skills, general knowledge, professional education concepts, and knowledge in the specific teaching field of the applicant. The Education Professional Standards Board [State Board of Education] is charged with selecting the tests; determining minimum acceptable levels of achievement on each test; establishing a reasonable fee related to the cost of administration of the tests, such fees to be paid by the teacher applicants; and establishing procedures for persons having less than minimum levels of performance on any test to repeat that test and be informed of strengths and weaknesses in performance areas. This administrative regulation implements such duties relative to teacher testing.

Section 1. (1) All new teacher applicants and out-of-state applicants for certification with less than two (2) years of teaching experience as defined in 704 KAR 20:045 shall successfully complete the appropriate written tests identified in this administrative regulation prior to initial Kentucky certification. Scores on tests completed five (5) or more years prior to application for certification shall not be acceptable. [Each applicant shall successfully complete the National Teacher Examinations for communication skills, general knowledge, and professional knowledge, except that the applicants for certification as teachers of industrial education described in 704 KAR 20:222 shall take other designated examinations as specified in 704 KAR 20:310. In addition, each applicant shall successfully complete the appropriate specialty examination corresponding to the teacher's preparation and selected from the National Teacher Examinations specialty tests with the following exceptions:

(a) Applicants prepared for vocational agriculture and applicants prepared for health education shall take the specialty examinations developed by the Department of Education and approved by the State Board of Education.

(b) Applicants for health occupations shall take the examination required for state licensure in the respective health occupations specialty.

(c) Applicants for certification in industrial education - preparation level, as described in 704 KAR 20:222, shall take other designated specialty tests.

(d) Applicants whose teaching specialty is in a major for which no appropriate specialty test is available shall take the specialty test corresponding to the minor teaching specialty.]

(2) In the event that a person who completes an out-of-state teacher preparation program comes to Kentucky after the deadline date for taking the written tests, a temporary certificate may be issued for a period of up to six (6) months, provided the prospective employer cannot otherwise fill the vacant position with a certified teacher. [If the written tests are available during the period of the temporary certificate, the teacher shall take the tests.] If the person successfully completes the written tests, the certificate shall be extended for the remainder of the year. In the event the person fails the examination, the temporary certificate shall be valid only for the current semester.

Section 2. The following NTE Core Battery Tests and passing scores shall be required of each applicant: [In order to satisfy the testing prerequisites for teacher certification, each applicant shall score at least the minimum passing score, as set forth hereinafter, on each of the four (4) tests of communication skills, general knowledge, professional knowledge, and the specialty test in the applicant's teaching field.]

(1) Communication skills - 646;
(2) General knowledge - 643;
(3) Professional knowledge - 644.

Section 3. Specialty tests and passing scores shall be required of each applicant as identified in this section.

(1) Applicants for interdisciplinary early childhood education, birth to primary, certification shall take an Education Professional Standards Board test for interdisciplinary early childhood, with no passing score established.

(2) Applicants for elementary certification shall take the NTE Early Childhood Education Test (10020) with a passing score of 480.

(3)(a) Applicants for middle school certification shall take Education in the Elementary School Test (20010) with a passing score of 510 through August 31, 1996.

(b) Effective September 1, 1996, applicants for middle grade certification shall take the following specialty tests with the passing scores corresponding to the middle school teaching fields:

1. English and communications - English Language Literature and Composition: Content Knowledge (10041) with a passing score of 138 and English Language, Literature, and Composition: Essays 20042 with no passing score established.

2. Mathematics - Mathematics: Content Knowledge (10061) with a passing score of 130 and Mathematics: Proofs, Models, and Problems, Part I (20063) with no passing score established.

3. Science - Education Elementary School (20010) with a passing score of 510.

4. Social Studies - Social Studies: Content Knowledge (10081) with a passing score of 146 and Social Studies: Interpretation of Materials (20083) with no passing score established.

(4) Applicants for school media librarian certification shall take the Library Media Specialist Test (10310) with a passing score of 590.

(5) Applicants for certification for teachers of exceptional children (except for communication disorders) shall take the Special Education Test (10350) with a passing score of 500.

(6) Applicants for certification at the secondary level shall take the specialty test(s) corresponding to the teaching area or major with the passing score as identified in this subsection through August 31, 1996. Applicants whose teaching specialty is in a major for which no appropriate specialty test is available shall take the specialty test corresponding to the minor teaching specialty.

(a) Art - Art Education Test (10130) - 510;
(b) Biology - Biology and General Science (10030) - 550;
(c) Chemistry - Chemistry, Physics and General Science (10070) - 510;
(d) Comprehensive Business - Business Education Test (10100) - 540;
(e) Distributive Education - Business Education Test (10100) - 540;
(f) Dramatics - Speech Communication Test (10220) - 540;
(g) Dramatics-Speech - Speech Communication Test (10220) - 540;
(h) English - English Language and Literature Test (10040) - 510;
(i) French - French Test (10170) - 510;
(j) German - German Test (20180) - 490;
(k) Health - Education Professional Standards Board test for health education - 67;
(l) Health Occupations - Test by the State licensing agency corresponding to the health specialty;
(m) History - Social Studies Test (10080) - 500;
(n) History - Political Science - Social Studies Test (10080) - 500;
(o) Industrial Education - Orientation and Exploration Levels -

Technology Education Test (10050) - 550;

(p) Industrial Education - Preparation Level (area) - shall take other designated special test corresponding to the preparation specialty;

(q) Mathematics - Mathematics Test (10060) - 500;

(r) Mathematics - Physical Science (area) - Select from either Mathematics Test (10060) - 500; or Chemistry, Physics and General Science Test (10070) - 510;

(s) Music (vocal and instrumental) - Music Education Test (10110) - 510;

(t) Physical Education - Physical Education Test (10090) - 540;

(u) Physics - Chemistry, Physics, and General Science Test (10070) - 510;

(v) Political Science - Social Studies Test (10080) - 500;

(w) Science (area) - Select from either Biology and General Science Test (10030) - 550; or Chemistry, Physics and General Science Test (10070) - 510;

(x) Social Studies (area) - Social Studies Test (10080) - 500;

(y) Spanish - Spanish Test (10190) - 490;

(z) Speech - Speech Communication Test (10220) - 540;

(aa) Vocational Agriculture - Education Professional Standards Board test for vocational agriculture (10700) - 530; and

(bb) Vocational Home Economics - Home Economics Education Test (10120) - 540.

(7) Effective September 1, 1996, applicants for certification at the secondary level shall take the specialty test(s) with the passing score as identified in this subsection.

(a) English - English Language, Literature, and Composition: Content Knowledge (10041) with a passing score of 138; and English Language, Literature, and Composition: Essays (20042) with no passing score established, shall be required for applicants for secondary certification with teaching area in English and majors in dramatics, dramatics-speech, English, journalism, and speech.

(b) Biological Science - Biology: Content Knowledge, Part I (20231) with a passing score of 139 and Biology: Content Essays (30233) with no passing score established, shall be required for applicants for secondary certification with a teaching major in biology.

(c) Physical Science - General Science: Content Knowledge, Part 2, (10432) with a passing score of 150 and either Chemistry: Content Knowledge (20241) with a passing score of 144 or Physics: Content Knowledge (10261) with a passing score of 141 shall be required for applicants for secondary certification with a major in chemistry, earth science and physics.

(d) Mathematics - Mathematics: Content Knowledge (10061) with a passing score of 141 and Mathematics Proofs, Models and Problems, Part I (20063) with no passing score established shall be required for applicants for secondary certification with a major in mathematics.

(e) Social Studies - Social Studies: Content Knowledge (10081) with a passing score of 146 and Social Studies: Interpretation of Materials (20083) with no passing score established shall be required of applicants for secondary certification with an area in social studies or a major in economics, economics-sociology, geography, history, history-political science, political science, or psychology.

(8) Effective September 1, 1996, applicants for certification in all grades shall take the specialty test(s) with the passing score as identified in this subsection.

(a) Physical Education - Physical Education: Content Knowledge (10091) with a passing score of 152 and Physical Education: Movement Forms-Analysis and Design (30092) with no passing score established.

(b) Spanish - Spanish Content Knowledge (10191) with a passing score of 145 and Spanish: Productive Language Skills (20192) with no passing score established.

(9) Specialty tests for applicants who successfully complete the new test(s) identified in subsections (3)(b), (7), and (8) of this administrative regulation prior to September 1, 1996, shall be accepted for the issuance of the corresponding certification.

~~[(1) Effective for persons applying for initial teacher certification prior to January 1, 1989, the following minimum passing scaled scores for the respective tests will be applicable:~~

~~(a) The National Teacher Examinations Core Battery Tests.~~

~~1. Communication skills—643;~~

~~2. General knowledge—637;~~

~~3. Professional knowledge—641.~~

~~(b) The National Teacher Examinations Specialty Tests.~~

~~1. Art education—470;~~

~~2. Biology and general science—520;~~

~~3. Business education—490;~~

~~4. Chemistry, physics and general science—470;~~

~~5. Early childhood education—470;~~

~~6. Education in the elementary school—480;~~

~~7. English language and literature—480;~~

~~8. French—460;~~

~~9. German—470;~~

~~10. Home economics education—500;~~

~~11. Industrial arts education—510;~~

~~12. Mathematics—460;~~

~~13. Music education—480;~~

~~14. Physical education—490;~~

~~15. Social studies—460;~~

~~16. Spanish—480;~~

~~17. Speech communication and theater—410; and~~

~~18. Media specialist library and audiovisual services—550.~~

~~(2) Effective for persons applying for initial teacher certification on or after January 1, 1989, the following minimum passing scaled scores for the respective tests will be applicable:~~

~~(a) The National Teacher Examinations Core Battery Tests:~~

~~1. Communication skills—646;~~

~~2. General Knowledge—643;~~

~~3. Professional knowledge—644.~~

~~(b) The National Teacher Examinations Specialty Tests:~~

~~1. Art education—510;~~

~~2. Biology and general science—550;~~

~~3. Business education—540;~~

~~4. Chemistry, physics and general science—510;~~

~~5. Early childhood education—480;~~

~~6. Education in the elementary school—510;~~

~~7. English language and literature—510;~~

~~8. French—510;~~

~~9. German—490;~~

~~10. Home economics education—540;~~

~~11. Industrial arts education—550;~~

~~12. Mathematics—500;~~

~~13. Music education—510;~~

~~14. Physical education—540;~~

~~15. Social studies—500;~~

~~16. Spanish—490;~~

~~17. Speech communication and theater—540;~~

~~18. Media specialist library and audiovisual services—590; and~~

~~19. Special education—500.~~

~~(3) Scores on tests completed four (4) or more years prior to application for certification will not be acceptable in meeting the requirements under subsection (1) or (2) of this section.~~

~~Section 3. Applicants for certification at the elementary level, middle grade level, school media librarian, and for special education shall take the designated specialty tests indicated below in addition to the tests for communication skills, general knowledge, and professional knowledge:~~

~~(1) Provisional elementary certificate—education in the elementary school test;~~

~~(2) Provisional certificate for teaching in the early elementary grades—early childhood education test;~~

~~(3) Provisional certificate for teaching in the middle grades education in the elementary school test;~~

~~(4) Provisional certificate for school media librarian media specialist library and audiovisual services test;~~

~~(5) Provisional certificate for teachers of exceptional children grades K-12 speech and communication disorders no appropriate test available;~~

~~(6) Provisional certificate for teachers of exceptional children grades K-12 (other than for speech and communication disorders) for persons applying for certification prior to January 1, 1989 education in the elementary school test, and for persons applying for certification on or after January 1, 1989 special education test; and~~

~~(7) Provisional certificate for teachers of exceptional children grades 7-12 (other than for speech and communication disorders) for persons applying for certification on or after January 1, 1989 the specialty test corresponding to the high school teaching major or the special education test.~~

~~Section 4. Applicants for certification at the high school level shall take the test corresponding to the area or major teaching specialty as designated below in addition to the tests for communication skills, general knowledge, and professional knowledge:~~

~~(1) Art art education test;~~

~~(2) Basic business business education test;~~

~~(3) Biology biology and general science test;~~

~~(4) Chemistry chemistry, physics and general science test;~~

~~(5) Distributive education business education test;~~

~~(6) Dramatics speech communication test;~~

~~(7) Dramatics speech speech communication test;~~

~~(8) Earth science no test available;~~

~~(9) Economics social studies test, see Section 5 of this administrative regulation;~~

~~(10) Economics sociology social studies test, see Section 5 of this administrative regulation;~~

~~(11) English English language and literature test;~~

~~(12) French French test;~~

~~(13) Geography social studies test, see Section 5 of this administrative regulation.~~

~~(14) German German test;~~

~~(15) Health Department of Education test for health education;~~

~~(16) Health occupations test by the state licensing agency corresponding to the health specialty;~~

~~(17) History social studies test;~~

~~(18) History political science social studies test;~~

~~(19) Industrial education orientation and exploration levels industrial arts education test;~~

~~(20) Industrial education preparation level (area) shall take other designated special test corresponding to the preparation specialty;~~

~~(21) Journalism no test available;~~

~~(22) Latin no test available;~~

~~(23) Mathematics mathematics test;~~

~~(24) Mathematics physical science (area) select from either mathematics test or chemistry, physics and general science test;~~

~~(25) Music (either vocal and/or instrumental) music education test;~~

~~(26) Physical education physical education test;~~

~~(27) Physics chemistry, physics, and general science test;~~

~~(28) Political science social studies test;~~

~~(29) Psychology no test available;~~

~~(30) Science (area) select from either biology and general science test or chemistry, physics and general science test;~~

~~(31) Secretarial studies business education test;~~

~~(32) Social studies (area) social studies test;~~

~~(33) Sociology social studies test, see Section 5 of this administrative regulation;~~

~~(34) Spanish Spanish test;~~

~~(35) Speech speech communication test;~~

~~(36) Vocational agriculture Department of Education test for vocational agriculture; and~~

~~(37) Vocational home economics home economics education test.~~

~~Section 5. Teacher applicants whose major specialty is in economics, economics sociology, geography, or sociology shall take the specialty test in social studies for research and validation purposes, but shall not be required to make the passing score established in Section 2 of this administrative regulation.]~~

Section 4. ~~[6.]~~ (1) Applicants for initial certification may take the NTE Core Battery Tests and Praxix II: Subject Assessments and Specialty Area Tests ~~[National Teacher Examinations]~~ on any of the dates established by the Educational Testing Service for national administration or on such dates as may be established by the Education Professional Standards Board ~~[Kentucky Department of Education]~~ for special administration.

(2) Applicants must authorize test results to be forwarded by the Educational Testing Service to the Kentucky Department of Education and to the appropriate teacher preparation institution.

(3) Public announcement of testing dates and locations shall be issued sufficiently in advance of testing dates to permit advance registration as required by the Educational Testing Service. It shall be the responsibility of each applicant to seek information regarding the dates and location of the tests and to make application for the appropriate examinations prior to the deadlines established and sufficiently in advance of anticipated employment to permit test results to be received by the Department of Education and processed in the normal certification cycle.

Section 5. ~~[7.]~~ Applicants shall pay the appropriate examination fee for the relevant test(s) required to be taken, to the Educational Testing Service, publisher of the National Teacher Examinations, unless a lesser fee has been negotiated by the Department of Education. Fees for specialty tests developed by the Department of Education shall be equivalent to the current fees for such tests administered by the Educational Testing Service.

Section 6. ~~[8.]~~ Applicants who fail to achieve at least the minimum score on one (1) or more of the core battery examinations (communication skills, general knowledge, professional knowledge) or on the specialty examination appropriate to the teaching field shall be permitted to retake the test or tests during one (1) of the scheduled test administrations.

Section 7. ~~[9.]~~ The Education Professional Standards Board ~~[Department of Education]~~ shall collect such data and conduct such analyses of the impact of these tests as to permit a review of these administrative regulations on an annual or biennial basis.

DANIEL GREENE, Chair

APPROVED BY AGENCY: May 1, 1995

FILED WITH LRC: May 5, 1995 at 1 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on June 22, 1995, at 10 a.m. in the 1st Floor Conference Room, Capital Plaza Tower Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1995, 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 com-

ments on the proposed administrative regulation to the contact person.

Contact Person: Dr. Betty Lindsey, Office of Teacher Education and Certification, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4606.

REGULATORY IMPACT ANALYSIS

Contact Person: Patricia Hartanowicz

(1) Type and number of entities affected: Approximately 4,300 students at 26 higher education institutions who are completing requirements to become eligible for teacher internship annually.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: The cost differential between taking the National Teacher Examination and the Praxis II Test is $65 per content area examination.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: None

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the: The implementation date is delayed until September 1, 1996 in order to minimize the potential harm to candidates who might not be adequately informed by fall, 1995 to comply with the changes required by the testing instruments. Reporting and paperwork requirements impact the Office of Teacher Education and Certification which will collect, analyze and report data on the use of the tests.

1. First year following implementation: A review of the data during the first year of testing will permit an analysis of the passing scores for all the constructed response tests to determine if the passing scores are appropriate.

2. Second and subsequent years: The passing scores are biannually reviewed to determine if they continue to be appropriate.

(3) Effects on promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Cost associated with disseminating information about changes in testing requirements.

2. Continuing costs or savings: Same as above.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Office of Teacher Education and Certification will assess student performance and review the passing score and determine if it is appropriately set.

(4) Assessment of anticipated effect on state and local revenues: No impact on state and local revenue.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: State general fund appropriations to the Office of Teacher Education and Certification.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: No comments.

(b) Kentucky: No comments.

(7) Assessment of alternative methods; reasons why alternatives were rejected: No alternative tests were available which addressed the breath of the content as defined by the certificates.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical areas in which implemented and on Kentucky: None

(b) State whether a detrimental effect on environment and public health would result if not implemented: None

(c) If detrimental effect would result, explain detrimental effect: None

(9) 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:

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? No. The testing requirements for the purpose of initial certification are applied uniformly to all applicants in specified content areas.

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services
(Amendment)

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

RELATES TO: KRS 205.520

STATUTORY AUTHORITY: KRS 194.050, 42 CFR 430, 431, 432, 433, 435, 440, 441, 442, 447, 455, 456; 42 USC 1396a, b, c, d, g, i, l, n, o, p, r, r-2, r-3, r-5, s

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the Medicaid Program [~~of Medical Assistance~~]. KRS 205.520 empowers the cabinet by administrative regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This administrative regulation sets forth the method for determining amounts payable by the cabinet for nursing care facility services and intermediate care facility for the mentally retarded services.

Section 1. Definitions. (1) [~~(7)~~] "All other costs" means other care-related costs, other operating costs, capital costs, and indirect ancillary costs.

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

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

(a) Physical, occupational and speech therapy;

(b) Laboratory procedures;

(c) X-ray;

(d) Oxygen and other related oxygen supplies;

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

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

(g) Ventilator therapy services, subject to the coverage limitations shown in the Nursing Facility Reimbursement Manual.

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

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

(6) [~~(10)~~] "Incentive factor" means the comparison of the basic per

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

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

(8) "ICF-MRs" means intermediate care facilities for the mentally retarded.

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

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

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

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

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

(14) [~~(6)~~] "Nursing services costs" means the direct costs associated with nursing services.

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

(16) "PRO" means peer review organization.

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

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

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

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

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

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

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

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

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

Section 2. Reimbursement for Nursing Facilities (NFs) (Including Nursing Facilities with Waiver) and Intermediate Care Facilities for the Mentally Retarded (ICF-MRs). (1) All nursing facilities (NFs) (including nursing facilities with waiver) or intermediate care facilities for the mentally retarded (ICF-MRs) participating in the Medicaid Program shall be reimbursed in accordance with this administrative regulation.

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

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

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

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

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

(2) Payment amounts shall be arrived at by application of the reimbursement principles developed by the cabinet and contained in the Kentucky Medicaid Program Nursing Facility Reimbursement Manual, revised July 1, 1995 [~~1993~~] which is incorporated by reference in this administrative regulation and supplemented by the use of the Medicare reimbursement principles. The Kentucky Medicaid Program Nursing Facility Reimbursement Manual may be reviewed during regular working hours (8 a.m. to 4:30 p.m. eastern standard time) in the Office of the Commissioner, Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky 40621. Copies may also be obtained from that office upon payment of the [~~an~~] appropriate fee allowed by 200 KAR 1:020. [~~which shall not exceed approximate cost.~~]

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

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

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

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

1. Governmentally imposed minimum wage increases;

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

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

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

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

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

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

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

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

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

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

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

1. Nursing facility arrays. For purposes of setting upper limits the freestanding NFs (exclusive of the NF-MRs, NF-institutions for mental disease [~~/IMDs~~], and NF-pediatric facilities) shall be divided into urban and rural arrays.

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

b. The rural array shall include all facilities in nonstandard metropolitan statistical area [~~SMSA~~] counties.

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

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

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

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

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

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

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

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

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

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

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

e. Facilities which are Medicaid certified head injury units providing preauthorized specialized rehabilitation services for persons with brain injuries shall be paid at an all-inclusive (excluding drugs which shall be reimbursed through the pharmacy program) fixed rate which shall be set at $360 per diem. Facilities providing preauthorized specialized rehabilitation services for persons with brain injuries with rehabilitation complicated by neurobehavorial sequelae shall be paid an all-inclusive (excluding drugs) negotiated rate which shall not exceed the facilities' usual and customary charges.

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

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

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

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

d. The maximum payment amounts for the prospective uniform

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) Certain costs not directly associated with patient care shall not be considered allowable costs. Costs which shall not be allowable include political contributions, travel and related costs for trips outside the state (for purposes of conventions, meetings, assemblies, conferences, or any related activities), specified vehicle costs as shown in the Kentucky Medicaid Program Nursing Facility Reimbursement Manual, and legal fees for unsuccessful lawsuits against the cabinet. However, costs (excluding transportation costs) for training or educational purposes outside the state are allowable costs unless the costs are incurred by administrators or owners.

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

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

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

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

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

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

(10) Valuation of capital assets.

(a) No increase in valuation in relation to depreciation and interest costs shall be allowed for changes of ownership occurring after July 18, 1984 and before October 1, 1985 except as shown in subsection (9)(e) of this section with regard to enforceable agreements for a change of ownership entered into prior to July 1, 1984.

(b) For bona fide changes of ownership entered into on or after October 1, 1985 the depreciation and interest costs shall be increased in valuation in accordance with 42 USC 1396a(a)(13)(C) and the Reimbursement Manual at pages 350.03 - 350.07 effective for services provided on or after July 1, 1995. ~~[Notwithstanding the provisions contained in subsection (9) of this section, or in any other section or subsection of this administrative regulation or the "Kentucky Medicaid Program Nursing Facility Reimbursement Manual," the cost basis for any facility changing ownership on or after July 18, 1984 (but not including changes of ownership pursuant to an enforceable agreement entered into prior to July 18, 1984 as specified in~~

~~subsection (9)(c) of this section) shall be determined in accordance with the methodology set forth in this administrative regulation for the reevaluation of assets of nursing facilities.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The cost savings incentive [~~CSI~~] shall be computed at ten (10) percent of the difference between the facility's cost and the upper limit for the array with the cost savings incentive [~~CSI~~] amount limited to not more than one (1) dollar and fifty (50) cents per day per facility for each cost array.

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

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

(Effective 10-1-90)

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

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

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

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

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

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

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

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

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

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

(23) Nursing home reform costs.

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The adjusted allowable cost for the facility;

(2) Adjustments to allowable cost related to occupancy;

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

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

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

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

(7) Nursing home reform adjustments; and

(8) Hold harmless adjustments.

Section 6. Reimbursement Review and Appeal. Participating facilities may appeal cabinet decisions as to application of the general policies and procedures in accordance with 907 KAR 1:671, Conditions of Medicaid provider participation; enrollment, documentation of services, disclosure, claims processing, withholding overpayments, appeals process, and sanctions. [~~the following:~~

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

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

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

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

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

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

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

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

Section 7. Implementation Date. The provisions of this administrative regulation shall be effective with regard to payments for services provided on or after July 1, 1995 [~~15, 1994~~].

MASTEN CHILDERS II, Commissioner and Secretary

APPROVED BY AGENCY: May 15, 1995

FILED WITH LRC: May 15, 1995 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 21, 1995 at 9 a.m. in the Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 16, 1995 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, Phone: (502) 564-7900.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Masten Childers II, Commissioner

(1) Type and number of entities affected: All nursing facilities participating in the Medicaid Program.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No hearing was requested as a result of the Notice of Intent being published and no written comments were received.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No hearing was requested as a result of the Notice of Intent being published and no written comments were received.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the: None

1. First year following implementation:

2. Second and subsequent years:

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: (Cost) $1 million.

2. Continuing costs or savings: (Cost) $1 million.

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(4) Assessment of anticipated effect on state and local revenues: None

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Federal and state matching funds.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: Statewide

(b) Kentucky: No hearing was requested as a result of the Notice of Intent being published and no written comments were received.

(7) Assessment of alternative methods; reasons why alternatives were rejected: No viable alternatives were identified.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: The long-term effect of providing for an increase in the valuation of capital assets for nursing facilities will be to insure future accessibility for Medicaid recipients to nursing facility beds by recognizing reasonable capital asset costs.

(b) State whether a detrimental effect on environment and public health would result if not implemented:

(c) If detrimental effect would result, explain detrimental effect:

(9) 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:

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? 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 or 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 NEW ADMINISTRATIVE REGULATIONS RECEIVED BY NOON, MAY 15, 1995

GENERAL GOVERNMENT CABINET
State Board of Elections

31 KAR 4:100. Evaluation of precinct election officers.

RELATES TO: KRS 117.045(2)
STATUTORY AUTHORITY: KRS 117.045(2)
NECESSITY AND FUNCTION: County boards of elections appoint precinct election officers. This administrative regulation is necessary to assist county boards of elections in determining if a person nominated to serve as precinct election officer is qualified to serve in that capacity.

Section 1. In evaluating if a person nominated to serve as a precinct election officer is qualified to serve in that capacity, a county board of elections may consider the following:

(1) If the person has a history of refusing to follow election procedures while serving as a precinct election officer in the past; or

(2) If the person has demonstrated a complete lack of understanding of proper election procedures while serving as a precinct election officer in the past.

Section 2. A county board of elections may refuse to appoint a person nominated to serve as a precinct election officer if it determines that the person is not qualified based on either of the considerations set forth in Section 1 of this administrative regulation.

BOB BABBAGE, Chairman
APPROVED BY AGENCY: May 15, 1995
FILED WITH LRC: May 15, 1995 at noon
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 30, 1995, at 9 a.m. at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 25, 1995, 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 new administrative regulation. A transcript of the public hearing will not be made unless a written request of a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the new administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the new administrative regulation to the contact person.
CONTACT PERSON: George W. Russell, Executive Director, State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, (502) 573-7100.

REGULATORY IMPACT ANALYSIS

Contact person: George Russell
(1) Type and number of entities affected: 120 county boards of election.
(2) Direct and indirect costs or savings on the:
(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received. There are no direct or indirect costs or savings on the cost of living or employment in Kentucky as a result of this administrative regulation.
(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received. There are no direct or indirect costs or savings on the cost of doing business in Kentucky as a result of this administrative regulation.
(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition). There are no reporting or paperwork requirements for the county boards of election as a result of this administrative regulation.
1. First year following implementation:
2. Second and subsequent years:
(3) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: There are no direct or indirect costs or savings to the State Board of Elections as a result of this administrative regulation.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: There are no reporting or paperwork requirements for the State Board of Elections as a result of this administrative regulation.
(4) Assessment of anticipated effect on state and local revenues. There is no anticipated effect on state and local revenues as a result of this administrative regulation.
(5) Source of revenue to be used for implementation and enforcement of administrative regulation. There is no additional cost to the county boards of election as a result of this administrative regulation; therefore, no source of revenue for implementation or enforcement of this administrative regulation is necessary.
(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation on:
(a) Geographical area in which administrative regulation will be implemented. This administrative regulation will have no economic effect on the Commonwealth of Kentucky.
(b) Kentucky.
(7) Assessment of alternative methods; reasons why alternative methods were rejected. This administrative regulation simply sets forth criteria which county boards of elections may use to determine whether persons nominated to serve as precinct election officers are qualified to serve in that capacity. Alternative methods were not considered because it was unnecessary.
(8) Assessment of expected benefits: This administrative regulation will provide criteria which county boards of elections may use to determine whether persons nominated to serve as precinct election officers are qualified to serve in that capacity.
(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: There are no effects on public health or environmental welfare in Kentucky as a result of this administrative regulation.
(b) State whether a detrimental effect on environment and public health would result if not implemented. There would not be a detrimental effect on the environment or public health if this administrative regulation is not implemented.
(c) If detrimental effect would result, explain detrimental effect:
(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no known statutes, administrative regulations or government policies which overlap or conflict with this administrative regulation.
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(10) Any additional information or comments: None
(11) TIERING: Is tiering applied? No. Tiering is unnecessary because this administrative regulation must apply uniformly throughout the state.

FISCAL NOTE ON LOCAL GOVERNMENT

1. Does this administrative regulation relate to any aspect of a local government, including any service provided by that local government? Yes

2. State what unit, part or division of local government this administrative regulation will affect. This administrative regulation will affect 120 county boards of elections which are charged with administering the election laws within their counties.

3. State the aspect or service of local government to which this administrative regulation relates. This administrative regulation relates to the administration of elections by county boards of elections.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+1):

Expenditures (+/-):

Other Explanation: This administrative regulation will have no effect on the expenditures and revenues of a local government.

GENERAL GOVERNMENT CABINET
State Board of Elections

31 KAR 4:110. Division of county into precincts.

RELATES TO: KRS 117.055(2), 117.345(2)

STATUTORY AUTHORITY: KRS 117.055(2)

NECESSITY AND FUNCTION: The State Board of Elections shall not remit to a county the expenses of an election for any precinct containing less than 350 registered voters unless the county has received prior approval from the State Board of Elections. This administrative regulation is necessary to set forth under what circumstances the State Board of Elections shall grant approval for a precinct containing less than 350 registered voters.

Section 1. A county board of elections shall receive approval from the State Board of Elections to establish a precinct containing less than 350 registered voters if it submits a written request to the State Board of Elections demonstrating either of the following:

(1) That combining the subject precinct with an adjoining precinct will create an undue hardship on the voters of the subject precinct because of geographic impediments in the subject precinct or the distance from the polling place in the subject precinct to the closest polling place in an adjoining precinct; or

(2) That combining the subject precinct with an adjoining precinct would create an undue hardship on the voters of the subject precinct because there is a large percentage of the voters in the subject precinct who are physically disabled or elderly.

Section 2. A written request for approval under Section 1 of this administrative regulation shall be accompanied by supporting evidence which may include a map of the subject precinct.

Section 3. Nothing in this administrative regulation shall impair or affect the requirement that the county board of elections establish precincts so that no boundary of a precinct crosses a boundary set forth in KRS 117.055(1).

BOB BABBAGE, Chairman

APPROVED BY AGENCY: May 15, 1995

FILED WITH LRC: May 15, 1995 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 30, 1995, at 9 a.m. at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 25, 1995, 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 new administrative regulation. A transcript of the public hearing will not be made unless a written request of a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the new administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the new administrative regulation to the contact person.

CONTACT PERSON: George W. Russell, Executive Director, State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, (502) 573-7100.

REGULATORY IMPACT ANALYSIS

Contact person: George Russell

(1) Type and number of entities affected: 120 county boards of election.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received. There are no direct or indirect costs or savings on the cost of living or employment in Kentucky as a result of this administrative regulation.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received. There are no direct or indirect costs or savings on the cost of doing business in Kentucky as a result of this administrative regulation.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition). This administrative regulation requires a county board of elections requesting approval to establish a precinct containing less than 350 registered voters to submit a written request to the state board. The cost of making a written request to the State Board of Elections will be minimal.

1. First year following implementation:

2. Second and subsequent years:

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: There are no direct or indirect costs or savings to the State Board of Elections as a result of this administrative regulation. This administrative regulation sets forth the circumstances under which the State Board of Elections will grant approval to a county to establish a precinct containing less than 350 registered voters. The State Board of Elections reimburses each county $255 for each precinct. Under KRS 117.055(2) and 117.345(2), the State Board will not remit $255 to a precinct containing less than 350 registered voters unless the county receives approval pursuant to the administrative regulation. Therefore, this administrative regulation implements the requirements of KRS 117.055(2) which will save the State Board of Elections reimbursement costs.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: There are no reporting or paperwork requirements for the State Board of Elections as a result of this administrative regulation.

(4) Assessment of anticipated effect on state and local revenues. There is no anticipated effect on state and local revenues as a result of this administrative regulation. This administrative regulation implements the requirements of KRS 117.055(2) which will save the State Board of Elections money and may cost counties money if they continue to maintain a precinct with less than 350 registered voters even though the state board has not approved the precinct.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation. No source of revenue for implementation or enforcement of this administrative regulation is necessary.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation on:

(a) Geographical area in which administrative regulation will be implemented. This administrative regulation will have no economic effect on the Commonwealth of Kentucky.

(b) Kentucky.

(7) Assessment of alternative methods; reasons why alternative methods were rejected. This administrative regulation simply sets forth under what circumstances the State Board of Elections will grant approval to counties for precincts containing less than 350 registered voters as required by KRS 117.055(2). Alternative methods were not considered because it was unnecessary.

(8) Assessment of expected benefits: This administrative regulation sets forth under what circumstances the State Board of Elections will grant approval to a county to maintain a precinct containing less than 350 registered voters.

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: There are no effects on public health or environmental welfare in Kentucky as a result of this administrative regulation.

(b) State whether a detrimental effect on environment and public health would result if not implemented. There would not be a detrimental effect on the environment or public health if this administrative regulation is not implemented.

(c) If detrimental effect would result, explain detrimental effect:

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no known statutes, administrative regulations or government policies which overlap or conflict with this administrative regulation.

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? No. Tiering is unnecessary because this administrative regulation must apply uniformly throughout the state.

FISCAL NOTE ON LOCAL GOVERNMENT

1. Does this administrative regulation relate to any aspect of a local government, including any service provided by that local government? Yes

2. State what unit, part or division of local government this administrative regulation will affect. This administrative regulation will affect 120 county boards of elections which are charged with administering the election laws within their counties.

3. State the aspect or service of local government to which this administrative regulation relates. This administrative regulation relates to county boards of elections receiving approval from the State Board of Elections to establish a precinct containing less than 350 registered voters.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+1):

Expenditures (+/-):

Other explanation: This administrative regulation sets forth the circumstances under which the State Board of Elections will grant approval to a county to establish a precinct containing less than 350 registered voters. KRS 117.055(2) and 117.345(2) provides that the state board will not reimburse a county in the amount of $255 per precinct for a precinct containing less than 350 registered voters unless the county receives prior approval from the state board pursuant to this administrative regulation. Therefore, this administrative regulation implements the requirements of KRS 117.055(2) which might cost county boards of elections money if they do not receive approval to maintain a precinct containing less than 350 registered voters.

GENERAL GOVERNMENT CABINET
State Board of Accountancy

201 KAR 1:064. Verification of experience for teaching.

RELATES TO: KRS 325.261(2)(b)

STATUTORY AUTHORITY: KRS 325.240

NECESSITY AND FUNCTION: This administrative regulation describes the experience to be documented when one applies to become a certified public accountant on the basis of college teaching.

Section 1. Definitions. (1) "Accounting course" means a course that contains in the course prefix, or title, the word accounting or some variation.

(2) "One (1) year of teaching accounting" means being employed by an institution of higher education to teach twenty-four (24) semester hours of accounting courses in which the course participants shall receive credit on an official transcript as described in 201 KAR 1:130, Section 1(1).

(3) "Quarter hour" means 66/100ths of a semester hour.

(4) "Supervising certified public accountant" means a licensee of any state holding a certificate and active permit to practice who is employed by an institution of higher education and supervises the candidate by performing evaluations. The department chair or dean shall perform or approve the written evaluation.

Section 2. Experience Verification. The supervising certified public accountant shall submit a letter indicating the following information:

(1) The name and address of the employing institution of higher education;

(2) A statement that the applicant was supervised by a licensed certified public accountant;

(3) A list of courses taught by the applicant that includes the course title, semester hours awarded to class participants, semester, and year; and

(4) The signature of the supervising certified public accountant which attests to the truth and accuracy of the statements made regarding the applicant's experience.

JOHN N. CRAFT, CPA, President

APPROVED BY AGENCY: March 25, 1995

FILED WITH LRC: May 12, 1995 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 21, 1995, at 9 a.m. at the administrative offices of the board located at 332 W. Broadway, Suite 310, Louisville, Kentucky 40202. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1994, five days prior to the meeting, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given the opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for at transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact

person.

CONTACT PERSON: Susan G. Stopher, Executive Director, Kentucky State Board of Accountancy, 332 W. Broadway, Suite 310, Louisville, Kentucky 40202, (502) 595-3037.

REGULATORY IMPACT ANALYSIS

Contact person: Susan G. Stopher

(1) Type and number of entities affected: 2 certificate applicants annually.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments received.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments received.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Will decrease experience because college teaching experience will be acceptable. Minimal paperwork due to use of letter by college dean or chair. No effect on competition; applies on to those persons teaching accounting on the college level.

2. Second and subsequent years: See 1 above.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: No impact either positively or negatively.

2. Continuing costs or savings: No impact either negatively or positively.

3. Additional factors increasing or decreasing costs: No impact either negatively or positively.

(b) Reporting and paperwork requirements: Certificate of experience replaced by letter from university dean or chair.

(4) Assessment of anticipated effect on state and local revenues: No effect.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Trust and agency funds for these minimal costs.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: No public comments received.

(b) Kentucky: No public comments received.

(7) Assessment of alternative methods; reasons why alternatives were rejected: This is the only method to provide some assurance that college teaching meets experience standard in statute.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: No effect.

(b) State whether a detrimental effect on environment and public health would result if not implemented: N/A

(c) If detrimental effect would result, explain detrimental effect: No effect.

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no overlapping or conflicting statute/regulation.

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(10) Any additional information or comments: No

(11) TIERING: Is tiering applied? No. Only one class of certificate applicants teaching at the college level.

GENERAL GOVERNMENT CABINET
Real Estate Ccommission

201 KAR 11:400. Agency disclosure requirements.

RELATES TO: KRS Chapter 324

STATUTORY AUTHORITY: KRS 324.160(1)(e), (j), 324.282, 324.285(5)

NECESSITY AND FUNCTION: Confusion exists among brokers and sales associates, and consumers, about the various agency relationship which exist in real estate brokerage transactions. A form describing these relationships and informing the consumer of who is representing him and who is representing others, is necessary to eliminate this confusion.

Section 1. Each person licensed by the Kentucky Real Estate Commission shall deliver to a prospective party:

(1) An "agency information for consumers bulletin", at their first contact.

(2) An "agency disclosure form" at their first substantial contact.

Section 2. The first contact means:

(1) In the case of prospective parties who do not have an agent and whom the licensed person proposes to represent, before a contract which contains a duty of representation and of compensation is entered.

(2) In the case of prospective parties who do not have an agent, and with whom the licensed person proposes to discuss a real estate transaction before any such discussions occur.

Section 3. The first substantial contact means before a written offer to purchase is presented.

Section 4. A prospective party means any person:

(1) Who enters a listing contract as a seller;

(2) Who enters a buyer broker agreement as a buyer; or

(3) Who seeks or uses the services of a person licensed by the Kentucky Real Estate Commission.

Section 5. Prospective parties who are represented by an agent means a person who has entered into a current listing contract or buyer broker agreement with a person licensed by the Kentucky Real Estate Commission.

Section 6. Delivery means delivery to the prospective party, or to their agent, by mail, FAX transmission, messenger delivery or in-hand delivery.

Section 7. An approved "agency disclosure form" shall:

(1) Be in writing.

(2) Be signed by all prospective parties to the transaction and by all persons licensed by the KREC who are involved in the transaction.

(3) Identify:

(a) The prospective parties known to the person making the disclosure.

(b) In the case of prospective parties who are represented by an agent, the name of the agents and their real estate company, and whom they represent.

(c) The real estate which is the subject of the negotiation.

(d) A description of all personal, family or business relationships between the person making the disclosure and all prospective parties known at the time the disclosure is made.

(e) A statement whether the person making the disclosure is or is not acting as a principal, either as a prospective seller, buyer, lender or investor.

Section 8. An "agency information for consumers bulletin" shall

contain:

(1) An explanation of the relationships:

(a) Between a real estate licensee and the prospective party he represents, namely that the agent owes a fiduciary duty to such prospective party as his client.

(b) Between a real estate licensee and the prospective party he is not representing, namely that the licensee owes a duty of good faith and honesty, as his customer, but that the licensee must inform his client, if he has one (1) of all information given by the prospective party he does not represent.

(c) Between a real estate licensee and multiple prospective parties he represents.

(2) A statement that the obligation on the part of a prospective party to pay the fees generated for brokerage services does not by itself create a fiduciary obligation owing to that prospective party.

Section 9. Whenever the information provided in an "agency disclosure form" changes, then a new form with the new information shall be prepared and delivered according to the provisions of this administrative regulation.

Section 10. The Kentucky Real Estate Commission:

(1) Shall review all "agency disclosure forms" and "agency information for consumer bulletins" submitted to it, and if they are found to be in compliance with the provisions of this administrative regulation, shall approve them and inform the person or association which submitted the form of the approval.

(2) Shall review all listing agreement, buyer broker agreement, and purchase agreement, forms submitted to it, and if they are found to contain the information required by this administrative regulation, shall approve them and inform the person, company or association which submitted the form of the approval.

(3) Shall prepare an approved "agency disclosure form" and an approved "agency information for consumers bulletin" which complies with the provisions of this administrative regulation which may be used by persons licensed by it.

(4) May discipline a person licensed by it under the provisions of KRS 324.160(1)(q) for violating the requirements of this administrative regulation.

GEORGE SIRK, Chairman

APPROVED BY AGENCY: April 19, 1995

FILED WITH LRC: May 9, 1995 at 9 a.m.

PUBLIC HEARING: A hearing, open to the public shall be held at the Hearing room, Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223, at 10 a.m., on the 30th day of June, 1995. Persons may submit written notification of their intent to attend, to the address shown above. Persons desiring to attend the public hearing should notify the Kentucky Real Estate Commission in writing not less than five (5) days before the date of the hearing.

CONTACT PERSON: The contact person for the new administrative regulation is: John L. Ackman, Jr., General Counsel, Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223, (502) 425-4273.

REGULATORY IMPACT ANALYSIS

Contact person: John L. Ackman, Jr.

(1) Type and number of entities affected: This administrative regulation will affect 11,089 actively licensed real estate brokers and sales associates, throughout the Commonwealth.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No effect on the cost of living and employment in the geographical area in which the administrative regulation will be implemented is expected.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: The cost of doing business will be minimally affected, due to the cost of using new or additional forms.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Real estate brokers and sales associates compliance, reporting and paperwork requirements will be affected, in the first year by using and maintaining in files, the "agency disclosure form", and distributing to consumers the "agency information for consumers bulletin". There will be no effect on competition.

2. Continuing costs or savings: These requirements will continue, as will the costs of the forms, in the second and continuing years. There will be no effect on competition.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: There are no direct or indirect costs or savings to the promulgating administrative body the first year.

2. Continuing costs or savings: There are no continuing costs or savings to the promulgating administrative body.

3. Additional factors increasing or decreasing costs: There are no additional factors increasing or decreasing costs.

(b) Reporting and paperwork requirements: There are no reporting or paperwork requirements on the promulgating administrative body.

(4) Assessment of anticipated effect on state and local revenues: There is no effect on state and local revenue.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: The source of the revenue to be used for the implementation and enforcement of the administrative regulation is totally from fees collected from licensees of the Kentucky Real Estate Commission.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: The economic impact of the administrative regulation, including the effects of the economic activities arising from the administrative regulation will be none.

(b) Kentucky: The economic impact of the administrative regulation, including the effects of the economic activities arising from the administrative regulation will be none.

(7) Assessment of alternative methods; reasons why alternatives were rejected: No alternative methods for accomplishing the purpose of the administrative regulation were considered.

(8) Assessment of expected benefits: The expected benefits of the administrative regulation include: increased knowledge and understanding between real estate brokers and sales associates, and consumers, of the legal and practical consequences of the agency relationships which are created in typical real estate brokerage transactions.

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: The effects of the administrative regulation on the public health and environmental welfare of the geographical area in which the administrative regulation will be implemented, and upon the state, will be none.

(b) State whether a detrimental effect on environment and public health would result if not implemented: There would be no detrimental effect on the environment or on public health if the administrative regulation is not implemented.

(c) If detrimental effect would result, explain detrimental effect: No detrimental effect would result.

(9) Identify any statute, administrative regulation or government

policy which may be in conflict, overlapping, or duplication: There is no statute, rule, regulation or governmental policy with which the administrative regulation conflicts, overlaps or duplicates.

(10) Any additional information or comments: There is no additional information or comment.

(11) TIERING: Is tiering applied: Tiering was not applied because tiering is not appropriate.

TOURISM CABINET
Department of Fish and Wildlife Resources

301 KAR 6:001. Definitions for 301 KAR Chapter 6.

RELATES TO: KRS Chapter 235

STATUTORY AUTHORITY: KRS 235.320

NECESSITY AND FUNCTION: To define the terms used in 301 KAR Chapter 6. The definitions in this administrative regulation were found throughout 402 KAR 4:010 through 4:190. The transfer of the Division of Water Patrol to the Department of Fish and Wildlife Resources necessitates that existing administrative regulations be repealed by the Department of Natural Resources and repromulgated by the Department of Fish and Wildlife Resources. Changes in format and wording were made to reflect the current requirements of KRS Chapter 13A.

Section 1. Definitions. (1) "Adequate ventilation" means ventilation which met Boating Industry Association and U.S. Coast Guard requirements at the time the vessel was manufactured.

(2) "Airborne device" means a kite, parachute or similar device which holds a person aloft when towed behind a moving vessel.

(3) "Class A" means vessels less than sixteen (16) feet in length.

(4) "Class 1" means vessels sixteen (16) feet or over and less than twenty-six (26) feet in length.

(5) "Class 2" means vessels twenty-six (26) feet or over and less than forty (40) feet in length.

(6) "Class 3" means vessels forty (40) feet or more in length.

(7) "Crossing" means a situation in which a vessel approach another from an angle of 112.5 degrees or less from either side of the bow.

(8) "Documented by the federal government" means a vessel which has been registered with, and issued official registration documents by, the United States Coast Guard.

(9) "Idle speed" means the slowest possible speed at which maneuverability can be maintained.

(10) "International diving flag" means a red flag with a white stripe running diagonally from an upper corner to the opposite lower corner.

(11) "Length" means the longest dimension of a boat measured along the centerline from the bow to the stern, but not including outboard motors, swim platforms, or similar attachments.

(12) "Overtaking" means a situation in which a faster vessel approaches a slower vessel from an angle of more than 112.5 degrees from either side of the bow of the slower vessel.

(13) "Passing" means a situation in which vessels approach and pass each other from head on or nearly so.

(14) "Type I" means a personal flotation device:

(a) Designed to turn an unconscious person in the water from a face-downward position to a vertical or slightly backward position; and

(b) Having more than twenty (20) pounds of buoyancy.

(15) "Type II" means a personal flotation device:

(a) Designed to turn an unconscious person in the water from a face-downward position to a vertical or slightly backward position; and

(b) Having at least fifteen and one-half (15.5) pounds of buoyancy.

(16) "Type III" means a personal flotation device:

(a) Designed to keep a conscious person in a vertical or slightly backward position; and

(b) Having at least fifteen and one-half (15.5) pounds of buoyancy.

(17) "Type IV" means a personal flotation device:

(a) Designed to be thrown to a person in the water and not worn; and

(b) Having at least sixteen and one-half (16.5) pounds of buoyancy.

(18) "Water skis" means rigid or inflatable skis, kneeboards, tubes or similar devices upon or in which a person is towed behind a moving vessel.

(19) "Water skiing" means:

(a) The act of riding in or upon water skis; or

(b) Barefoot skiing.

C. THOMAS BENNETT, Commissioner
GREG GINTER, Secretary
MIKE BOATWRIGHT, Chairman

APPROVED BY AGENCY: March 3, 1995

FILED WITH LRC: May 12, 1995 at 8 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 28, 1995 at 9 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 23, 1995, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends 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: Donovan Smith, Director, Division of Water Patrol, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601, (502) 564-4406.

REGULATORY IMPACT ANALYSIS

Contact Person: Donovan Smith

(1) Type and number of entities affected: There are 144,700 registered motorboats in the Commonwealth of Kentucky. Their operators are affected by the provisions of this administrative regulation.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments received. This repromulgation of existing administrative regulations will not affect cost of living or employment.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: This repromulgation of existing administrative regulations will not affect costs of doing business.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Existing requirements are unchanged by the repromulgation of this administrative regulation.

2. Second and subsequent years: Same as first year.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: No additional costs or savings will be incurred.

2. Continuing costs or savings: No additional costs or savings will be incurred.

3. Additional factors increasing or decreasing costs: None have been identified.

(b) Reporting and paperwork requirements: No additional paperwork or reporting requirements are stipulated by this administrative regulation.

(4) Assessment of anticipated effect on state and local revenues: This administrative regulation will not change state or local revenues.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Boating registration fees.

(6) To the extend available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: No public comments received. No anticipated economic impacts should occur due to the repromulgation of this administrative regulation.

(b) Kentucky: No anticipated economic impacts should occur due to the repromulgation of this administrative regulation.

(7) Assessment of alternative methods; reasons why alternatives were rejected: There is no alternative to repromulgating boating regulations. Failure to repromulgate administrative regulations dealing with boating safety could endanger life, safety and property on the Commonwealth's waterways.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky:

(b) State whether a detrimental effect on environmental and public health would result if not implemented: Yes

(c) If detrimental effect would result, explain detrimental effect: Without requirements for safety equipment or safe operating procedures, boating accidents could increase, endangering public health and safety on Kentucky's waterways.

(9) Identify and statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? Tiering was applied to the extent that operators of different sizes or types of boats are required to have different safety equipment aboard. Otherwise, tiering is not appropriate because the administrative regulation applies equally to all individuals or entities it regulates. Disparate treatment of any persons of 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.

TOURISM CABINET
Department of Fish and Wildlife Resources

301 KAR 6:010. Vessel numbering and registration.

RELATES TO: KRS 235.040, 235.050, 235.100, 235.110, 235.120, 235.140, 235.150, 235.210

STATUTORY AUTHORITY: KRS 235.280, 235.320

NECESSITY AND FUNCTION: To prescribe a uniform numbering system, the uniform placement of numbers and validation decals on vessels, and procedures to be followed by agencies exempt from registration. This administrative regulation contains the substance of 402 KAR 4:020, 4:030, and 4:035. The transfer of the Division of Water Patrol to the Department of Fish and Wildlife Resources necessitates that existing administrative regulations be repealed by the Department of Natural Resources and repromulgated by the Department of Fish and Wildlife Resources. Changes in format and wording were made to reflect the current requirements of KRS Chapter 13A.

Section 1. Vessel Numbering. (1) Except as provided in subsection (2) of this section, the identification numbers assigned to Kentucky registered motorboats shall consist of three (3) letter and number groupings as follows:

(a) The first grouping shall consist of the letters "KY."

(b) The second grouping shall consist of not more than four (4) Arabic numbers.

(c) The third grouping shall consist of not more than two (2) letters.

(d) The letters "I," "O" and "Q" shall not be used.

(2) Boats having valid federal documentation papers shall not be assigned or required to display a Kentucky identification number.

(3) Motorboats not documented by the federal government and owned exclusively by agencies of a state government shall display registration numbers as prescribed by KRS 235.110.

(a) State government agencies shall apply to the Department of Transportation for registration numbers.

(b) Display of validation decals or subsequent renewal of certification shall not be required.

(c) If an agency transfers ownership of a motorboat to another agency of state government, the agency receiving the motorboat shall apply to the Department of Transportation for a new certificate number.

(d) If an agency transfers ownership of a motorboat to other than an agency of state government:

1. The agency shall surrender the registration number; and

2. The current owner shall apply for a registration number pursuant to KRS 235.50.

Section 2. Validation Decals. (1) Persons shall not operate motorboats without a current-year validation sticker attached to the vessel within six (6) inches aft of and in line with the registration number on both sides of the bow.

(2) Expired validation stickers shall be removed.

C. THOMAS BENNETT, Commissioner
GREG GINTER, Secretary
MIKE BOATWRIGHT, Chairman

APPROVED BY AGENCY: March 3, 1995

FILED WITH LRC: May 12, 1995 at 8 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 28, 1995 at 9 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 23, 1995, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends 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: Donovan Smith, Director, Division of Water Patrol, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601, (502) 564-4406.

REGULATORY IMPACT ANALYSIS

Contact Person: Donovan Smith

(1) Type and number of entities affected: There are 144,700

registered motorboats in the Commonwealth of Kentucky. Their operators are affected by the provisions of this administrative regulation.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments received. This repromulgation of existing administrative regulations will not affect cost of living or employment.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: This repromulgation of existing administrative regulations will not affect costs of doing business.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Existing requirements are unchanged by the repromulgation of this administrative regulation.

2. Second and subsequent years: Same as first year.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: No additional costs or savings will be incurred.

2. Continuing costs or savings: No additional costs or savings will be incurred.

3. Additional factors increasing or decreasing costs: None have been identified.

(b) Reporting and paperwork requirements: No additional paperwork or reporting requirements are stipulated by this administrative regulation.

(4) Assessment of anticipated effect on state and local revenues: This administrative regulation will not change state or local revenues.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Boating registration fees.

(6) To the extend available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: No public comments received. No anticipated economic impacts should occur due to the repromulgation of this administrative regulation.

(b) Kentucky: No anticipated economic impacts should occur due to the repromulgation of this administrative regulation.

(7) Assessment of alternative methods; reasons why alternatives were rejected: There is no alternative to repromulgating boating regulations. Failure to repromulgate administrative regulations dealing with boating safety could endanger life, safety and property on the Commonwealth's waterways.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky:

(b) State whether a detrimental effect on environmental and public health would result if not implemented: Yes

(c) If detrimental effect would result, explain detrimental effect: Without requirements for safety equipment or safe operating procedures, boating accidents could increase, endangering public health and safety on Kentucky's waterways.

(9) Identify and statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? Tiering was applied to the extent that operators of different sizes or types of boats are required to have different safety equipment aboard. Otherwise, tiering is not appropriate because the administrative regulation applies equally to all individuals or entities it regulates. Disparate treatment of any persons of 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.

TOURISM CABINET
Department of Fish and Wildlife Resources

301 KAR 6:020. Boating safety equipment.

RELATES TO: KRS 235.200, 235.205, 235.280

STATUTORY AUTHORITY: KRS 235.200, 235.280, 235.320

NECESSITY AND FUNCTION: To prescribe the minimum boating equipment necessary to help prevent accident, injury or deaths on Kentucky waterways. This administrative regulation contains the substance of 402 KAR 4:050, 4:060, 4:070, 4:080, 4:090, 4:100 and 4:120. The administrative transfer of the Division of Water Patrol necessitates that existing administrative regulations be repealed by the Department of Natural Resources and repromulgated by the Department of Fish and Wildlife Resources. Changes in format and wording were made to reflect the current requirements of KRS Chapter 13A.

Section 1. Engine Safety Equipment Requirements. (1) Except as provided in subsection (2) of this section, persons shall not operate vessels with enclosed engines without effective U.S. Coast Guard-approved flame arresters on carburetors.

(2) Persons may operate the following without flame arresters:

(a) Outboard engines; or

(b) Vessels with engines completely open by design and not originally equipped with Underwriters Laboratory or U.S. Coast Guard-approved flame arresters.

(3) Persons shall not operate vessels without adequate ventilation of bilges, engine compartments, fuel compartments or other enclosures.

(4) Persons shall not operate vessels originally equipped with a carburetor drip pan without the drip pan in place and maintained in a functioning condition.

(5) Persons shall not operate vessels whose bilges are not maintained free from oil or grease.

Section 2. Lighting Equipment. (1) Between actual sunset and sunrise:

(a) Operators of Class A or Class 1 motorboats shall display:

1. A white light near the stern of the vessel visible in a 360 degree arc.

2. A combined red and green light near the bow of the vessel which is:

a. Lower than the white light; and

b. As stipulated in subsection (2) of this section.

(b) Operators of Class 2 or Class 3 motorboats shall display:

1. A white light mounted near the bow of the vessel, which is visible from dead ahead to 112.5 degrees on either side of the vehicle.

2. A white light mounted near the stern of the vessel which is:

a. Higher than the forward white light; and

b. Visible in a 360 degree arc.

3. Separate red and green lights as stipulated in subsection (2) of this section.

(c) Operators of Class 1 or larger vessels propelled by sail alone shall display:

1. Red and green lights as stipulated in subsection (2) of this section; and

2. A white stern light which shows in an arc of 135 degrees behind the vessel.

(d) Operators of manually-powered vessels or sailboats less than twenty-two feet, nine inches (22'9") shall:

1. Carry aboard and have immediately available for use a white light of sufficient intensity to illuminate the vessel and its occupants; and

2. Display the white light in time to prevent a collision from an approaching vessel.

(e) Persons operating or responsible for vessels anchored or adrift in a normal navigation channel or passageway shall display a white light visible in a 360 degree arc.

(2) Combination or separate red and green lights shall:

(a) Have an arc of visibility extending from dead ahead to 112.5 degrees on either side of the vessel;

(b) Show the red light on the port side, and the green light on the starboard side, of the vessel; and

(c) Be visible at a distance of at least one (1) mile on a dark night with clear atmosphere.

(3) White lights required by this section shall be visible at a distance of at least two (2) miles on a dark night with clear atmosphere.

(4) On vessels under way between sunset to sunrise, operators shall not display other lights which could be mistaken for the lights specified in this section.

Section 3. Signaling Devices. (1) Operators of Class 1 or larger vessels shall have on board a hand-, mouth- or power-operated signaling device:

(a) Capable of producing a blast of two (2) seconds duration; and

(b) Audible for:

1. One-half (1/2) mile for Class 1 vessels.

2. One (1) mile for Class 2 vessels.

3. One and one-half (1-1/2) miles for Class 3 vessels.

(2) Nothing in this administrative regulation shall exempt a vessel from additional sound devices required by the U.S. Coast Guard or other governmental agencies.

Section 4. Personal Flotation Devices. (1) Operators of Classes 1, 2, and 3 recreational vessels shall have on board a minimum of:

(a) One (1) Type I, Type II or Type III personal flotation device for each person on board the vessel; and

(b) One (1) Type IV personal flotation device.

(2) Operators of Class A recreational vessels, canoes and kayaks shall have on board a minimum of one (1) Type I, Type II, Type III or Type IV personal flotation device for each person on board the vessel.

(3) Personal flotation devices shall be:

(a) Approved by the U.S. Coast Guard; and

(b) In good and serviceable condition.

(4) Type I, II, or III personal flotation devices shall be of appropriate size for the wearer and readily accessible.

(5) Type IV personal flotation devices shall be immediately available to the user.

Section 5. Fire Extinguishers. (1) Operators of vessels which contain butane gas, propane gas, kerosene, gasoline or other petroleum-consuming device shall have on board at a minimum:

(a) Class A or Class 1 vessels, one (1) B-1 fire extinguisher.

(b) Class 2 vessels:

1. With fixed systems, one (1) B-1 fire extinguisher.

2. Without fixed systems, two (2) B-1 fire extinguishers.

(c) Class 3 vessels:

1. With fixed systems:

a. Two (2) B-1 fire extinguishers; or

b. One B-2 fire extinguisher.

2. Without fixed systems:

a. Three (3) B-1 fire extinguishers; or

b. One (1) B-1 and one (1) B-2 fire extinguishers.

(2) Operators shall:

(a) Maintain fire extinguishers in workable condition; and

(b) Have them available for immediate and effective use.

Section 6. Except for vessels operated for the purposes of firefighting or rescue by the United States Coast Guard, the Commonwealth of Kentucky, a county, city or other governmental entity, operators shall not display flashing, rotating or oscillating red lights on vessels.

Section 7. Vessels Without Required Safety Equipment. (1) If an official of the department, or any other law enforcement officer, observes a vessel operating without the safety equipment specified in this administrative regulation, he may direct the operator to take whatever immediate and reasonable steps are necessary to correct the deficiency, including directing the operator to return to a mooring and remaining there until the situation creating the unsafe condition is corrected.

(2) If a vessel is directed to return to a mooring, the officer may affix a notice to the vessel:

(a) Indicating the nature of the unsafe condition; and

(b) Requiring its correction before the vessel is further operated.

C. THOMAS BENNETT, Commissioner
GREG GINTER, Secretary
MIKE BOATWRIGHT, Chairman

APPROVED BY AGENCY: March 3, 1995

FILED WITH LRC: May 12, 1995 at 8 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 28, 1995 at 9 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 23, 1995, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends 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: Donovan Smith, Director, Division of Water Patrol, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601, (502) 564-4406.

REGULATORY IMPACT ANALYSIS

Contact Person: Donovan Smith

(1) Type and number of entities affected: There are 144,700 registered motorboats in the Commonwealth of Kentucky. Their operators are affected by the provisions of this administrative regulation.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments received. This repromulgation of existing administrative regulations will not affect cost of living or employment.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: This repromulgation of existing administrative regulations will not affect costs of doing business.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon

competition) for the:

1. First year following implementation: Existing requirements are unchanged by the repromulgation of this administrative regulation.

2. Second and subsequent years: Same as first year.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: No additional costs or savings will be incurred.

2. Continuing costs or savings: No additional costs or savings will be incurred.

3. Additional factors increasing or decreasing costs: None have been identified.

(b) Reporting and paperwork requirements: No additional paperwork or reporting requirements are stipulated by this administrative regulation.

(4) Assessment of anticipated effect on state and local revenues: This administrative regulation will not change state or local revenues.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Boating registration fees.

(6) To the extend available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: No public comments received. No anticipated economic impacts should occur due to the repromulgation of this administrative regulation.

(b) Kentucky: No anticipated economic impacts should occur due to the repromulgation of this administrative regulation.

(7) Assessment of alternative methods; reasons why alternatives were rejected: There is no alternative to repromulgating boating regulations. Failure to repromulgate administrative regulations dealing with boating safety could endanger life, safety and property on the Commonwealth's waterways.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky:

(b) State whether a detrimental effect on environmental and public health would result if not implemented: Yes

(c) If detrimental effect would result, explain detrimental effect: Without requirements for safety equipment or safe operating procedures, boating accidents could increase, endangering public health and safety on Kentucky's waterways.

(9) Identify and statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? Tiering was applied to the extent that operators of different sizes or types of boats are required to have different safety equipment aboard. Otherwise, tiering is not appropriate because the administrative regulation applies equally to all individuals or entities it regulates. Disparate treatment of any persons of 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.

TOURISM CABINET
Department of Fish and Wildlife Resources

301 KAR 6:030. Waterway safety requirements.

RELATES TO: KRS 235.150, 235.240, 235.250, 235.280, 235.290

STATUTORY AUTHORITY: KRS 235.280, 235.290, 235.320

NECESSITY AND FUNCTION: To prohibit unsafe practices which could lead to accidents, injuries or deaths on Kentucky waterways. This administrative regulation contains the substance of 402 KAR 4:040, 4:110, 4:130, 4:150, 4:160, and 4:170. The administrative transfer of the Division of Water Patrol necessitates that existing administrative regulations be repealed by the Department of Natural Resources and repromulgated by the Department of Fish and Wildlife Resources. Changes in format and wording were made to reflect the current requirements of KRS Chapter 13A.

Section 1. Accident Reporting. (1) The operator shall file a written report with the department when his vessel is involved in an accident resulting in:

(a) The death of a person;

(b) The disappearance of a person from the vessel under circumstances which suggest the possibility of death or injury;

(c) An injury which requires medical treatment or results in a person being incapacitated for twenty-four (24) hours or more; or

(d) The loss of, or damage to, property in an amount of $500 or more.

(2) Operators shall submit written reports of accidents involving death or serious injury within forty-eight (48) hours.

(3) Operators shall submit written reports of accidents not involving death or serious injury within five (5) days.

(4) Accident reports shall contain the following information:

(a) The registration numbers or names of the vessels involved;

(b) The location of the accident;

(c) The weather and water conditions;

(d) The name, address, age and boating experience of the operator of the reporting vessel;

(e) The names and addresses of the operators of other vessels involved;

(f) The names and addresses of persons killed or injured,

(g) The nature and extent of injuries;

(h) A description of the damage to property and an estimated cost of repairs;

(i) A description of the accident, including opinions as to the cause;

(j) The length, means of propulsion, horsepower, fuel and construction of the reporting vessel; and

(k) The names and addresses of known witnesses.

Section 2. Water Skiing and Related Activities. (1) Persons shall not water ski or tow persons water skiing:

(a) Within 100 feet of:

1. A commercial boat dock;

2. A moorage harbor; or

3. A swimming area.

(b) Within 2,000 feet of a dam or lock.

(c) In waters posted or marked as a no skiing or restricted area.

(2) Persons towing water skiers shall have on board:

(a) In addition to the operator, a person twelve (12) years of age or older, who shall serve as an observer; or

(b) A rear-view mirror with a minimum 160-degree field of vision, mounted so that the operator can observe the activities of the person being towed.

(3) Between sunset and sunrise, persons shall not:

(a) Water ski; or

(b) Operate airborne devices.

(4) Persons shall wear a Type I, II, or III personal flotation device while water skiing.

(5) Except during performances authorized by the department in conjunction with a race, regatta or similar activity:

(a) There shall be no more than (2) airborne devices in the air at one (1) time in a general area.

(b) Persons shall not operate airborne devices with tow lines exceeding 150 feet.

(c) Persons towing airborne devices shall have on board, in addition to the operator, a person twelve (12) years of age or older, who shall serve as an observer.

Section 3. Operation in Congested Areas or Near Swimmers or Divers. (1) Persons shall not operate vessels above idle speed:

(a) In harbors or congested areas; or

(b) Within 100 feet of commercial docks or a generally recognized moorage area.

(2) Operators shall not pass moored or anchored vessels in a manner and at a speed which could cause the moored or anchored vessel to swamp or capsize.

(3) Persons shall not operate vessels in designated swimming areas.

(4) Persons shall not operate vessels in a manner which would endanger swimmers or other persons in the water.

(5) Operators of vessels not involved in a diving operation shall remain more than 100 feet from an international diver's flag.

(6) Operators shall not steer vessels in a circular course around swimmers or fishermen.

Section 4. Restrictions on Swimming or Diving. (1) Persons shall not swim at boat launching areas.

(2) Persons diving with SCUBA or other mechanical diving devices shall display an international diver's flag:

(a) At least twelve (12) inches by twelve (12) inches in size; and

(b) With the diagonal stripe at least three (3) inches wide.

(3) Unless they are actually engaged in diving operations, persons shall not display an international diver's flag on a vessel or on the water.

(4) Except in an emergency, divers shall not rise to surface further than fifty (50) feet from an international diver's flag.

(5) Divers or swimmers shall not:

(a) Interfere with fishermen;

(b) Dive or swim in established traffic lanes; or

(c) Obstruct a vessel from proceeding to its destination where no reasonable alternative routes are available.

Section 5. General Boating Safety Requirements. (1) Persons shall not operate a vessel loaded with passengers or cargo beyond its safe carrying capacity, considering weather and existing operating conditions.

(2) When a vessel is operating faster than at idle speed, persons shall not ride:

(a) On an enclosed bow;

(b) Outside the protective railing of a pontoon boat or houseboat;

(c) On a seat which extends six (6) inches above the plane of the gunwales;

(d) On the sides, back, engine cover, seat back; or

(e) In any other obviously dangerous position which could lead to falling overboard.

(3) Except during emergencies, a person shall not operate, moor, anchor or use vessels:

(a) Within 500 feet above or below the wicket area of a power dam when one (1) or more wickets are open;

(b) Within 100 feet of a power dam generator water exhaust chute;

(c) Except for purposes that the operators of a dam may prescribe, within the turbine exhaust chute of a dam;

(d) Within a restricted area;

(e) Within a distance from lock gates that creates potentially hazardous situations.

Section 6. Waterway Traffic. (1) The operator of a vessel:

(a) Passing another vessel shall keep to the right.

(b) Overtaking another vessel:

1. May do so on either side; and

2. Shall yield the right-of-way to the vessel being overtaken.

(c) Shall yield the right-of-way to vessels crossing from the right.

(d) Approaching a dock or pier shall yield the right-of-way to vessels departing the dock or pier.

(e) Departing a shoreline shall yield the right-of way to vessels approaching the shoreline.

(f) Shall not change course without first determining that the course change can be made without risk of collision.

(g) Who fails to understand fully the course of an approaching vessel shall immediately slow to idle speed until the other vessel has passed.

(h) With the right-of-way shall maintain course and speed.

(i) Which is required to yield the right-of-way shall, as necessary:

1. Slacken speed;

2. Stop;

3. Reverse; or

4. Alter course.

(j) In a narrow channel shall keep to the right of midchannel.

(2) Operators of motorboats shall yield the right-of-way to vessels being propelled by sail, oars, or other nonmotorized means.

(3) If there is danger of collision, operators of vessels involved shall slow down, stop, alter course or reverse until the danger is averted, regardless of which vessel has the right-of-way.

(4) Operators shall sound intermittent warning signals in fog or similar situations of restricted visibility when their vessels are:

(a) Underway;

(b) Adrift; or

(c) Anchored or moored outside an established anchorage or mooring field.

(5) Operators shall not interfere with or obstruct the takeoff, landing or taxiing of aircraft.

(6) Operators:

(a) Shall maintain complete control of their vessels; and

(b) Shall not exceed a speed which, given the existing conditions, could cause a loss of control or present a hazard to life or safety.

C. THOMAS BENNETT, Commissioner
GREG GINTER, Secretary
MIKE BOATWRIGHT, Chairman

APPROVED BY AGENCY: March 3, 1995

FILED WITH LRC: May 12, 1995 at 8 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 28, 1995 at 9 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 23, 1995, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends 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: Donovan Smith, Director, Division of Water Patrol, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601, (502) 564-4406.

REGULATORY IMPACT ANALYSIS

Contact Person: Donovan Smith

(1) Type and number of entities affected: There are 144,700 registered motorboats in the Commonwealth of Kentucky. Their operators are affected by the provisions of this administrative

regulation.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments received. This repromulgation of existing administrative regulations will not affect cost of living or employment.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: This repromulgation of existing administrative regulations will not affect costs of doing business.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Existing requirements are unchanged by the repromulgation of this administrative regulation.

2. Second and subsequent years: Same as first year.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: No additional costs or savings will be incurred.

2. Continuing costs or savings: No additional costs or savings will be incurred.

3. Additional factors increasing or decreasing costs: None have been identified.

(b) Reporting and paperwork requirements: No additional paperwork or reporting requirements are stipulated by this administrative regulation.

(4) Assessment of anticipated effect on state and local revenues: This administrative regulation will not change state or local revenues.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Boating registration fees.

(6) To the extend available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: No public comments received. No anticipated economic impacts should occur due to the repromulgation of this administrative regulation.

(b) Kentucky: No anticipated economic impacts should occur due to the repromulgation of this administrative regulation.

(7) Assessment of alternative methods; reasons why alternatives were rejected: There is no alternative to repromulgating boating regulations. Failure to repromulgate administrative regulations dealing with boating safety could endanger life, safety and property on the Commonwealth's waterways.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky:

(b) State whether a detrimental effect on environmental and public health would result if not implemented: Yes

(c) If detrimental effect would result, explain detrimental effect: Without requirements for safety equipment or safe operating procedures, boating accidents could increase, endangering public health and safety on Kentucky's waterways.

(9) Identify and statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? Tiering was applied to the extent that operators of different sizes or types of boats are required to have different safety equipment aboard. Otherwise, tiering is not appropriate because the administrative regulation applies equally to all individuals or entities it regulates. Disparate treatment of any persons of 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.

TOURISM CABINET
Department of Fish and Wildlife Resources

301 KAR 6:040. Zoning or marking of waterways.

RELATES TO: KRS Chapter 235, 33 CFR 1, Subpart 66.10-1

STATUTORY AUTHORITY: KRS 235.280, 235.320, 33 CFR 1, Subpart 66.10

NECESSITY AND FUNCTION: To make the marking of Kentucky's waterways conform to national standards and to restrict certain boating activities on some bodies of water. This administrative regulation contains the substance of 402 KAR 4:180 and 4:190. The administrative transfer of the Division of Water Patrol necessitates that existing administrative regulations be repealed by the Department of Natural Resources and repromulgated by the Department of Fish and Wildlife Resources. Changes in format and wording were made to reflect the current requirements of KRS Chapter 13A. The only substantive change reflected in this administrative regulation is to establish an idle-speed zone between actual sunset and sunrise in the Ohio River adjacent to downtown Cincinnati, Ohio.

Section 1. Persons shall not zone, or place buoys or signs:

(1) On nonnavigable waters without first obtaining written approval from the department.

(2) On navigable waters without first obtaining written approval from the department with concurrence by:

(a) The United States Coast Guard; and

(b) The United States Army Corps of Engineers.

Section 2. Persons shall not moor a vessel to a buoy or navigational aid not specifically designated as a mooring device.

Section 3. Zoned Waterways. (1) On Herrington Lake, persons shall not:

(a) Ski except along the main lake channel.

(b) Operate motorboats at greater than idle speed in inlets.

(2) Persons shall not ski on the Big Sandy River.

(3) Between the Second Street Bridge and McAlpine Dam on the Ohio River, persons:

(a) Shall not operate recreational vessels except:

1. To lock through McAlpine Dam; or

2. To dock at the Louisville Municipal Wharf.

(b) Shall remain within the confines of the commercial channel.

(4) Persons shall not operate motorboats at faster than at idle speed on the Salt River in Mercer County.

(5) Persons shall not operate motorboats at greater than idle speed from sunset to sunrise between the Brent Spence Bridge and the Daniel Carter Beard Bridge on the Ohio River.

Section. 4. 33 CFR 1, Subpart 66.10-5 to 66.10-45, governing the uniform placement and characteristics of navigational and regulatory markers, is adopted without change.

C. THOMAS BENNETT, Commissioner
GREG GINTER, Secretary
MIKE BOATWRIGHT, Chairman

APPROVED BY AGENCY: March 3, 1995

FILED WITH LRC: May 12, 1995 at 8 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 28, 1995 at 9 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky.

Individuals interested in attending this hearing shall notify this agency in writing by June 23, 1995, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends 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: Donovan Smith, Director, Division of Water Patrol, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601, (502) 564-4406.

REGULATORY IMPACT ANALYSIS

Contact Person: Donovan Smith

(1) Type and number of entities affected: There are 144,700 registered motorboats in the Commonwealth of Kentucky. Their operators are affected by the provisions of this administrative regulation.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments received. This repromulgation of existing administrative regulations will not affect cost of living or employment.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: This repromulgation of existing administrative regulations will not affect costs of doing business.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Existing requirements are unchanged by the repromulgation of this administrative regulation.

2. Second and subsequent years: Same as first year.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: No additional costs or savings will be incurred.

2. Continuing costs or savings: No additional costs or savings will be incurred.

3. Additional factors increasing or decreasing costs: None have been identified.

(b) Reporting and paperwork requirements: No additional paperwork or reporting requirements are stipulated by this administrative regulation.

(4) Assessment of anticipated effect on state and local revenues: This administrative regulation will not change state or local revenues.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Boating registration fees.

(6) To the extend available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: No public comments received. No anticipated economic impacts should occur due to the repromulgation of this administrative regulation.

(b) Kentucky: No anticipated economic impacts should occur due to the repromulgation of this administrative regulation.

(7) Assessment of alternative methods; reasons why alternatives were rejected: There is no alternative to repromulgating boating regulations. Failure to repromulgate administrative regulations dealing with boating safety could endanger life, safety and property on the Commonwealth's waterways.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky:

(b) State whether a detrimental effect on environmental and public health would result if not implemented: Yes

(c) If detrimental effect would result, explain detrimental effect: Without requirements for safety equipment or safe operating procedures, boating accidents could increase, endangering public health and safety on Kentucky's waterways.

(9) Identify and statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? Tiering was applied to the extent that operators of different sizes or types of boats are required to have different safety equipment aboard. Otherwise, tiering is not appropriate because the administrative regulation applies equally to all individuals or entities it regulates. Disparate treatment of any persons of 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.

TRANSPORTATION CABINET

600 KAR 5:010. Transportation of nonpublic school students.

RELATES TO: KRS 158.115, Part XI of Chapter 5 of the Acts of the First 1994 Extraordinary Legislative Session

STATUTORY AUTHORITY: Part XI of Chapter 5 of the Acts of the First 1994 Extraordinary Legislative Session.

NECESSITY AND FUNCTION: The Commonwealth's Biennium Budget for fiscal years 1994-96 included $2 million in the General Fund Surplus Budget Expenditure Plan each year for the transportation of nonpublic school students. On September 1, 1994 the state Supreme Court issued an opinion relating to the methods of public financing of the transportation of nonpublic school students. This administrative regulation is promulgated to establish the eligibility criteria for application for a portion of the $2 million appropriated each of the fiscal years of the biennium. The Transportation Cabinet has made every effort to adhere to the provisions of the 1994 Supreme Court ruling as well as the stated intention of the General Assembly with the passage of House Bill 2 during the First Extraordinary Legislative Session of 1994.

Section 1. Application for Fiscal Year 1994-95 Funds. (1) Any fiscal court which provided financial support for the transportation of nonpublic school students in school year 1994-95 pursuant to the provisions of KRS 158.115 may make application to the Transportation Cabinet for reimbursement of that financial support.

(2) The application to the Transportation Cabinet shall:

(a) Not be received by the Office of the Secretary later than June 1, 1995;

(b) Include a resolution from the fiscal court stating that the county provided funds in school year 1994-95 for the transportation of nonpublic school students;

(c) Include the amount of funds provided by the county for the transportation of nonpublic school students; and

(d) Include a detailing of the method by which the funds were made available for the transportation of the nonpublic school students.

(3) The Transportation Cabinet shall evaluate the applications received and divide the $2 million available in fiscal year 1994-95

based on the following:

(a) If the valid application amounts spent by the counties equal or total less than the appropriated amount, the Transportation Cabinet shall authorize payment for each requested reimbursement amount.

(b) If the valid application amounts received exceed the appropriated amount, the Transportation Cabinet shall base the appropriation amount to each applicant county on Section 3 of this administrative regulation.

Section 2. Application for Fiscal Year 1995-96 Funds. (1) Any fiscal court which has budgeted funds or intends to budget funds for the transportation of nonpublic school students in school year 1995-96 pursuant to the provision of KRS 158.115, may make application to the Transportation Cabinet for funds to match the local funds being provided for this purpose, if there are sufficient excess general funds available for this purpose.

(2) The application to the Transportation Cabinet shall:

(a) Not be received by the Office of the Secretary later than February 1, 1996;

(b) Include a resolution from the fiscal court stating that the county has provided or has budgeted funds in school year 1995-96 for the transportation of nonpublic school students;

(c) Include the amount of funds budgeted by the county for the transportation of nonpublic school students; and

(d) Include a detailing of the method by which the funds were, or will be, made available for the transportation of the nonpublic school students.

(3) The Transportation Cabinet shall evaluate the applications received and divide the $2 million available in fiscal year 1995-96 based on the following:

(a) If the valid application amounts shown as budgeted by the counties equal or total less than the appropriated amount, the Transportation Cabinet shall authorize payment for each requested reimbursement amount.

(b) If the valid application amounts shown as budgeted by the counties exceed the appropriated amount, the Transportation Cabinet shall base the appropriation to each applicant county on Section 3 of this administrative regulation.

Section 3. Proration of Appropriated Funds. (1) If the funds made available for the transportation of nonpublic school students are to be prorated pursuant to either Section 1(3)(b) or 2(3)(b) of this administrative regulation, the Transportation Cabinet shall prorate the funds appropriated for this purpose based on the following criteria:

(a) From the latest figures from the Department of Education available at the time of review of the applications, the total number of public school students transported plus the total number of nonpublic school students who would be eligible to take advantage of the transportation. The number of nonpublic school students shall not include those students who:

1. Attend schools on military reservations or which are fully federally funded; or

2. Are taught at home.

(b) Based on the latest figures from the Department of Education available at the time of the review of the applications, the statewide average for the annual cost of the transportation of an individual student.

(c) The amount of local funds expended or budgeted for the transportation of nonpublic school students.

(2) For fiscal year 1994-95, the maximum a county would be eligible to apply for would be the lesser of the following:

(a) The product of the total students established pursuant to subsection (1)(a) of this section times the value established pursuant to subsection (1)(b) of this section; or

(b) The funds actually expended by that county for the transportation of nonpublic school students during school year 1994-95.

(3) For fiscal year 1995-96, the maximum a county would be eligible to apply for would be the lesser of the following:

(a) The product of the total students established pursuant to subsection (1)(a) of this section times the value established pursuant to subsection (1)(b) of this section; or

(b) The funds actually expended or budgeted by that county for the transportation of nonpublic school students during school year 1995-96.

(4) For fiscal year 1994-95, if it is necessary to prorate the appropriation, the funds for each eligible, applicant county shall be the product of $2,000,000 times the application amount for that county established by subsection (2) of this section divided by the total amount of the eligible applications received for all counties pursuant to subsection (2) of this section.

(5) For fiscal year 1995-96, if it is necessary to prorate the appropriation, the funds for each eligible, applicant county shall be the product of $2,000,000 times the application amount for that county established by subsection (3) of this section divided by the total amount of the eligible applications received for all counties pursuant to subsection (3) of this section.

DON C. KELLY, P.E., Secretary

APPROVED BY AGENCY: May 10, 1995

FILED WITH LRC: May 11, 1995 at 2 p.m.

PUBLIC HEARING: A public comment hearing on this administrative regulation will be held on June 27, 1995 at 1:30 p.m. local prevailing time in the Transportation Cabinet, Corner of High, Clinton and Holmes Streets, Training Rooms A & B on the First Floor of the State Office Building, 501 High Street, Frankfort, Kentucky 40622. Any person who intends to attend this meeting must in writing by June 22, 1995 so notify this agency. If no notification of intent to attend the hearing is received by this date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given the opportunity to comment on the administrative regulation. A transcript of the public comment hearing will not be made unless a written request for a transcript is made and then only at the requestor's expense. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirements by June 22, 1995. This request does not have to be in writing. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. Written comments will be accepted until the close of business on June 27, 1995. Send written notification of intent to attend the public comment hearing or written comments on the administrative regulation to: Sandra G. Pullen, Staff Assistant, Transportation Cabinet, 1003 State Office Building, 501 High Street, Frankfort, Kentucky 40622, (502) 564-4890.

REGULATORY IMPACT ANALYSIS

Contact person: Sandra G. Pullen

(1) Type and number of entities affected: 120 county fiscal courts.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: None

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: None

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Minimal administrative cost of passing resolution by the eligible counties.

2. Second and subsequent years: Second year only is the same as the first year. There is no subsequent years funding.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: The minimal administra-

tive cost of evaluating the applications from the fiscal courts and issuing the reimbursement checks. The $2 million each year of the biennium was included in the Executive Budget from the General Fund Surplus Account and is available for this purpose only.

1. First year: $2 million from special account plus administrative costs.

2. Continuing costs or savings: Same for the second year. There are no continuing costs after the second year unless there is a legal challenge to the administrative regulation.

3. Additional factors increasing or decreasing costs: If there is a legal challenge to the administrative regulation there will be an increased cost to state government.

(b) Reporting and paperwork requirements: N/A

(4) Assessment of anticipated effect on state and local revenues: No effect on state revenues. However, the program will allow a maximum of $4 million to be reimbursed to counties for the cost they incur in the transportation of nonpublic school students.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: There is no enforcement necessary. The minimal implementation costs will be funded from the General Fund appropriation to the Transportation Cabinet.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: None

(b) Kentucky: None

(7) Assessment of alternative methods; reasons why alternatives were rejected: The alternatives of allowing the funds to be dispersed directly to nonpublic schools was rejected based on the Supreme Court decision of the fall of 1994.

(8) Assessment of expected benefits: Aid to counties which provide transportation for all of their school students rather than just the public school students.

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: None

(b) State whether a detrimental effect on environment and public health would result if not implemented: No

(c) If detrimental effect would result, explain detrimental effect:

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known.

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? Tiering was applied in that only the counties spending money for the transportation of nonpublic school students will be eligible to receive reimbursement funding.

FISCAL NOTE ON LOCAL GOVERNMENT

1. Does this administrative regulation relate to any aspect of a local government, including any service provided by that local government? Yes

2. State what unit, part or division of local government this administrative regulation will affect. County fiscal courts.

3. State the aspect or service of local government to which this administrative regulation relates. The transportation of nonpublic and public school students allowed by KRS 158.115 to be funded by a county fiscal court.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the regulation is in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation. The administrative regulation allows a reimbursement of up to $2 million each year of the current biennium to the fiscal courts in Kentucky which have provided financial support for the transportation of nonpublic school students. The $2 million was appropriated from General Fund Surplus Account by the 1994 Special Session of the General Assembly. Since the total available for the entire state is only $2 million each year, the applications for reimbursement will likely have to be prorated.

Revenues (+/-): + $2 million for all counties

Expenditures (+/-): The eligible counties will incur only the administrative cost of passing a resolution requesting the fund reimbursement.

Other Explanation:

EDUCATION, ARTS, AND HUMANITIES CABINET
Education Professional Standards Board

704 KAR 20:021. Planned fifth-year program.

RELATES TO: KRS 157.390, 161.020, 161.028, 161.030

STATUTORY AUTHORITY: KRS 161.028, 161.030

NECESSITY AND FUNCTION: KRS 161.028 and 161.030 vests authority for the issuance and renewal of certification for all school personnel in the Education Professional Standards Board. This administrative regulation establishes the standards for the fifth-year program for certificate renewal.

Section 1. (1) The standards required for the renewal of teaching certificates shall require completion of Plan I or Plan II described in this administrative regulation and in keeping with one (1) or more of the following purposes:

(a) To improve the professional competency for the position covered by the initial teaching certificate;

(b) To extend the scope of professional competency to some certification area not covered by the initial certificate; and

(c) To obtain preparation-certification required for professional advancement to a higher position.

(2) Upon application by the candidate, the teacher education institution shall verify the completion of the fifth-year program to the Division of Certification.

Section 2. (1) Plan I Fifth-Year Program shall require the completion of a master's degree from a college or university which meets the standards established by the Education Professional Standards Board:

(a) In a professional education specialty for which certification is issued;

(b) In an academic subject for which teacher certification is issued; or

(c) In professional education with emphasis in an academic subject for which certification is issued.

(2) The master's degree shall be consistent with the experienced teacher standards established by the Education Professional Standards Board in Section 4 of this administrative regulation or with standards adopted by the Education Professional Standards Board in 704 KAR Chapter 20 for a particular professional education specialty.

Section 3. Plan II Fifth-Year Program shall require thirty-two (32) semester hours of graduate level coursework earned beyond the bachelor's degree and the four (4) year program of teacher preparation in accordance with the following guidelines:

(1) The fifth-year program shall be planned individually with each candidate by a teacher education institution approved for offering graduate programs of teacher preparation.

(2) The fifth-year program shall be a major component of the candidate's professional growth plan and shall be consistent with the experienced teacher standards established by the Education Professional Standards Board in Section 4 of this administrative

regulation or with standards adopted by the Education Professional Standards Board for a professional education specialty.

(3) The fifth-year program shall relate to the initial classroom teaching certificate or to an additional classroom teaching certificate.

(4) The grade point standing for the thirty-two (32) semester hour program shall be no less than is required at the planning institution for teacher education graduates.

(5) Professional development in lieu of up to twelve (12) semester hours of college credit shall be approved as part of Plan II Fifth-Year Program if requested by the applicant using the following guidelines:

(a) Twenty-four (24) clock hours of professional development shall equal one (1) semester hour.

(b) The candidate shall seek and obtain prior approval of the institution for the professional development activities.

(c) The application for approval shall identify the specific professional development activities, and the action plan to achieve one (1) or more goals of the professional growth plan identified in subsection (2) of this section.

(d) Upon completion of the professional development activities the candidate shall submit to the institution a report of the activities which shall include an evaluation of the experiences and a follow-up plan for implementing the professional development.

(e) The institution shall keep a record of the professional development completed by each candidate for the fifth-year program.

Section 4. Experienced Teacher Standards. All fifth-year program plans other than those in a professional education specialty for which the Education Professional Standards Board has adopted specific standards shall be consistent with the following experienced teacher standards:

(1) Experienced Teacher Standard I. Demonstrates professional leadership. The teacher provides professional leadership within the school, community, and education profession to improve student learning and well-being.

(2) Experienced Teacher Standard II. Demonstrates knowledge of content. The teacher demonstrates content knowledge within own area of certification and application to other areas, content areas, and certification areas.

(3) Experienced Teacher Standard III. Designs and plans instruction. The teacher designs and plans instruction that develops student abilities to use communication skills, apply core concepts, become self-sufficient individuals, become responsible team members, think and solve problems, and integrate knowledge.

(4) Experienced Teacher Standard IV. Creates and maintains learning climate. The teacher creates a learning climate that supports the development of student abilities to use communication skills, apply core concepts, become self-sufficient individuals, become responsible team members, think and solve problems, and integrate knowledge.

(5) Experienced Teacher Standard V. Implements and manages instruction. The teacher introduces, implements, and manages instruction that develops student abilities to use communication skills, apply core concepts, become self-sufficient individuals, become responsible team members, think and solve problems, and integrate knowledge.

(6) Experienced Teacher Standard VI. Assesses and communicates learning results. The teacher assesses learning and communicates results to students and others with respect to student abilities to use communication skills, apply core concepts, become self-sufficient individuals, become responsible team members, think and solve problems, and integrate knowledge.

(7) Experienced Teacher Standard VII. Reflects and evaluates teaching and learning. The teacher reflects on and evaluates teaching and learning.

(8) Experienced Teacher Standard VIII. Collaborates with colleagues, parents, and others. The teacher collaborates with colleagues, parents, and other agencies to design, implement, and support learning programs that develop student abilities to use communication skills, apply core concepts, become self-sufficient individuals, become responsible team members, think and solve problems, and integrate knowledge.

(9) Experienced Teacher Standard IX. Engages in professional development. The teacher evaluates own overall performance in relation to Kentucky's learner goals as established in KRS 158.6451 and implements a professional development plan.

DANIEL GREENE, Chair

APPROVED BY AGENCY: May 1, 1995

FILED WITH LRC: May 5, 1995 at 1 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on June 22, 1995, at 10 a.m. in the 1st Floor Conference Room, Capital Plaza Tower Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1995, 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. Betty Lindsey, Office of Teacher Education and Certification, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4606.

REGULATORY IMPACT ANALYSIS

Contact Person: Betty Lindsey

(1) Type and number of entities affected: Approximately 1,800 individuals complete requirements for a fifth year program annually and twelve institutions of higher education which offer approved fifth year program.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: Cost of tuition and/or professional development required for completing the fifth year program.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: None

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the: Individuals must present evidence of completion of the fifth year program to the Education Professional Standards Board in order to be eligible for certificate renewal. Institution must file eligible fifth year programs for approval by the Education Professional Standards Board.

1. First year following implementation:

2. Second and subsequent years:

(3) Effects on promulgating administrative body: Office of Teacher Education and Certification must approve fifth year programs offered by institutions of higher education, review applications from candidates who have completed programs and issuing renewal certificates and maintaining records.

(a) Direct and indirect costs or savings:

1. First year: Costs associated with disseminating program requirements, approving programs, issuing certificates, and maintaining the records.

2. Continuing costs or savings: Same as above.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Office of Teacher

Education and Certification must maintain records on all approved programs of preparation and maintain records and issue certificates.

(4) Assessment of anticipated effect on state and local revenues: No impact on state or local revenue.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: State general fund.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on: No comments received.

(a) Geographical area in which administrative regulation will be implemented:

(b) Kentucky:

(7) Assessment of alternative methods; reasons why alternatives were rejected: Qualified instructional personnel are required for the educational, emotional, and physical welfare of public school children. The fifth year program is required for education professionals to upgrade knowledge and skills.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical areas in which implemented and on Kentucky: No direct impact on public health and environment.

(b) State whether a detrimental effect on environment and public health would result if not implemented: None

(c) If detrimental effect would result, explain detrimental effect: None

(9) 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:

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? No. Certificate renewal requirements are applied uniformly to all applicants.

LABOR CABINET
Department of Workers' Claims

803 KAR 25:190. Utilization review and audit.

RELATES TO: KRS Chapter 342

STATUTORY AUTHORITY: KRS 342.035(5), 342.260

NECESSITY AND FUNCTION: KRS 342.260 provides that the Commissioner of the Department of Workers' Claims shall promulgate administrative regulations necessary to carry on the work of the Department of Workers' Claims and the commissioner may promulgate administrative regulations not inconsistent with the provisions of KRS Chapter 342. KRS 342.035(5) provides that the Commissioner of the Department of Workers' Claims shall promulgate administrative regulations which require each insurance carrier, group self-insurer and individual self-insured employer to certify to the commissioner the program it has adopted to insure compliance with the medical fee schedule provisions of KRS 342.035(1) and (4). KRS 342.035(5) requires the commissioner to promulgate administrative regulations governing medical provider utilization review activities conducted by an insurance carrier, group self-insurer or self-insured employer pursuant to KRS Chapter 342. The function of this administrative regulation is to insure that all insurance carriers, group self-insurers and individual self-insured employers implement a utilization review and audit program.

Section 1. Definitions. (1) "Commissioner" means the Commissioner of the Department of Workers' Claims.

(2) "Utilization review plan" means the written plan submitted to the Commissioner of the Department of Workers' Claims by all insurance carriers, individual self-insured employers and self-insured groups describing the utilization review program implemented.

(3) "Utilization review program" means the system used to manage and assess patient care through case-by-case assessment of the reasonableness, frequency, duration and appropriateness of medical care and services. Utilization review includes, but is not limited to review of requests for authorization for medical services and review of bills for medical services which have been provided.

Section 2. Utilization Review Program. (1) The utilization review program shall assure that statements and payments for medical goods and services, and charges for depositions, reports, and photocopies comply with KRS Chapter 342 and applicable administrative regulations; that utilization reviewers are appropriately qualified; that treatment rendered injured workers is reasonably necessary, appropriate in frequency and intensity, and effective; that necessary medical services are not withheld or unreasonably delayed; and that statements for medical services are not disputed without reasonable grounds.

(2) All insurance carriers, individual self-insured employers, and self-insured groups shall fully implement and thereafter maintain a utilization review program no later than December 1, 1995.

Section 3. Utilization Review Plan; Requirements. No later than October 1, 1995, all insurance carriers, individual self-insured employers and self-insured groups shall provide to the commissioner a written plan for the implementation of a utilization review program. The utilization review plan shall include:

(1) A description of the process whereby decisions as to the reasonableness and necessity of medical services and the appropriateness of statements for medical services are made;

(2) A description of the specific criteria utilized in the decision making process including treatment protocols or standards in any software, database or other resources used in the development of review processes;

(3) A description of the criteria by which claims and medical services will be selected for utilization review;

(4) A description of the qualifications of internal and consulting personnel who will conduct the utilization review, demonstrating education, training, and experience pertinent to evaluating the clinical issues or services under review and the manner in which such personnel are involved in the review process. Personnel making utilization review recommendations and decisions shall hold any license required by the jurisdiction in which they are employed;

(5) A process to assure that treatment plans are obtained for review by qualified medical personnel in all instances where treatment plans are required under 803 KAR 25:096;

(6) A timetable for implementation of a utilization review program which shall provide for full implementation no later than December 1, 1995;

(7) A system for promptly notifying treating physicians and other providers of any refusal to pay a statement for medical services or to preauthorize services where preauthorization is requested setting forth the basis for denial and referral to recognized standards upon which the denial is based. Payment of statements for medical services and requests for preauthorization should not be denied on the basis of lack of information absent documentation of a good faith effort to obtain the necessary information;

(8) A database recording the instances of utilization review, medical bill audit, the name of the reviewer, the extent of the review, the conclusions of the reviewer, and the action, if any, taken as the result of the review. Data shall be maintained for a period of no less than two (2) years and is subject to audit by the commissioner, or his designee pursuant to KRS 342.035(5)(b);

(9) A provision for the audit of each medical bill, medical report, and deposition fee regardless of the amount of the bill; and

(10) A description of an appeal process, within the structure of utilion review, whereby initial determinations may be appealed. Review of the initial decision shall be conducted by a different

reviewer within fifteen (15) days of a request for appellate review. The appeal procedure shall provide for timely notice to anyone aggrieved by the initial decision of the right to appeal and shall provide for a written decision upon appeal.

WALTER W. TURNER, Commissioner
APPROVED BY AGENCY: May 15, 1995
FILED WITH LRC: May 15, 1995 at noon
PUBLIC HEARING: A public hearing will be held at the Farnham Dudgeon Civic Center, Capital Plaza Complex, Conference Rooms ABC, 405 Mero Street, Frankfort, Kentucky 40601, June 30, 1995, at 10 a.m. Individuals interested in attending this hearing shall notify this agency in writing by June 25, 1995, 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 and prior arrangements for a transcript are made five days prior to the hearing. 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 regulation to: Marcy D. Ches, Staff Attorney, Department of Workers' Claims, 1270 Louisville Road, Perimeter Park West, Frankfort, Kentucky 40601, (502) 564-5550.

REGULATORY IMPACT ANALYSIS

Contact Person: Marcy D. Ches
(1) Type and number of entities affected: This regulation will affect insurance carriers, individual self-insured employers and self-insured groups. At present there are 260 self-insured employers in Kentucky, 18 self-insured groups representing over 10,000 employers and approximate 40 insurance carriers which write workers' compensation insurance policies. This is a new regulation.
(2) Direct and indirect costs or savings to those affected:
(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received. No impact on the cost of living and employment is anticipated.
(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received. No significant impact on the cost of doing business is expected.
(c) Compliance, reporting and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:
1. First year: Although a slight increase in reporting and paperwork requirements may occur, it should be offset by the overall savings this regulation is intended to create.
2. Continuing costs or savings: Same as first year.
(3) 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
(4) Assessment of anticipated effect on state and local revenues: None; no effect.
(5) Source of revenue to be used for implementation and enforcement of administrative regulation: The Kentucky Workers' Compensation Funding Commission pursuant to KRS 342.122.
(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:
(a) Geographical area in which administrative regulation will be implemented: This administrative regulation will be implemented throughout the State of Kentucky, and it should have a favorable economic impact by reducing unnecessary medical costs and billing errors.
(b) Kentucky: See response to (a) above.
(7) Assessment of alternative method; reasons why alternatives were rejected: KRS 342.260 requires the Commissioner of the Department of Workers' Claims to promulgate administrative regulations as he considers necessary to carry on the work of the department. This administrative regulation was deemed to be the most reasonable and efficient in setting forth the minimum requirements necessary for utilization review and medical bill audit.
(8) Assessment of expected benefits:
(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: No effect is anticipated except to the extent that the intent of this regulation is to decrease waste in the medical industry as related to workers' compensation.
(b) State whether a detrimental effect on environmental and public health would result if not implemented: No effect.
(c) If detrimental effect would result, explain detrimental effect: No effect.
(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping or duplication: No conflict known.
(a) Necessity of proposed regulation if in conflict: See above.
(b) If in conflict, was effort made to harmonize the proposed administration regulation with conflicting provisions: Not applicable.
(10) Any additional information or comments: None
(11) TIERING: Is tiering applied? No. Tiering is not appropriate. This proposed regulation applies equally to all insured employers in the State of Kentucky.

CABINET FOR HUMAN RESOURCES
Department for Health Services
Division of Health Systems Development

902 KAR 14:060. Nonemergency health transportation services.

RELATES TO: KRS 211.950 to 211.958, 216B.010 to 216B.130, 216B.990
STATUTORY AUTHORITY: KRS 211.952, 216B.042, 216B.105
NECESSITY AND FUNCTION: The administrative regulation establishing standards for nonemergency health transportation (NEHT) services, 902 KAR 20:120, was found deficient by the Administrative Regulation Review Subcommittee at its March 7, 1994, meeting. The administrative regulation was found to exceed the statutory authority of KRS 211.950 by separating ambulances and ambulance providers into two (2) categories, emergency and nonemergency, and that 902 KAR 20:120 further exceeded the statutory authority of KRS 211.950 by prohibiting NEHT ambulances from having lights and sirens. Pursuant to KRS 13A.333(1), 902 KAR 20:120 expired on adjournment of the 1994 regular session of the General Assembly. KRS 216B.042 requires the cabinet to establish standards for health facilities and health services, and authorizes it to promulgate administrative regulations. Without an administrative regulation establishing standards for NEHT services, the cabinet would be in violation of the legislative mandate expressed in KRS 216B.042. KRS 13A.333(6) prohibits an administrative body from promulgating an administrative regulation that is identical to or substantially the same as an administrative regulation that has expired. This administrative regulation is not identical to or substantially the same as 902 KAR 20:120, because:
(1) The responsibility for regulating NEHT services was transferred from the Office of Inspector General, Division of Licensing and

Regulation to the Department for Health Services pursuant to KRS 211.952 as passed during the 1994 regular session of the General Assembly;

(2) NEHT services are now included under the licensing umbrella of ambulance service providers and are licensed under the license procedures and fee schedule for ambulance service providers as found in 902 KAR 14:070;

(3) Only the section prohibiting the use of emergency lights or sirens on NEHT ambulances that provide NEHT services was found deficient;

(4) The section prohibiting the use of emergency lights or sirens on ambulances that provide NEHT services was deleted; and

(5) The cabinet is required by the legislative mandate of KRS 216B.042 to promulgate administrative regulations for licensing health facilities.

Section 1. Definitions. (1) "Emergency medical technician (EMT)" means a person who is currently certified pursuant to 902 KAR 13:010 through 13:090.

(2) "EMT first responder" means a person who is currently certified pursuant to 902 KAR 13:110.

(3) "Licensing agency" means the Cabinet for Human Resources, Department for Health Services.

(4) "Nonemergency health care transportation (NEHT) service" means a nonemergency ambulance provider as defined in 902 KAR 14:070.

Section 2. NEHT Licensing Requirements. (1) The following licensing requirements shall apply to NEHT service providers:

(a) A person or private or public organization shall:

1. Not provide;

2. Advertise; or

3. Profess to be engaged in NEHT services that originate in Kentucky without having first obtained a certificate of need pursuant to KRS 216B.061 and a license pursuant to 902 KAR 14:070.

(b) A NEHT service provider shall comply with the applicable licensing provisions of 902 KAR 14:070.

(c) The license shall be displayed in a prominent place at the service base station. The following information shall be included on the license:

1. Identity and location of the base station;

2. Number and location of substations, if any, to be operated by the licensee;

3. Designation of the geographic service area to be served by the licensee;

4. Designation that the service is authorized to provide nonemergency health transportation (NEHT); and

5. Designation of the number of NEHT ambulances to be operated by the service.

(2) A NEHT service shall not:

(a) Provide emergency medical services as defined in KRS 211.950(3) unless they are also licensed as a basic life support or advanced life support ambulance service provider in accordance with 902 KAR 14:080; or

(b) Transport a person who requires medical treatment, other than the administration of oxygen, during transport.

(3) Applications for initial licensing or renewal of a license shall specify the number of NEHT ambulances to be operated and, as a minimum, provide, for each vehicle to be licensed, the vehicle identification number, license tag number, make, and model year.

(4) The licensee shall:

(a) Notify the licensing agency of any change in the number, type, or use of NEHT ambulances to be operated; and

(b) Meet the following requirements:

1. A NEHT ambulance shall not be operated until after the licensing agency has been notified and has verified, through a physical inspection, that a certificate of need has been obtained for the vehicle and the vehicle meets the requirements of this administrative regulation.

2. The licensing agency shall be notified, on the next licensing agency business day, following disposition of any prior approved NEHT vehicle operated by the NEHT service (i.e., discontinued from service, change in use by the same ownership, or sale to another identified licensed ambulance service provider).

(5) The licensing agency procedures shall not preclude the NEHT service from utilizing a replacement vehicle on a temporary basis if a previously approved vehicle is out of service for maintenance. The following requirements shall apply:

(a) The licensing agency shall be notified (or on the next business day) by phone of the service's need to operate a temporary unit. Within five (5) days, the NEHT service provider shall send the licensing agency:

1. Written notice of the make, model, license number, and vehicle identification number; and

2. Written assurance that the temporary unit will be staffed and equipped in accordance with requirements of this administrative regulation;

(b) If the NEHT service plans to utilize the replacement for more than thirty (30) days, the NEHT service shall notify the licensing agency of the anticipated length of time the replacement will be in use; and

(c) The licensing agency shall be notified if the replaced unit is back in service.

(6) The licensing agency shall maintain identifying records on all NEHT ambulances according to established procedures.

Section 3. NEHT Management Requirements. (1) A NEHT service provider shall:

(a) Establish lines of authority to include the designation of:

1. An administrator responsible for assuring compliance with this administrative regulation during the daily operation of the service; and

2. A designee who shall serve if necessary in the absence of the administrator.

(b) Maintain records and reports at the NEHT service base station in accordance with the requirements specified in KRS 216B.410.

(2) A NEHT service provider shall have and maintain current written policies and procedures concerning:

(a) Transport limitations; and

(b) Patient destination.

Section 4. NEHT Operating Requirements. (1) An ambulance used in the provision of NEHT services shall be designed to provide adequately for the transportation of individuals including:

(a) The heating system shall maintain a temperature of not less than sixty-five (65) degrees Fahrenheit in the driver and patient compartments in winter weather conditions;

(b) The air conditioning system shall maintain a temperature of not more than eighty-five (85) degrees Fahrenheit in the driver and patient compartments in summer weather conditions; and

(c) The name of the NEHT service provider shall appear on the exterior surface of the vehicle.

(2) A preventive maintenance program for each NEHT vehicle and its equipment shall be developed and implemented to keep them in optimum working order to protect the health and safety of the patient and ambulance personnel.

(3) Documentation shall be maintained by the NEHT service provider to support evidence of periodic inspections or calibrations required for maintenance and operation of the ambulance and its equipment.

(4) NEHT ambulances shall be kept in optimum working order. The interior of the ambulance and equipment shall be kept clean.

(5) NEHT ambulances utilized in the provision of NEHT services shall be constructed to allow verbal communication with the individual during transit.

(6) NEHT ambulances designed to transport individuals on stretchers or in wheelchairs shall be equipped with mechanisms to secure the individual and the stretcher or wheelchair while in transit.

(7) NEHT ambulances used in the provision of NEHT services by services licensed under this administrative regulation shall not have identifying markings to imply they provide emergency service nor display the "star of life" symbol; and

(8) NEHT ambulances used in the provision of NEHT services by services licensed under this administrative regulation shall not display the word ambulance on the outside of a vehicle unless each display of the word ambulance is preceded by the word nonemergency in the same size and in a similar style lettering.

Section 5. Equipment and Supplies. NEHT ambulances used in the provision of NEHT services shall have at least the following essential equipment:

(1) One (1) five (5) lb. dry chemical fire extinguisher;

(2) One (1) first aid kit;

(3) A radio, cellular phone or communications equipment capable of contacting the base station; and

(4) Portable oxygen equipment including:

(a) One (1) "D" size oxygen cylinder;

(b) One (1) pressure gauge and flow rate regulator;

(c) Adaptor and tubing; and

(d) Transparent masks in adult and child sizes. Nasal cannulas may be substituted.

Section 6. NEHT Personnel. (1) A NEHT ambulance shall be staffed by at least one (1) attendant per service run. The attendant may also be the driver of the vehicle.

(2) The attendant shall not leave the patient unattended at any time during transport.

(3) There shall be no more patients, personnel, and other persons than can be safely secured by means of seat safety belts or similar devices in the NEHT ambulance during transportation.

(4) All personnel shall be capable of performing their job duties, and shall not cause the patient or other personnel any undue jeopardy.

(5) As a minimum, the driver on each NEHT ambulance run shall:

(a) Be at least eighteen (18) years of age, with current motor vehicle operator's license;

(b) Have at least two (2) years of licensed driver/operator experience; and

(c) Complete a defensive driving training program that is developed by the ambulance service or in conjunction with another agency or organization.

(6) The training program shall, as a minimum, consist of four (4) hours review of driving a vehicle under a variety of conditions.

(7) Documentation shall be available to support training in at least the following areas:

(a) Forward and back-up driving maneuvers in a controlled situation, such as in an obstacle course designed specifically for this purpose; and

(b) Review of defensive driving techniques and procedures by hands-on experience or exposure by visual aids, such as video tapes, slides, or planned demonstrations.

(8) The patient attendant on each NEHT service run shall be certified or licensed for one (1) of the following levels:

(a) EMT first responder certification;

(b) EMT certification;

(c) Paramedic certification; or

(d) Licensure as a nurse or physician.

RICE C. LEACH, M.D., Commissioner
MASTEN CHILDERS II, Secretary
APPROVED BY AGENCY: May 15, 1995
FILED WITH LRC: May 15, 1995 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 21, 1995 at 9 a.m. in the Health Services Auditorium, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 16, 1995 five days prior to the hearing of their interest to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. 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, Phone: (502) 564-7900.

REGULATORY IMPACT ANALYSIS

Agency Contact: Robert P. Calhoun, M.P.H.

(1) Type and number of entities affected: Ten licensed nonemergency health transportation services.

(2) Direct and indirect costs or savings to those affected:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comment received: A notice of intent hearing was held on March 31, 1995. Several persons commented at the hearing that the proposed administrative regulation would drive them out of business because Medicare will not pay for this level of service. It is the department's position that it is obliged by law to establish licensure criteria for the categories of ambulances offering health services in order to address quality of care and public health and safety. The categories of ambulances are dictated by the requirements of KRS Chapter 216B governing certification and licensure. It is the responsibility of the nonemergency heath transportation providers to apply for a certificate of need to upgrade to basic life support status, which is covered by Medicare.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comment received: This administrative regulation will increase costs for nonemergency health transportation services who do not have radio/communication equipment. There will also be an increased cost of approximately $200 per year per service to provide defensive driving training for ambulance drivers.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: No additional reporting requirements imposed.

2. Second and subsequent years: None

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: No direct or indirect costs should be associated with this program beyond printing this new regulation.

1. First year: $500 for printing regulation.

2. Continuing costs or savings: No additional costs or savings, since reprinting of regulations is provided for in the continuing budget.

3. Additional factors increasing or decreasing costs: No additional factors.

(b) Reporting and paperwork requirements: No additional paperwork.

(4) Assessment of anticipated effect on state and local revenues: No effect.

(5) Source if revenue to be used for implementation and enforcement of administrative regulation: General funds.

(6) To the extent available from the public comments received,

the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comment received: A notice of intent hearing was held on March 31, 1995. Several persons commented at the hearing that the proposed administrative regulation would drive them out of business because Medicare will not pay for this level of service. It is the department's position that it is obliged by law to establish licensure criteria for the categories of ambulances offering health services in order to address quality of care and public health and safety. The categories of ambulances are dictated by the requirements of KRS Chapter 216B governing certification and licensure. It is the responsibility of the nonemergency heath transportation providers to apply for a certificate of need to upgrade to basic life support status, which is covered by Medicare.

(b) Kentucky: Refer to item 6(a).

(7) Assessment of alternative methods: reasons why alternatives were rejected: This emergency administrative regulation will replace 902 KAR 20:120 which expired on adjournment of the 1994 regular session of the General Assembly. The existing nonemergency health transportation services have obtained certificates of need to operate as a nonemergency heath transportation ambulance service and are licensed as such. The cabinet cannot allow these services to upgrade to basic life support emergency ambulance services unless they obtain a certificate of need to do so.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: These are minimum health care standards intended to protect the public.

(b) State whether a detrimental effect on environment and public health would result if not implemented: Yes

(c) If detrimental effect would result, explain detrimental effect: Nonemergency health care transportation services would be unregulated.

(9) Identify any statute, administrative regulation or governmental policy which may be in conflict, overlapping, or duplication: No conflict.

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(10) Any Additional information or comments:

(11) TIERING: Is tiering applied: No. This is a licensure program and as such applies to all licensed nonemergency health transportation services.

FISCAL NOTE ON LOCAL GOVERNMENT

1. Does this administrative regulation relate to any aspect of a local government, including any service provided by that local government? No

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. This regulation will not affect a local government or part or division of that local government unless it operates a nonemergency health transportation ambulance service.

3. State the aspect or service of local government to which this administrative regulation relates. Any nonemergency health transportation ambulance service operated by the local government.

4. How does this administrative regulation affect the local government or any service it provides? This regulation does not affect a local government in any additional manner. It merely moves the licensing and regulatory functions for nonemergency health transportation services from the Office of the Inspector General to the Department of Health Services.

CABINET FOR HUMAN RESOURCES
Department for Health Services

902 KAR 115:020. Enforcement of water fluoridation program.

RELATES TO: KRS 211.190

STATUTORY AUTHORITY: KRS 211.190(11)

NECESSITY AND FUNCTION: This administrative regulation establishes the procedures for the enforcement of the Cabinet for Human Resources' water fluoridation programs as directed by KRS 211.190(11).

Section 1. Notice of Violation. (1) If the Cabinet for Human Resources has reasonable grounds to believe that a violation of KRS 211.190 or 902 KAR 115:020 has occurred, the cabinet shall serve the suspected violator with a written notice of violation by certified mail, stating in particular the nature of the violation, outlining remedial measures and setting the date by which remedial measures must be completed.

(2) The notice of violation shall be made in writing on Form DH-36 "Notice of Violation" (10/94). Form DH-36, "Notice of Violation", is incorporated by reference and may be viewed or obtained at the Office of the Commissioner for Health Services, 275 East Main Street, Frankfort, Kentucky 40621, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

Section 2. Failure to Take Remedial Measures. (1) The cabinet may impose a fine for failure to take remedial measures within the time period specified in the notice of violation.

(2) The fines imposed shall not exceed those fines authorized by KRS 211.990.

Section 3. Notice of Initial Decision to Impose a Fine for Failure to Provide Supplemental Water Fluoridation. (1) If the cabinet determines that a fine should be imposed for failure to take remedial action, the cabinet shall provide written notice of the cabinet's initial decision to impose a fine.

(2) The cabinet's initial decision to impose a fine shall become final thirty (30) days after the date of the notice, unless a hearing is requested.

Section 4. Hearing Procedures. (1) A hearing shall be provided regarding the cabinet's initial decision to impose a fine if requested within thirty (30) days of the date of the notice of the cabinet's initial decision.

(2) The request for a hearing shall be made in writing on Form DH-37 "Request for Hearing" (12/94), to the cabinet within ten (10) days after notification by the cabinet of its initial decision to impose a fine. Form DH-37, "Request for Hearing", is incorporated by reference and may be viewed or obtained at the Office of the Commissioner for Health Services, 275 East Main Street, Frankfort, Kentucky 40621, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

(3) The cabinet shall notify the requesting party in writing of the:

(a) Name of the hearing officer; and

(b) Time and place of the hearing.

(4) All parties shall have the right to:

(a) Be represented by counsel;

(b) Present evidence on his behalf; and

(c) Cross-examine witnesses.

(5) A written transcript of the hearing shall not be made unless requested by a party. The expense of transcribing the hearing shall be the responsibility of the requesting party.

(6) The hearing officer shall have the authority to issue subpoenas and all necessary process in proceedings brought before or initiated by the cabinet. Service of process and proof of service shall comply with KRS 211.220.

(7) The hearing officer shall make written findings of fact and conclusions of law, and render a decision based upon the evidence presented. The decision of the hearing officer shall be the final decision of the cabinet.

RICE C. LEACH, M.D., Commissioner
MASTEN CHILDERS, II, Secretary
APPROVED BY AGENCY: May 12, 1995
FILED WITH LRC: May 15, 1995 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 21, 1995 at 9 a.m. in the Health Services Auditorium, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 16, 1995 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: William K. Moore, Deputy Counsel for Administrative Law, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621, Phone: (502) 564-7900.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Dr. Robert Fowler

(1) Type and number of entities affected: 215 community water system operators.

(2) Direct and indirect cost to those affected:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comment received: No hearing was requested as a result of the Notice of Intent being published so no written comments were received.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comment received: No hearing was requested as a result of the Notice of Intent being published so no written comments were received.

(c) Compliance, reporting and paperwork requirements, including factors increasing or decreasing costs (Note any effects upon competition) for the: Will require recordkeeping and reporting by the water plant operators and maintenance of Fluoride Analysis Report for 5 years by the Dental Health Program.

(3) Effects on the promulgating administrative body: Additional printing costs of regulations, notice of violation forms, and hearing forms and administrative monitoring of the program.

(a) Direct and indirect cost:

1. First year: Minimal
2. Continuing costs: Minimal
3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Will remain the same.

(4) Assessment of anticipated effect on state and local revenues: None

(5) Source of revenue to be used for implementation and enforcement of administrative regulations: Existing general and agency funds.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation on:

(a) Geographical area in which administrative regulation will be implemented: No hearing was requested as a result of the Notice of Intent being published so no comments were received.

(b) Kentucky: No hearing was requested as a result of the Notice of Intent being published so no comments were received.

(7) Assessment of alternative methods; reasons why alternatives were rejected: Alternative methods were not considered since provisions are mandated by state law.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: Regulation enforcement of proper fluoridation of community water systems would in turn benefit the citizens of Kentucky through the reduction of dental disease.

(b) State whether a detrimental effect on environment and public health would result if not implemented: Yes

(c) Proper fluoridation of community water systems would not be implemented, therefore citizens would not receive the benefits necessary to maintain proper dental health.

(9) Identity 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:

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? Tiering was not applied because it does not create disproportional impact.

FISCAL NOTE ON LOCAL GOVERNMENT

1. Does this administrative regulation relate to any aspect of a local government, including any service provided by that local government? Yes. Relates to the operation of community water system fluoridation units.

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. Will only affect a part of the local government.

3. State the aspect or service of local government to which this administrative regulation. Relates to fluoridation of community water systems necessary for compliance with KRS 211.190, 211.190(10) and 211.190(11).

4. How does this administrative regulation affect the local government or any service it provides. This proposed regulation will define the requirements for enforcement of the operation of community water system fluoridation equipment.

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:680. Vaccines for Children Program.

RELATES TO: KRS 205.520

STATUTORY AUTHORITY: KRS 194.050, 205.520, 42 USC 1396a, b, d, s

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 the administration fee for vaccines provided through the Vaccines for Children Program.

Section 1. Definition. The "Vaccines for Children Program" means the program for distribution of pediatric vaccines as described in 42 USC 1396s.

Section 2. Administration Fee. (1) The Medicaid Program shall pay an administration fee to Medicaid participating physicians for

administration of vaccines made available under the Vaccines for Children Program to Medicaid eligible children age twenty (20) or under.

(2) The administration fee for each vaccine shall be three (3) dollars and thirty (30) cents, with a limit of three (3) administration fees per provider per eligible child per date of service.

Section 3. Implementation Date. The administration fees specified in Section 2 of this administrative regulation shall be available for vaccines administered through the Vaccines for Children Program to Medicaid eligible children age twenty (20) or under on or after October 1, 1994.

MASTEN CHILDERS II, Commissioner/Secretary
APPROVED BY AGENCY: April 12, 1995
FILED WITH LRC: April 19, 1995 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 22, 1995 at 9 a.m. in the Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 17, 1995 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: Masten Childers II, Commissioner

(1) Type and number of entities affected: Medicaid eligible children age 20 and under and participating physician.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No hearing was requested as a result of the Notice of Intent being published and no written comments were received.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No hearing was requested as a result of the Notice of Intent being published and no written comments were received.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the: None

1. First year following implementation:
2. Second and subsequent years:

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: $136,858 (state fund cost).
2. Continuing costs or savings: $136,858 (state fund cost).
3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(4) Assessment of anticipated effect on state and local revenues: None

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Federal and state matching funds.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: Statewide implementation.

(b) Kentucky: No hearing was requested as a result of the Notice of Intent being published and no comments were received.

(7) Assessment of alternative methods; reasons why alternatives were rejected: No viable alternatives were identified.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: Will assure children age 20 and under will receive the necessary childhood vaccines.

(b) State whether a detrimental effect on environment and public health would result if not implemented: Yes

(c) If detrimental effect would result, explain detrimental effect: Needy Kentucky children would not receive the necessary childhood vaccines to prevent diseases or illness.

(9) 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:

(10) Any additional information or comments: Section 1928 of the Social Security Act mandates states to establish a Vaccines for Children Program effective October 1, 1994.

(11) TIERING: Is tiering applied? (Explain why tiering was or was not used) 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.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of the May 1, 1995

The May meeting of the Administrative Regulation Review Subcommittee was held on Monday, May 1, 1995, at 10 a.m. in Room 149 of the Capitol Annex. Representative Jesse Crenshaw, Chairman, called the meeting to order, and the secretary called the roll. The minutes of the April 3, 1995 meeting were approved.

Present were:

Members: Representative Jesse Crenshaw, Chairman; Senators John David Preston, Nick Kafoglis, Fred Bradley; Representatives Woody Allen, Jim Bruce and Tommy Lee.

LRC Staff: Greg Karambellas, O. Joseph Hood, Tom Troth, Patrice Carroll, Susan Wunderlich, Peggy Jones, Donna Valencia, Don Hines.

Guests: Senator Dick Roeding; Representative Katie Stine; Matthew L. Mooney, Attorney General's Office; Lori Flanery, Executive Branch Ethics Commission; George Russell, Anita Stanley, Registry of Election Finance; Daniel F. Egbers, Department of Personnel; Tom Bennett, John Phillips, Department of Fish and Wildlife; Donna Dutton, Department of Agriculture; Christopher M. Johnson, Marie C. Bouvier, Sarah M. Jackson, Division of Charitable Gaming; Susan Alley, Department of Corrections; Sandra G. Pullen, Department of Transportation; C. Scott Trimble, Kevin Noland, Kyna Koch, Charles W. Edwards, Audrey Carr, Department of Education; Judith G. Walden, Department of Housing, Buildings and Construction; Masten Childers II, Jeanne Southworth, Carol Jordan, Gloria Whittaker, Dr. Paul Weaver, Kay Kirkland, Cookie Whitehouse, Pat Patterson, Anne Hager, Fran Sample, Joyce Lea, Don Coffey, David Meacham, Pat Bishop, Dee Maynard, Karen Doyle, Jay Douds, Rice Leach, Bill Griffin, Randall Shouse, Lawrence W. Wetherby III, Ruth Friedheim, Cabinet for Human Resources; Mike Hammons, George Robertson, Jack Hall, Health Policy Board; Roger Grim, KACCS; Nancy Galvagni, Kentucky Hospital Association; James Carloss, Jr., KSHA; John Cooper, Bob Goodin, Don Chasteen, Robert G. Cox, Dave Carby, Bill Doll, Kentucky Medical Association; Robert L. Barnett, Kentucky Pharmacists Association; Mike Porter, Kentucky Dental Association; Thomas E. Bunnell, Internal Medicine Association of Kentucky; Kevin D. Martin, Crawley Surgical Associates; Mike Flint, Health South; John O. Walker, ARH; Jerry Henry, Kentucky State Uniform Billing Commission; Chris Wong, Primary Care Associates; Jan Gould, Kentucky Retail Federation; John Hinkle, KRF; Mike Ridenour, Kentucky Chamber of Commerce; John F. Nichols, Jr., Associated Industries of Kentucky; Ted Bradshaw, KOA-KOTA; Todd B. Oller, Medical Center of Bowling Green; Barry Williams, LifeSkills, Inc.; John W. Knoop, Jefferson County Academy of Pharmacy; James A. Croxton, Lisa Doyle, TJ Samson Hospital; Kelly Ranvier Swartz, McBrayer, McGinnis, Leslie & Kirkland; Cindy Rausch; William B. Hoppenjans; James R. Schrand.

The Subcommittee determined that the following administrative regulations did not comply with statutory requirements:

Cabinet for Human Resources: Department for Social Insurance: Public Assistance

904 KAR 2:440. Discount Option Program. Masten Childers, Secretary for the Cabinet for Human Resources, and Commissioner of Medicaid stated that: (1) the Cabinet has made every attempt to address the concerns raised by physicians relating to the misconception that language in this administrative regulation requires mandatory provider participation; (2) Kentucky physicians face no greater obligation to see Discount Option Program (DOP) patients than they do Medicaid patients; (3) remaining concerns relate to interpretation of the enabling statute and the language found in the administrative regulation promulgated pursuant to the authorizing statutory.

Dr. Robert Goodin, President of the Kentucky Medical Association (KMA), stated that: (1) the enabling legislation for the DOP provides that the Cabinet shall establish a program as a provider of last resort which permits persons with family incomes below 200% of the federal poverty level to purchase, through the Medicaid program, not from Medicaid providers, health services covered by Medicaid from participating providers at the same rate Medicaid pays for the service; (2) physicians interpreted this language to mean a "buy-in" concept that would be similar to the state employee health insurance plan, and not a direct purchase from the providers; (3) physicians further understood that the Cabinet would: (a) determine eligibility; and (b) channel patients through the Medicaid program when they purchase coverage; (c) providers would subsequently be reimbursed from the Medicaid program; (4) this administrative regulation does not comply with this statutory interpretation because, although the Cabinet determines eligibility, physicians are responsible for collecting payment directly from the DOP approved recipient; (5) in Kentucky, the federal Medicaid family of four is $29,300; (6) these levels would likely make up 90% of rural Kentuckians who would be eligible for Medicare, Medicaid or DOP; (7) if a rural physician's practice serves 90% Medicare-Medicaid patients, it would be difficult to expect rural physicians to keep their office open; (8) coordination of benefits is a concern, because the enabling legislation described the DOP to be a program of last resort, not a supplementary insurance policy; (9) if other insurance is available, it is the KMA's position that private pay insureds would not be eligible to participate in DOP; (10) because the DOP/Medicaid rate would only apply if private insurance does not cover a service or item in whole or in part, it is a difficult request to ask physicians to coordinate the benefits of a DOP patient's insurance in addition to reducing Medicaid reimbursement rates; and (11) Section 10 of House Bill 250 governing the physician's freedom of choice to opt out of Medicaid provider participation must be clarified: (a) hospital-based physicians and other physicians are forced to: 1. participate in DOP; or, 2. drop out of the Medicaid program; (b) because physicians do not want to be forced to make these types of choices, they advise long standing patients that they have no choice.

Dr. Goodin stated that: (1) there is no question that Kentucky physicians would love to see universal coverage and universal access to health insurance; (2) the KMA does not believe that the DOP was created as a provider of last resort; (3) savings initiatives must be implemented, and as Secretary Childers indicated, some have and will take time to realize savings; (4) the DOP was implemented prematurely; and (5) the KMA does not believe that this administrative regulation conforms to statutory intent and therefore opposes its implementation.

Senator John David Preston stated that: (1) although the enabling legislation required the Cabinet to establish a program of last resort, this administrative regulation allows privately insured persons who meet federal poverty guidelines to participate in the DOP; (2) although KRS 205.6330(2)(a) provides that incomes below 200% of the federal poverty level shall be the general eligibility requirement, Section 4 of this administrative regulation establishes resource considerations or limits not provided by statute; and (3) KRS 205.6330 requires the Cabinet to establish the program, and allow eligible individuals to purchase through the Medicaid program.

In response, Secretary Childers stated that: (1) if someone within the economic threshold has other private pay coverage, the DOP rate would only apply if there was no other private pay coverage for that particular procedure; (2) the enabling statute is ambiguous, and since he was not involved in the formulation of the language creating the DOP, he is not sure of the intent of this legislation; and (3) the Cabinet has tried to address the concerns of the medical community, and he believes the Cabinet did the best job it could in promulgating this administrative regulation; (4) the administrative regulation

complies with the enabling language that provided the DOP would be established as a program of last resort, because it provides that if private pay insurance covers a procedure, the private pay rate will prevail.

Senator Nick Kafoglis stated that: (1) he agreed with the Secretary that the enabling legislation is very unclear, and any administrative regulation implementing the statutory language would likely be opposed; (2) the DOP proposal needs to be reexamined by the 1996 General Assembly to clarify what is meant by: (a) provider of last resort"; and (b) "through the Medicaid program"; and (3) he believes the Cabinet has done its best to implement an administrative regulation that conforms to statutory intent, but because the statute is unclear it is an impossible task.

Dr. William B. Hopperjans stated that: (1) there are several provisions of this administrative regulation that are unclear; (2) eligible recipients are not well policed; (3) although applicant fraud will be subject to penalty, few safeguards exists to prevent false statements by applicants; (4) this administrative regulation allows an applicant's own statement that he meets the income or liquid assets requirements to be acceptable verification of the fact; (5) managing the numbers of potential DOP eligible individuals will be difficult: if up to 149,000 families may be involved in the DOP, as the Cabinet indicates, there may not be a sufficient number of state employees available to police such a large number of people; (6) residency requirements to participate in the DOP are a concern because: (a) anyone who lives in the state of Kentucky, or states that he lives here and intends to remain for an indefinite period, may apply for DOP coverage; (b) areas of Kentucky that border adjoining states will be faced with problems of people: 1. coming into Kentucky; and 2. stating they meet the residency requirements, although they may only have a temporary address; (7) the private pay insured have the opportunity to make their health coverage more comprehensive, than they otherwise would, because they are allowed to participate in the DOP; (8) the DOP is not a program of last resort, for these persons, as the enabling legislation intended; (9) although a physician's practice must be run as a business, rural physicians who bear a greater number of Medicaid patients will have a difficult time continuing to practice medicine; (10) there will be a decreased number of physicians who will be able to run viable practices in rural areas; and (11) surplus state funds are available to allow the Cabinet to run the Medicaid program.

Senator Richard Roeding stated that he agreed that: (1) the administrative regulation: (a) exceeded statutory authority; (b) fails to conform to statutory intent; and (2) Section 9, which allows the Medicaid provider to collect from the DOP eligible individual, exceeds statutory authority because it is not a purchase through the Medicaid program as required by House Bill 250.

The Subcommittee approved a motion by Senator Preston to find this administrative regulation deficient because: (1) Section 4 refers to resource considerations, and contains limitations on individual assets which is clearly authorized by statute (which merely has a limitation of 200% of the federal poverty level); and (2) it fails to conform to statutory intent because it allows persons who have private insurance coverage to participate in the DOP for any portion not otherwise covered by their insurance.

Representative Jimmie Lee explained his vote to disapprove the administrative regulation by stating that he did not believe it conforms to statutory intent.

Chairman Jesse Crenshaw explained his vote to find the administrative regulation deficient by stating that: (1) the intent of the enabling legislation was to establish a program as a provider of last resort; (2) he understood this to mean that if no other means of providing the care were available, the DOP would provide health care; and (2) this administrative regulation, however, allows anyone within 200% of the federal poverty level to: (a) participate in the DOP; and (b) receive the reduced costs for health care services.

The Subcommittee approved a motion finding this administrative regulation deficient because it failed to comply with the statutory intent and authority of House Bill 250, the Health Care Reform legislation.

Department for Medicaid Services

907 KAR 1:009 (& E). Physicians' services.

907 KAR 1:010 (& E). Payments for physicians' services.

Secretary Masten Childers, Cabinet for Human Resources, and Commissioner of Medicaid provided testimony relating to payments for physician's services (907 KAR 1:010), specifically provisions that govern the Medicaid reimbursement rates and methodology for payments to physicians. He stated that he appreciated the open dialog with physicians from the Kentucky Medical Association and other physicians to try and resolve remaining concerns and issues relating to Medicaid reimbursement.

Secretary Childers explained charts presented to the Subcommittee that: (1) represented the 1995 and 1996 budget for the Medicaid Department (Exhibit #1); and (2) reflected the budget for the 1995 fiscal year, pointing out that: (a) the Medicaid benefits budget totaled $1,935,656,700 for FY-1995; (b) the mandatory (services) portion of the budget was $1,408,532,829; (c) the optional services portion, totaling $1,898,898,650, included: 1. virtually the entire mental health/mental retardation program in Medicaid; and 2. pharmacy services, that total $219,954,951 for 1995 and $239,991,307 for 1996; and (d) the optional services would obviously be on the chopping block if funding were not necessary.

Secretary Childers stated that: (1) the Department of Medicaid cares about Medicaid patients and recipients probably more than any other party involved in this issue; (2) if the program is not adequately funded, these patients will be the first ones to take the hit; (3) in addition to the fairness issue that is before the Subcommittee, is the state's ability to pay in the first instance, because what the Department should pay, and can pay, are two different things; (4) he was appointed Cabinet Secretary, in May 1994: (a) after the provider tax was passed; and (b) the state budget was assembled in November and December of 1993 and voted on by the General Assembly in the 1994 Regular Session; (5) in his testimony as Medicaid Commissioner, February 21, 1994, before the Human Resources Subcommittee of the House Appropriations and Revenue Committee, and to members of the Senate Appropriations and Revenue Committee on March 16, 1994, he emphasized that his job is to: (a) run the Medicaid program within the amount of money appropriated to the Department by the Kentucky General Assembly; and (b) assist the General Assembly in identifying sources of revenue; (6) provider rate cuts total approximately 92 million dollars (52 million for physicians and 26 million for hospitals), with the balance of reductions to be distributed among the other major provider categories; (7) these cuts were discussed within the context of: (a) implementing managed care; and (b) expanding the program so that eventually the reimbursement rate cuts would be moot and all the money would be pooled into a base to be negotiated with the managed care provider; and (c) the General Assembly limited expansion of the eligibility base, which was one of the precedents for the federal government's approval to move to managed care; (8) the 1994 Budget left the Cabinet without 52 million dollars just in reimbursement rate cuts in July 1, 1994; (9) although he realized there would be significant opposition to the cuts: (a) no opposition had been voiced by the physician community in February and March of 1994 during his discussions with the Appropriations and Revenue Committees; (b) explanations he received for lack of opposition, at that time, included statements by physicians that they understood an agreement was made that if they did not oppose the provider tax of 2% on physicians, there would not be any rate cuts; and (c) he was never informed of such an agreement when the rate cuts were put into place; (10) as Secretary, he has made every effort to get the message out that rates had to come down or the Cabinet would be in the hole 52 million dollars for the first year of the biennium; and (11) it was not until four months after the reimbursement rate cuts were to go into effect that the Department filed the

emergency administrative regulations implementing the new rate cuts; (12) consequently, the Department lost approximately 17 million dollars by putting the reductions off, because an effort was made to ensure that physicians knew what the Department was proposing before the rate cuts went into effect.

He added that: (1) when the rate cuts went into effect, a restraining order was entered against the Cabinet by the U.S. District Court, Eastern District of Kentucky, by order of Judge Hood, preventing the implementation of the rates; (2) the restraining order was stayed by the Sixth Circuit Court of Appeals, which at present has before it the merits of this case and the issues raised upon appeal by the Cabinet, the Kentucky Medical Association and the party plaintiffs; and (3) he hoped the Subcommittee would defer to the Sixth Circuit on the merits of this case, because if a message is sent to the Sixth Circuit by this Subcommittee that the Legislature is going to kill the administrative regulations implementing the reimbursement rate cuts, the Department of Medicaid budget will be in the hole 36 to 40 million dollars this year, even if the Department's other saving initiatives occur.

Secretary Childers stated that: (1) flexibility in reducing the rates has been the Cabinet's position all along, as shown by a second exhibit in which the Kentucky rates are compared to Ohio rates for the most frequently billed procedures identified by the Kentucky Medicaid program; (2) Kentucky's rates are approximately 20% higher than rates paid in Ohio; (3) before the proposed rates went into effect, Kentucky was paying the 8th highest rate in the country, at 100 to 108% of the Medicare rate; (4) the current reimbursement rates place Kentucky in the 27th highest rate nationally; (5) as shown by the third exhibit, a comparison of Kentucky's physician fees to Illinois, Virginia, Missouri, Washington, Oregon, Tennessee, Indiana, Mississippi and W. Virginia, with New York, one of the biggest welfare states paying the lowest in reimbursement rate for Medicaid; (6) the Medicaid rate is driven by the Department's ability to pay; (7) the Cabinet believes the provider tax will be on the Legislative agenda for the 1996 General Assembly, and to find the physician reimbursement administrative regulations (907 KAR 1:009 and 907 KAR 1:010) deficient at this time would: (a) severely limit the options available to the 1996 General Assembly by adding 52 million on top of the already 600 million provider tax dilemma; (b) force these administrative regulations to expire upon sine die adjournment of the next regular General Assembly, pursuant to KRS 13A.333(2); and (c) severely limit the program to the tune of 13 million in the second year of the biennium, and send a signal to the Sixth Circuit Court of Appeals which may very well overshadow the merits of the case.

In summary, the Secretary stated that the Cabinet: (1) is already missing 42 million dollars that it should have had in the first year of the biennium; (2) would have been in the hole, about 82 to 90 million dollars in total state and federal funds, without the Department's fraud and abuse initiatives which will pay out close to 40 million this year; (3) has other initiatives under way, but will find it difficult to realize other savings in this current fiscal year; (4) lost about 17 million dollars because the physician reimbursement rate cuts were not put into effect on July 1, 1994; (5) does not have a pharmacy rate in place because of the failed University of Kentucky pharmacy study; (6) has yet to realize the DME rate savings of 1 million dollars; (7) is losing 5 million dollars as a result of the federal governments' directive last week, that the Cabinet cannot move 150,000 age, blind, and disabled persons into KenPAC (Kentucky Patient Access and Care System) because their dual eligibility status as Medicaid and Medicare patients would limit their choice of physicians if transferred to KenPAC; (8) lost another 12 million dollars in savings because, although it had budgeted for a savings of approximately 15 to 17 million dollars by requiring triage of all Medicaid patients that utilize emergency rooms, the legislature: (a) prohibited triage of any children six years and younger; and (b) did not make an adjustment in the Medicaid budget request; and (9) is doing fair at the present time, if some of the other savings initiatives pay off, such as the fraud and abuse initiative savings that may replace the 42 million dollar shortfall the Department otherwise would have faced.

Secretary Childers stated that as an additional act of flexibility, he had the authority, today, and was willing to negotiate further with the physician community on the following conditions: (1) if it would call it quits right now, he was authorized to take the 52 million dollar rate cuts that had been imposed upon the physicians in the Medicaid program for the current biennium, and reinstate 14 million dollars of those cuts because he is confident that there are other savings initiatives that will pay off in the second year of biennium; (2) with no strings attached, the Cabinet was prepared to reinstate: (a) 2 million dollars, because the logic applied to maintaining the Obstetrical rate at the old Medicaid level is justified and reinstate the old Medicaid Obstetrical Anesthesiology rate as no Resource Based Relative Value System (RBRVS) Medicare analogy to compare; (b) 12 million dollars of the Medicaid rate reductions which would lower the 52 million dollars in cuts to 38 million dollars which will place Kentucky 21st nationally in reimbursement rates.

Dr. Robert Goodin, President of the Kentucky Medical Association (KMA), stated that: (1) he represented over 6,000 physicians and medical students throughout the state; (2) Kentucky's Medicaid program is a two billion dollar program; (3) with regard to reimbursement rates: (a) in 1994, under the previous reimbursement rates, physicians were reimbursed 260 million, or 12% of the budget; (b) under 1994-95 rates, the reimbursement levels are at 10% of the budget; (c) of the health care dollar, 20% goes to physicians, as compared nationally; (4) the provider tax: (a) funds roughly one-third of the state's commitment to the Medicaid program for matching funds; (b) takes 40 million dollars away from physicians; and (c) when added to the 52 million dollars in new reimbursement rate cuts, cuts over one-third of the Medicaid reimbursements to physicians; (5) of the total 90 million in cuts the Cabinet plans to implement, although physicians represent 12% of the health care dollar, physicians took 52 million dollars; (6) although testimony during the 1994 General Assembly represented that the provider tax was the only way to maintain reimbursement rates to the providers at a reasonable rate, three and one-half months after House Bill 250 took effect, the reimbursement rate reductions were implemented; and (7) the KMA contends that the Cabinet's action to reduce the reimbursement levels is not consistent with the intent of the 1994 General Assembly.

Dr. Goodin stated that: (1) although comments have been made that the physician community did not object or offer comments, in February and March of 1994 at meetings before legislative committees, neither the 1994 Budget and House Bill 250 were passed in those months; (2) the Cabinet suggested, during the 1994 General Assembly, that between 100 and 200 million dollars were available in savings: (a) former Senator Susan Johns and Representative Coleman's bill promised 200 million through fraud and abuse savings; (b) House Bill 250, Sections 72 through 84, represent several items that were required to be implemented before any cuts in reimbursement rates were made; (c) although the budget bill directed the cuts to be made as a measure of last resort, the cuts went into effect only three and one-half months after the bill went into effect; (d) House Bill 250 directed that some of the following initiatives be implemented to save costs to the Medicaid program: 1. institution of co-payments by the recipients; 2. control of transportation costs; 3. improved use of technology in the office, which seems to be paying off as Secretary Childers indicates through better monitoring of fraud and abuse; and 4. strengthening the KenPAC program, through improved incentives in a program that is nationally recognized as being fairly effective; (e) physicians were told that, the Cabinet: 1. will purge ineligibles from the Medicaid roles; 2. plans to collect rebates of up to 17 million from pharmaceutical companies, which had not yet been collected; 3. will continue to monitor duplication of services, such as prescriptions and durable equipment; (3) the Health Care Reform bill authorized the Kentucky Health Policy Board: (a) not to run the Medicaid program, but to oversee the program; and (b) help implement conservative

reimbursement strategies and methodology; (4) it is the KMA's understanding that the Cabinet: (a) has not carried out the mandates of House Bill 250 as yet; and (b) has not implemented these savings measures before implementing the reimbursement rate cuts.

With regard to the legal action awaiting review by the Sixth Circuit, Dr. Goodin stated that: (1) Judge Hood had ruled on two major issues: (a) limiting patient access to care; and (b) the Cabinet's implementation of these administrative regulations through the KRS Chapter 13A emergency procedures; (2) Judge Hood had ruled that "Medicaid law states reimbursement to providers must be consistent with efficiency, economy, and quality of care and sufficient to enlist enough providers so that care and services are available under this plan to the same extent that such care is available to all other people in that geographic area."; (3) when considering that Medicare reimburses physicians only 57% of the private sector, with these cuts Medicaid would be just under 50% of the private sector rate; (4) this would explain why rural physicians are in serious trouble as a large percentage of there patients are Medicaid; and (5) Judge Hood's reasoning with regard to the failure of the Cabinet to allow public comment on its proposed reimbursement cuts by its use of emergency administrative regulations was based on the facts that: (a) KRS Chapter 13A permits immediate implementation of emergency administrative regulations without prior public comment; (b) on September 30, 1994, the Cabinet filed emergency administrative regulations, 907 KAR 1:009E and 1:010E, adopting the new reimbursement methodology [Resource-Based Relative Value Scale (RBRVS)] and reduced the levels of reimbursement for most physician's services rendered to Medicaid patients; and (c) on October 5, 1994, the Cabinet: 1. submitted a notice of its intent to promulgate these changes for publication in Kentucky's major newspapers, and 2. instructed various newspapers to publish the notice on October 14th, 1994, the day before the effective date and in the smallest print possible.

With regard to the Resource-Based Relative Value Scale (RBRVS) reimbursement methodology, Dr. Goodin stated that: (1) this program was developed by a number of parties in 1986 and directed at establishing a methodology for the Medicare program; (2) the purpose of the program was to identify and remove the inequities in reimbursement to physicians, such as: 1. specialty and procedure-oriented reimbursement were too high; and 2. cognitive and primary care services were too low; (3) the RBRVS was: (a) not designed as a budget cutting device; and (b) in 1989, determined, by federal law, that it could not be used as a budget reduction method; (4) many insurance companies, such as Blue Cross-Blue Shield in Kentucky, have now implemented the RBRVS program; (5) these administrative regulations do not represent a true RBRVS, although the Cabinet may have intended it to be such, because the RBRVS: (a) does not follow relative value units at all; (b) does not increase anyone; (c) reduces 52 million dollars out of the budget, with reductions ranging from 15% up to 300%; (6) an example is a chest x-ray which (a) in Ohio, is reimbursed at $20.50; (b) in Kentucky: 1. under the old rate, was reimbursed at $22.00; and 2. under the new rate pays only $6.80.

Dr. Goodin stated that the climate for physicians in Kentucky is of real concern, because: (1) the number one goal is to serve the Medicaid population and all patients; (2) the cuts have to be considered in the context of the: (a) provider tax, with Kentucky being only one of three states with such a tax; and (b) proposed Discount Option Program administrative regulation; (3)(a) University of Kentucky and Louisville have been charged to improve their work in producing more primary care physicians to improve access for all Kentuckians; (b) in 1994, both schools had 65% plus graduates enter primary care residencies, which is unusual: 1. Indiana had only 25%; and 2. national goals reflect 50%; (4) an informal poll of 62 medical residents at the University of Kentucky indicated that only 2 residents plan to stay in Kentucky to practice medicine, citing the environment for physicians in this state; (5) reimbursement cuts also effect these medical schools; (a) UK expects approximately 8 million; (b) University of Louisville expects 5 and one-half million; (c) 70% or more of their budgets depend upon private practice income with much of the physician community treating a huge Medicaid population; (6) rural practices have on average a 55% to 60% overhead with an average of 75% to 80% of their practice made of Medicaid and Medicare patients; (7) physicians are left with one of four choices: (a) senior physicians, who are generally primary care physicians, will hold on and perhaps retire early, but will be difficult to replace; (b) physicians may not participate in the Medicaid program, as many have done; (c) although physicians continue to participate in the program, many do not take new Medicaid patients; and (d) physicians may close their doors completely, forcing Medicaid patients to travel: 1. to Louisville or Lexington to seek the services of primary care physicians, of whom only a small percentage of participate in Medicaid; or 2. out of the state for medical care.

Dr. Goodin testified that: (1) Medicaid patients, such as the poor, elderly, blind, disabled, poor pregnant women and poor children, will be the ones to suffer; (2) although physicians are ethically bound to see patients and take care of them regardless of ability to pay, and a majority of Kentucky physicians will continue to do that: (a) it is a statewide responsibility to care for this population and fund the health care system at a level to provide access to patients; and (b) without adequate funding, the entire Medicaid program will be jeopardized which was not the intent of the 1994 General Assembly.

In response to Dr. Godwin's comments, Secretary Childers stated that: (1) as Secretary he was faced with the real life issue of where are the 52 million dollars in reductions for 1995 and 1996 were going to be found; (2) Medicaid transportation savings will occur: (a) by next year the Cabinet will have secured between 5 to 8 million dollars through program changes; and (b) transportation across county lines will not be permitted, unless it is emergency services or prior authorization is granted; (3) the Cabinet has been unable to secure the pharmaceutical company rebates, because they are presently in litigation; (4) savings on fraud and abuse will easily reach the 43.2 million dollars that were identified in the Cabinet's budget proposal; (5) as Secretary, he testified that 140 million dollars would be targeted in savings, included within this amount was 90 million in reimbursement rate cuts; (6) the eligibility base was reduced considerably, with the cost per eligible decreasing by 8% between 1993 and 1994, as follows: (a) by identifying fraud and abuse, the total number of people in the Medicaid population who are recipients of Aid to Families with Dependent Children, approximately 350,000 persons, was cut by 8% before the cuts even went into effect; (b) between FY-1988 and 1993, the number of people in the Medicaid program increased by 51.7%, while the amount of money paid to physicians in that same time increased by 208%; (7) he would recommend looking at the conditions for admission to Kentucky's medical schools, if only a few residents are taking advantage of the state taxpayer dollar yet choosing to leave the state to practice elsewhere; (8) family income in Kentucky from 1972 to 1992 increased by 265%, while health care costs and hospital stays increased by 1,200% within the same time period; (9) he agreed that a physician should be free to choose not to see Discount Option Program recipients; (10) it is important to look at this issue beyond the proposed 52 million in cuts, as these statistics indicate a much greater issue than simply rate cuts.

Secretary Childers asked the Subcommittee to: (1) consider making improved changes in health care in the 1996 session; and (2) not limit or restrict the Cabinet's ability to run an effective program and implement initiatives that the 1994 legislation mandated, by disapproving these administrative regulations.

Senator Preston stated that: (1) he continued to be against House Bill 250; and (2) the jurisdiction of the Subcommittee does not include an adjudication of the merits of the pending litigation, even though the decision by Judge Hood found that the Cabinet's action was arbitrary because it failed to articulate a rational connection between the facts and the relevant federal statute, 42 U.S.C. 1396 (dealing with equal

access for all Medicaid recipients to services), is important; and (3) the Subcommittee is charged with determining whether the proposed reimbursement rate and corresponding administrative regulations are in accordance with, or contrary to, the statutes.

General counsel for the KMA, Bill Doll stated that: (1) the KMA is asking the Subcommittee to look at questions of statutory intent and statutory authority; (2) statutory intent is clearly found in Sections 72 through 84 of House Bill 250, which spell out statutory mandates that were to precede any cuts in the Medicaid reimbursement levels; and (3) the KMA believes that steps have been taken by the Cabinet to cut the reimbursement rates prematurely.

Senator Preston discussed two budget documents (1994-96 Commonwealth Budget Final Budget Memorandum, Volume I, pages 290 and 292) in which projected budget reductions were identified. He stated that: (1) 1994-96 Final Budget Memorandum, page 292, contains a line item which requires the subtraction of program cost reductions for non-hospital reimbursement rate reductions totaling $71,300,000; (2) 1994-96 Final Budget Memorandum (notes), page 290, contains program cost reduction actions of $114.2 million in FY 1995 and $119.9 million in FY 1996; and (3) these documents and related statutory provisions do not appear to contraindicate the Cabinet's authority to promulgate these administrative regulations.

In response to Senator's Preston's inquiry relating to statutory intent and statutory authority, Mr. Doll and Dr. Goodin stated that: (1) the provider tax language in House Bill 250 was intended on its face to maintain reimburse rates under Medicaid at a reasonable level; (2) the intent of the provider tax, speaks for itself; the Cabinet cannot satisfy legislative intent to maintain reasonable rates, through the passage of a tax in the same bill where the reimbursement rates are undermined even before mandated initiatives have been implemented; (3) the number of physicians withdrawing from the program, to date, has been limited, and: (a) it will likely increase unless the reimbursement rate issues are resolved; and (b) directly effects the equal access question and reflects a situation which the KMA believes was not the intent of the legislation; and (4) Senate President, John "Eck" Rose said that "The cuts were inappropriate, unnecessary, and hurt the entire process of health care reform. The Legislative language which authorized the cuts was intended to authorize reductions or limit reimbursement rate increase on those services where Medicaid, Medicare and private pay insurance payment schedules were vastly different so as to reduce payments for those Medicaid services which paid considerably higher amounts than Medicare or usual, customary and reasonable. The intent was not to authorize across the board cuts, furthermore, the decision to cut reimbursement rates appears to have been made without regard to the budget surpluses that seem to have materialized since passage of the bill."

In response, Secretary Childers stated that: (1) the Cabinet has made: (a) those mandated cuts and taken those steps by, for example, identifying fraud and abuse and ineligibles in the program; and (b) every effort to keep physicians in the Medicaid program, which is shown by a comparison of figures for the first quarter of 1994 with the first quarter of 1995, that indicates that 475 more physicians are taking part in Medicaid and submitting claims; and (2)(a) 33 out of 7,000 resignations were due to the provider tax and the Discount Option Program; and (b) 27 were due to the reimbursement rate cuts.

Senator Kafoglis stated that: (1) he believes the Secretary has tried very hard to resolve a difficult problem; (2) one of the main objectives of the first provider tax implemented in 1990 was to improve the reimbursements to physicians; (3) the substantial increase in reimbursements resulted in a larger number of physician participation in the Medicaid program,and was a positive result; (3) changes in the second provider tax were voted on reluctantly and only to: (a) ensure that services were provided to pregnant women, children, and other vulnerable populations that participate in the program; and (b) approve the tax as the only viable alternative to fund the Medicaid program; (4) an important consideration in passage of the tax was that physician payments would be maintained at an improved level; (5) Dr. Goodin's points relating to RBRVS are accurate: (a) the intent of RBRVS payment program was to improve payments to primary physicians and not to lower rates overall; (b) to maintain services in rural areas and allow rural physicians to continue providing such services; (6) most physicians were surprised when the cuts were announced, because with the savings that could be accomplished, the program could be adequately funded; (7) regardless of the Cabinet's statement that reimbursement rates are directly dependent on the Cabinet's ability to pay, the fact is that the: (a) General Assembly reduced taxes in January of 1995, because the state was running a surplus; (b) state is still running a surplus; and (c) a special session is planned to spend more money; and (c) surplus monies could be used to fund this program; (8) of the 50 million dollars the Cabinet has possibly agreed to lower to 38 million, it would appear that the 12 million could be used to fund the program; (9) the poor climate in Kentucky for physicians, including the provider tax, would seem to be more reason for keeping the reimbursement rates at the levels that they have been; (10) members of the General Assembly are also concerned about the climate for Kentucky's physician community, and with the surplus, funding should be maintained.

In response to Senator Kafoglis, Secretary Childers stated that: (1) his job is to run the program within the budget amount allocated to the Cabinet by the General Assembly; (2) he cannot wait to see what may happen in the Special Session in July of 1995; and (3) what is on the table today is: (a) the budget which was given to the Cabinet; and (b) the savings he discussed in his 1994 testimony before the General Assembly (document entitled, Department for Medicaid Services, Projected Savings); (4) these savings included 52 million dollars in reimbursement rate cuts, which identified RBRVS; (5) although the RBRVS was proposed and discussed in the context of expanding the base, it was taken out of context and added to the budget memorandum which Senator Preston had discussed.

Senator Kafoglis stated that he: (1) recognizes that the Cabinet has the statutory authority to do what it is proposing because it is authorized by the budget memorandum; and (2) does not believe that the legislative intent was to implement reductions to rates because of the: (a) history of the rates; (b) arguments made related to savings; and (c) the availability of state surplus funds which arguably could be used to maintain the reimbursement levels.

Secretary Childers responded: (1) while he understood the Senator's position that funding decisions in July 1995 or during the 1996 General Assembly could address funding concerns, the Cabinet must move forward with the budget it has been given at this time; and (2) he hopes the Subcommittee will keep its options open until such time, rather than limit the Cabinet's ability to run the program.

In response to Chairman Jesse Crenshaw's inquiries, Secretary Childers stated that: (1) the Sixth Circuit placed a stay on Judge Hood's order immediately, but he had no idea when the Court of Appeals would render an opinion; (2) it would be inappropriate for him to state whether the reduction in the reimbursement rate assigned to the three hour surgery performed by Dr. Smith, that was approximately $1,500 less than had been assigned, was fair and appropriate; and (3) the Cabinet utilized professionals who put together the RBRVS system: (4) the professionals looked at the time, expertise, and risk to derive a rate that fairly compensates the physician; (5) the rates were not arbitrarily developed as the Cabinet spent a great deal of time and money to develop the RBRVS proposal which was first discussed during the 1992 General Assembly; (6) determining how much is too much depends upon who is on the receiving end; (7) physicians providing specialty services took the biggest hit and primary care physicians have been effected much less.

In response to Chairman Jesse Crenshaw's inquiries, Dr. Goodin stated that: (1) he was unaware how two other states which impose a similar provider tax go about funding Medicaid; (2) physicians are upset and complaining about the Discount Option Program (DOP),

because although physician participation is voluntary, it is unfair to the patient; (3) the choices appear to be: (a) if the physician sees the patient, the physician is forced to provide care at DOP (Medicaid) rates; (b) if the physician decides to drop out of the Medicaid program altogether, he may elect to see these type of patients and accept them under usual and customary charges, or not see the patient at all, which is the least favorable option; and (3) hospital based physicians do not have an option to participate because: (a) federal laws stipulate that hospitals may not receive federal monies without providing equal access to care; (b) the rates of pathologists, radiologists, anesthesiologists, and emergency room physicians are fixed, because they have to see the patients, regardless of the "freedom of choice" not to see Medicaid patients allowed other physicians; and (4) this would appear to violate the legislature's intent in prohibiting rate setting.

Senator Fred Bradley stated that he: (1) agreed with Senators Preston and Kafoglis, that there does not appear to be any specific facts indicating that these administrative regulations do not conform to the statute; (2) today's testimony was simply a general discourse on the persecution of physicians, with which he agrees; (3) was very concerned with the information Dr. Goodin provided that showed the small number of primary care residents in UK's medical school who plan to practice in Kentucky, even though this administrative regulation has little to do with the number of residents Kentucky is educating but who are leaving Kentucky; and (4) although these administrative regulations do not appear to be in direct conflict with the statute, Mr. Doll's argument may be made that it was not the legislature's intent to enact what we now find in black and white in 907 KAR 1:009 (& E) and 907 KAR 1:010 (& E).

Representative Lee stated that: (1) the Subcommittee's charge is to determine whether an administrative regulation falls within the provisions of KRS Chapter 13A, and meets the intent of the authorizing statute or the budget; (2) the issues raised by the KMA, including the provider tax, will be considered during the 1996 General Assembly; and (3) he voted for the provider tax; believes that it is an onerous tax; and, is joined in this belief by a physician in his own family, as well as physicians in his district.

Dr. James Schrand, Florence, Kentucky, a practicing physician since 1961, stated that: (1) he has provided care to Medicaid patients since the program's inception; (2) in March 1, 1995, he withdrew from participation in the Medicaid program because of the: (a) implementation of the Discount Option Program; and (b) reduced reimbursement rates; (2) while he continues to treat his longtime Medicaid patients without reimbursement, he cannot treat KenPAC patients because of administrative regulations of the Cabinet; (3) Medicaid patients have remained a constant number in his practice; (4) until a merger into a larger group resulted in reductions in the overhead to 65%, his practice overhead was 70%, and was due to; (a) having to compete in the Cincinnati job market in which employees have to be paid a rate comparable to a rate in the urban market; (b) the difficult problems caused by practices of which HMO, Medicaid and Medicare reimbursement are a large part; (c) the necessity of providing his employees with health insurance, disability, education, pension, and life insurance; (5) the recent Medicaid reimbursement cuts have resulted in total reimbursements in his practice at less than 50% of his overhead; (6) if he were treating Medicaid and DOP patients he would be bankrupt and could not pay his employees or suppliers; (7) primary care physicians were told that they would be more fairly reimbursed when RBRVS was instituted; and (8) his medical group's share of the provider tax amounted to 85% of its Medicaid payment, causing 15% of its net income to be applied to taking care of the Medicaid patients.

Dr. Kevin Martin, Cranley Surgical Associates, Inc, Cincinnati, Ohio stated that: (1) he is a member of an eight-surgeon group with a significant number of patients in Kentucky, performing primarily peripheral vascular surgery and general surgery; (2) his associates object to the Kentucky RBRVS fee schedule for 1995 because the cuts do not: (a) appear to be justified in light of the surplus of funds in Kentucky; and (b) cover his costs for providing service to Medicaid patients in 1994; (3) he re-computed his 1994 practice to illustrate that the 1995 Medicaid reimbursement rates do not cover the cost of doing business; for example the: (a) costs of two physicians in his practice using the CPT codes and new reimbursement rates to arrive at a total revenue of $481.382; (b) overhead apportioned to these same two physicians totaled $409,895, which would not include any physician salary or pension, direct physician practice expenses of malpractice insurance, phone, dues, or subscriptions; (c) physician pensions for two physicians would total $110,880, to give a combined overhead of $520,775 which is $39,393 more than the revenue stream would generate under the 1995 Kentucky Medicaid rates; (4) as a primarily vascular surgeon the majority of his patients (65%) are Medicare or Medicaid recipients as vascular problems are primarily a disease of older patients; (5) the RBRVS system has reduced income for vascular specialists dramatically over the past several years; (6) he has been forced to engage in general surgery over the past year because it pays better than vascular surgery; there is a higher percentage of general surgery patients who have insurance other than Medicare and Medicaid than vascular patients; (7) since the RBRVS system has been in place, Northern Kentucky orthopedic surgeons and urologic surgeons have dropped out of Medicaid; he believes that a large number of other physicians will do the same as indicated by an increase in the number of referrals that he has experienced as other surgeons in Northern Kentucky have dropped out or severely restricted the number of Medicaid patients they will see; (8) if vascular surgeons drop out of the Medicaid program then patients will not get their carotid arteries cleaned out to significantly reduce the number of strokes, patients will not get their legs revascularized to save them from amputation; each of these are leading causes of events that force the elderly and indigent into nursing homes; (9) he does not believe that it was the intent [of the General Assembly] to cut the reimbursement below the cost of providing the service; and (10) the Cabinet admits that the conversion factor within the RBRVS system is inadequate.

Chairman Crenshaw stated that, although the Subcommittee is sensitive to his concerns, and those of many physicians, relating to the reduced reimbursement rates, it is charged with making a determination whether the: (1) administrative regulations violate KRS Chapter 13A; and (2) Cabinet is within its statutory authority to promulgate these administrative regulations.

These administrative regulations were found deficient by a motion of the Subcommittee because each failed to comply with the statutory intent and authority of House Bill 250, the Health Care Reform legislation.

The Subcommittee approved a motion to find these two administrative regulations deficient because they did not conform to statutory: (1) intent; and (2) authority.

Senator Nick Kafoglis explained his vote to approve the motion by stating that: (1) he believed the Secretary had the statutory authority to do what he has proposed; (2) he did not believe that the administrative regulations comply with statutory intent; and (3) when there are surplus funds available that would help carry out legislative intent, the Subcommittee might approve the administrative regulations.

Senator Preston explained his vote to disapprove the motion, by stating that, while he can sympathize with the physicians and their position, he did not believe that the Subcommittee could say that these administrative regulations were inconsistent with the statute.

Representative Lee explained his vote against the motion by stating that: (1) the statutory charge to the Subcommittee is to make determinations within the provisions of KRS Chapter 13A; (2) he voted on the provider tax because, at the time, there was no alternative offered to the General Assembly to fund the Medicaid program; (3) the language in the budget clearly gives the Cabinet statutory authority to make fee reductions or changes they deem

necessary to meet the budget requirements; and (4) the 1996 General Assembly and the Health and Welfare Committee are the proper forums for consideration of many of the concerns raised today.

Chairman Crenshaw explained his vote to disapprove the motion by stating that: (1) although: (a) he was very sympathetic with objections to the rate reductions for physicians, which Secretary Childers could not explain, beyond saying it was not fair to cut one physician's surgical reimbursement rate from $2,000 down to $750; and (b) the Cabinet cut of two-thirds seemed to be more than the small reimbursement rate reductions he understood were intended by the legislature when the legislation, upon which these administrative regulations were based; (2) his understanding of the statute is that it grants the Cabinet the authority to promulgate these administrative regulations.

The Subcommittee determined that the following administrative regulations, as amended by the promulgating agency and the Subcommittee, complied with statutory requirements:

Justice Cabinet: Department of Corrections: Office of the Secretary

501 KAR 6:050. Luther Luckett Correctional Complex. Susan Alley, representing the Department, offered an amendment to LLCC 17-07-01 on page 3, number 6 to specify that the first copy of an inmate medical record requested by the inmate shall be free and that any further copies requested by the inmate shall be 10 cents per page, rather than charging 10 cents per page for all copies. A motion was made by Senator Kafoglis to amend the administrative regulation as specified. The motion carried.

Transportation Cabinet: Department of Highways: Division of Planning

603 KAR 9:010. Railroad crossing closure procedure. This administrative regulation was amended as follows: (1) attach a local government fiscal note, pursuant to KRS 13A.250; (2) Section 4(2) was amended to delete an incorrect citation and insert the correct administrative regulation relating to a public hearing process; and (3) Sections 1(2)(c), 1(3), 2(1)(h), 3, and 4(1) were amended to comply with KRS 13A.222 drafting language.

Department of Education: Bureau of Learning Results Services: Learning Results Services

703 KAR 4:010. The formula for determining successful schools. Kevin Noland, representing the Cabinet, offered an amendment for clarification purposes to Section 1(5) to change the phrase defined from "Declines by less than five (5) percent or more" to "Declines by five (5) percent or more", and in Section 1(6) to clarify the definition of "Declines by less than five (5) percent". Representative Lee made a motion to amend this administrative regulation as specified. The motion passed.

Kentucky Health Policy Board: Administration

909 KAR 1:070 (& E). Data reporting by health care providers. Nancy Galvagni, Kentucky Hospital Association (KHA), and Jerry Henry, Chairman, State Uniform Billing Committee

Mr. Hammond stated that: (1) the Board: (a) has been developing methods to implement the data collection provisions of House Bill 250 since August, 1994; (b) used the work begun by the Health Data Commission with the provider community; (c) had met with over 80 providers to design an administrative regulation that met both the requirements of House Bill 250 and provider needs; (d) reached an agreement with hospitals on all but 3 or 4 issues: 1. deadline for submission of data by providers; 2. error threshold; and, 3. incorporation by reference; and, (e) could not agree to defer because it would be without an administrative regulation in force for a day, since the emergency administrative regulation would expire a day before the second legislative subcommittee would consider it.

Concerning the data filing deadlines, Mr. Hammond stated that: (1) hospitals had requested an extension of the original 30 day deadline for submission of data to 60 days; (2) the Board agreed to extend the period to 45 days, but felt that: extending the period to 60 days would result in "stale" or irrelevant data, because: (a) hospitals could submit data within the 30 day period; (b) data is received only for each quarter; (c) Board review for errors or failure to submit is followed by resubmission to hospitals for correction within 30 days; and, (d) the amount of time involved, with an extension to 45 days, would be about 82 days.

With regard to the error threshold, Mr. Hammond stated that the Board would: (1) work with providers to develop computer editing procedures for the hospitals that would identify claim-form errors for the hospitals; (2) edit the data obtained from hospitals, identify errors, and return these results to the hospitals; and, (3) require hospitals to correct 98% of the data errors identified by the Board, not 98% of all errors. Mr. Hammond stated that failure to require correction of 98% of errors identified by the Board would result in invalid data to which hospitals, themselves, would object.

Mr. Hammond stated that, under its interpretation of KRS Chapter 13A requirements regarding incorporation by reference of Board material: (1) the Board had some leeway in not including the coding specifications for data, required by the Board, in a Board administrative regulation; (2) not including the coding specifications in an administrative regulation would give the Board the flexibility to change them frequently, as it will be required to do to comply with the federal changes that occur several times a year; and (3) the issue does not concern this administrative regulation, because whatever is required is set out, or incorporated by reference; in this administrative regulation. Mr. Hammond stated that, when the Board establishes coding specifications: (1) hospitals would be given 60 days to comply; and (2) if the Subcommittee required them to be contained in an administrative regulation, it would file an emergency administrative regulation to include them.

Subcommittee staff stated that: (1) KRS Chapter 13A requires the incorporation by reference of material that: (a) imposes a requirement on a regulated entity; (b) otherwise meets the definition of an administrative regulation established by KRS 13A.010(2); or, (c) falls within the items specified in KRS 13A.100; (2) use of a document or other form would violate KRS 13A.130; (3) the frequency or number of amendments of administrative regulations that contains material that changes frequently does not establish an exemption from the provisions of KRS Chapter 13A; and, (4) KRS Chapter 13A requires incorporation by reference to insure notice and review by members of the public, regulated entities, and legislative subcommittees of the material contained or relevant to an administrative regulation. Subcommittee staff explained the KRS Chapter 13A exemption of material relating only to internal agency procedures as follows: (1) instructions to agency personnel regarding agency office procedures, such as its own document coding format by its secretaries, would be exempt; (2) coding specifications required for material submitted to an agency by a regulated entity, in order for the regulated entity to comply with filing formats, avoid a penalty, or receive a benefit, would not be exempt. Mr. Hammond agreed.

Ms. Galvagni stated that hospitals are not opposed to data reporting. She stated that hospitals requested 60 days in which to submit quarterly data, because: (1) development of in-house computer procedures is not complete; (2) some hospitals only recently have become computerized; (3) they need the time to: (a) edit the material to insure the submission of accurate data to the Board, which would give the Board more accurate data, and reduce the time and effort required of the Board for its data review for errors and resubmission to hospitals; (b) collect the information from the billing systems of hospitals, which are not standard or uniform; and, (c) transform it into a uniform format for submission to the Board; and (4) while the extension to 45 days was appreciated, an additional 15 days to increase the period to 60 days would not impose a hardship on the

Board, and would achieve the Board's goal of correct and current, relevant data.

With regard to the error threshold, Ms. Galvagni stated that hospitals: (1) are not opposed to submitting accurate data, (2) are aware that publication of data would permit consumers to compare hospital quality and performance; (3) are required to submit data for regarding inpatient, selected outpatient surgeries, major procedures, and other data, which involves a million records a year, with 20 data elements for each required record, totaling 20 million data elements annually; and (4) expect errors to occur because of: (a) human error; and (b) the requirement to collect information that hospitals normally do not collect for payment purposes, and are not on billing forms; and (c) the need to train staff on the data collection process.

Ms. Galvagni stated that hospitals objected to the application of the 98% errors correction rate to the "data elements originally returned to the provider for correction", because this means that 98% of all mistakes have to be corrected, rather than 98% of all data elements submitted must be correct. She submitted a statement from Mr. Tom Tucker, University of Kentucky statistician and researcher, and director of State cancer registry, that: (1) a 95% accuracy rate meets the requirements for rigorous research; and (2) collection of the last 2% of data: (a) is not cost-justified; and (b) will rarely change findings that have been derived without it, especially data sets intended for broad policy decision like the data sets collected by the Board for publication of average charges and trends in health care, that do not require 100% accuracy.

Ms. Galvagni stated that application of the Board's error threshold rate would result in a disincentive for correctness, because the Board's rate would permit more errors if the initial data submitted contained more errors. Ms. Galvagni illustrated the results of the Board's rate by the following examples: (1) A hospital that submits 1,000 data elements, with 980 correct, has a 98% accuracy rate. It would fail, because it would be required to correct 98% of 20 errors, 19.6., which means it could not make even one error, would penalize the hospital with an overall accuracy rate of 98% for even one error; (2) A hospital that submits 1,000 data elements, of which only 10 are correct, must correct 98% of the 990 errors. It could end up with 20 errors, and not be penalized.

Ms. Galvagni stated that hospitals also objected to the penalty section of this administrative regulation, because: (1) the Board interprets KRS 216.2923(4), civil fines for failure to provide required information, to apply to a failure to correct errors, in addition to the failure initially to submit data required by the statutes and Board; (2) application to errors would result in multiple fines of $500 for each day of failure to correct each error; (3) legislative intent was to fine providers who willfully refused to submit any information; (4) non-willful failure to correct errors would result in severe penalties.

Ms. Galvagni stated that the Board has begun with inpatient and outpatient reporting and a requirement for a high rate of accuracy, and that this did not reflect the experience or procedures established by other states with data collection requirements similar to Kentucky's. She presented a survey of accuracy rate requirements established in other states that showed: (1) out of 44 states, 22 mandated data collection; (2) 14 did not impose an accuracy threshold; (3) 8 impose an accuracy threshold without penalties or fines for failure to meet; (4) only 3 states have thresholds that exceed 98%; (5) none apply error thresholds to numbers of errors that have been identified; (6) all apply error thresholds to total data submitted, rather than to errors; (7) Missouri, which has a high accuracy rate, does not enforce its error threshold; (8) Illinois, which began its program 8 years ago and which has a 100% accuracy rate, started with a 75% accuracy rate; (9) only 2 states impose accuracy rates for outpatient data, one of which began with voluntary collection before an accuracy threshold rate for outpatient data was established; and, (10) no other state began mandated data collection with what is, in effect, an initial accuracy rate of 100% accuracy rate.

Mr. Henry stated that: (1) he had been with the State Uniform Billing Committee since the inception of the uniform billing in 1982, and had served as an advisor to the National Uniform Billing Committee; (2) the coding instructions issued by the Board reject the electronic specifications of the UB-92 coding instructions, which leaves out such vital elements as the federal identification number and would result in the 4 largest hospitals being linked as one hospital; (3) such linking would have an adverse impact on the information collected on the 4 hospitals; (4) normal data processing standards are violated, such as requiring numeric fields to be prefaced with blanks, which results in a requirement to process and convert the numeric fields twice; (5) no information has been provided on handling multiple-page bills, that are increasingly being made necessary by the imposition of additional Medicare requirements, which will result in meaningless statistics revenue code statistics; (6) reconversion of the format for data collection and submission that would result from change in, or requiring a different form of, the UB-92 form, will lead to errors and increase costs to the many hospitals that do not have their own processing or data system staff and must contract for the service; and, (7) these problems could be avoided by a return to the standard electronic UB-92.

Mr. Hammond stated that: (1) Mr. Henry's concerns over the coding and transmission specifications related to preliminary specifications that: (a) were sent by the Board at the request of the Kentucky Hospital Association to give providers an idea of what the Board was looking at with regard to coding specifications; (b) are not final; and, (c) will be finalized only after a vendor is chosen or the Board determines to develop its own.

In response to a question by Chairman Crenshaw as to whether the Board intended to amend this administrative regulation when it established the coding specifications, Mr. Hammond stated that: (1) the coding specifications: (a) were not being implemented; (b) had been transmitted for comment; (c) would not be implemented until a vendor had been obtained; (d) would not be imposed upon hospitals until 60 days after they have been finalized; and (2) Subcommittee staff had informed him that they must be incorporated by reference in the administrative regulation. Subcommittee staff stated that once the coding specification were established by the Board, they would have to be incorporated by reference in this administrative regulation.

Mr. Hall stated that: (1) the categories were established in this administrative regulation; (2) the Board: (a) intended only to: 1. identify the codes under the UB-92 Manual; and 2. follow the UB-92 process; (b) did not intend to change the categories; and (c) believed code changes could be and should be accomplished administratively without an amendment to the administrative regulation, but agreed that a Board change in the categories would require an amendment to the administrative regulation; and, (3) incorporation by reference would require frequent amendments to be filed and hearings to be held, because the codes change frequently.

Mr. Hammond stated that: (1) Kentucky could take advantage of the experience of the states that have had data collection requirements, and establish high standards rather than repeat the experience of other states in 1980 when they initiated data collection; (2) for approximately two years, hospitals have been: (a) submitting this data to a private vendor; (b) collecting, editing, and sending it to their vendor in a form close to that suggested by the Board; (c) receiving it back from their vendor with the same sort of editing suggested by the Board; (3) hospitals are far more advanced in the data collection procedure than were those in states who began data collection 10 years ago; (4) flexibility by the Board on the high threshold rate would result in hospitals: (a) giving a lower priority to correct data collection and the correction of data errors, which would result in incorrect information; and (b) challenging the collected data as inaccurate; (5) accurate information requires that hospitals follow high standards in the collection and correction of data; (6) if the Board did not impose high standards, the hospitals would not impose it on themselves; and, (7) at this stage, the Board was not concerned with penalties; and, (8) the penalties: (a) had not been spelled out; (b) will be established by

the Board, and set out in an administrative regulation, after the Board determined the: 1. capabilities of the hospitals; and 2. seriousness with which the hospitals meet their responsibilities;

Senator Preston stated that, while Mr. Hammond had said that the Board would amend this administrative regulation to include penalties when it established them, Section 8 allows the Board to impose civil fines on providers who fail to provide required data by Sections 2 through 7. He asked Mr. Hammond if he agreed with Ms. Galvagni's statement that the Board could impose a penalty on a provider who fails to correct an error as requested by the Board. Mr. Hammond stated that the Board: (1) had statutory authority to impose penalties; and, (2) could not impose a penalty until: (a) it had approved a penalty; and (b) amended an administrative regulation imposing the penalty. Senator Preston stated the statutory authorization to impose a penalty for failure to file a report as required meant that the Board could impose a penalty only if a provider did not file the data collection report. Mr. Hammond stated that the statute authorizes the Board to: (1) collect data elements and require providers to submit data element reports; (2) assess penalties for failure to file a report containing correction of erroneous data elements. Mr. Hammond illustrated the need to impose penalties in order to insure provider compliance with data reporting requirements by stating that providers claim that collection of the data element, race of client, that is required by House Bill 250, is problematic because they do not like asking for the race of a client.

Senator Preston stated that Section 9 incorporates the UB-92 form, and asked Mr. Hammond about the role of the UB-92 Manual to which Mr. Hall had referred. Mr. Hammond stated that the: (1) UB-92 and HICFA 1500 forms are standard claim forms used in the industry; (2) Department of Insurance has statutory authority to establish them as the simplified, standard claim form; (3) UB-92 Manual is: (a) established industry-wide nationally, and amended for use in Kentucky, by hospitals in Kentucky for submission of claim forms to any payer; and (b) contains instructions regarding: 1. coding specifications; 2. payer information; 3. diagnosis information; 4. demographic information relating to the patient; and, 5. the manner in which it is entered in a claim form. In response to a question by Senator Preston, Mr. Hammond stated that: (1) providers might be required to use the UB-92 manual as part of the coding specifications, when the coding specifications are established by the Board; (2) the UB-92 Manual had not been incorporated by reference; and (3) since the UB-92 Manual had not been incorporated by reference, hospitals were not bound by its provisions.

Senator Bradley stated that: (1) he agreed with the issues raised by Senator Preston; (2) found the administrative regulation to be deficient with regard to those issues; (3) the Subcommittee did not have the duty to referee or negotiate a reasonable amount of time for reporting for which the Board had statutory authority to establish, unless the time established by the administrative body was so unreasonable as to be arbitrary and capricious; and (4) the providers have not claimed that the time period was that unreasonable.

Senator Kafoglis: (1) stated that the: (a) members were concerned about the imposition of fines under the administrative regulation; (b) providers need to feel the system was fair and could reasonably be followed; and (c) administrative regulation provided a disincentive to provide accurate information, because the more errors a provider made, the lower the threshold of accuracy that must be met; and (2) asked why an accuracy rate of 98% of data submitted could not be the standard, and would not be sufficient. Mr. Hammond stated that the: (1) standard imposed applied only to the errors identified by the Board; (2) errors generally were the same type of errors; (3) problem essentially concerned the failure to report: 1. a category of information repeatedly; and 2. an item such as race, which the Board needed, and was required, to identify issues of health care specific to race. Ms. Galvagni stated that: (1) an overall accuracy rate of 98% of all records sent meant that only 2% of records for that data element would be incorrect; and (2) hospitals are not claiming the right to refuse to send any information on a category or data element such as race.

Mr. Hammond stated that, under the overall accuracy rate of 98% of all data suggested by Ms. Galvagni, one data element in every file could be eliminated and a hospital still would meet the 98% accuracy rate Ms. Galvagni stated that she did not propose this, and had proposed that, within each of the twenty data fields, hospitals should be required to achieve 98% accuracy. Mr. Hall stated that the: (1) intent of the Board's administrative regulation was to: (a) make the data as accurate as possible in order to project future needs in health care; and (b) reduce the error rate on the elements returned for correction; and (2) Board had: (a) compromised by increasing deadlines for reporting to accommodate providers; and (b) complied with the hospitals' request to return information to them in a timely manner.

Chairman Crenshaw stated that, unless the UB-92 manual was incorporated by reference, those regulated by the administrative regulation would not be given notice of the standards they must meet in reporting data.

Mr. Hammond stated that when the Board established the code specifications, it would file an administrative regulation containing them. Subcommittee staff stated that, until the Manual was incorporated by reference in an administrative regulation, failure to use the Manual specifications would not subject the providers to a penalty.

Mr. Hammond agreed with Representative Lee statement that: (1) since the UB-92 Manual was not incorporated by reference in this administrative regulation, the Board could not impose a fine for failure to comply with the Manual; and (2) if the Board determined that the UB-92 Manual was to be a mandatory element of its data collection, the Board would promulgate an administrative regulation that included the UB-92 Manual as an item incorporated by reference.

Chairman Crenshaw stated that the administrative regulation must give notice of all reporting requirements. In response to a statement by Mr. Hammond that other administrative bodies did not incorporate such material by reference, Subcommittee staff stated that Subcommittee staff has been instructed to inform the Subcommittee if it learns that an administrative body does not incorporate required manuals, and that the administrative body will be instructed by the Subcommittee to appear before it and explain why it believes it is exempt from the provisions of KRS Chapter 13A.

Pursuant to suggestions by: (1) Representative Bruce that agency and KHA personnel attempt to resolve the issues raised by this administrative regulation and propose an amendment to the Subcommittee containing their agreement; (2) Senator Bradley that the amendment contain a resolution of the issues raised by the penalty provisions of the administrative regulations; (3) Senator Preston and Representative Lee that: (a) Section 8 be amended to comply with the statutory restrictions on the assessment of fines; and (b) Section 9 incorporate the UB-92 Training Manual, at the recommendation of Chairman Crenshaw, the Subcommittee recessed to permit Board and KHA personnel to agree to an amendment to this administrative regulation.

In response to a question by Chairman Crenshaw, Board and KHA representatives stated that they had reached an agreement. Pursuant to Chairman Crenshaw's instruction, Board personnel read the amendment to the Subcommittee, and in response to Chairman Crenshaw's question whether they agreed to the amendment, stated that they agreed to the amendment.

The Subcommittee approved a motion to amend this administrative regulation as proposed by the Board after agreement was reached with KHA representatives as follows: (1) Section 4(1), Section 4(1)(a) were amended to increase the time for submission of data by providers from 30 to 45 days after the last day of the quarter; (2) Section 5(3)(b) was amended to provide that the Board: (a) shall check for an error rate that is no greater than 2% in each field of the total data elements initially submitted to the Board, rather than to require 98% correction, by providers, of data elements returned by the

Board following the initial submission; and (b) may return for further correction submissions of corrected data in which the provider fails to achieve a corrected rate of 98% or greater in each field of the data elements; and (3) Section 8, relating to penalties for noncompliance was deleted in its entirety, and renumber remaining sections accordingly.

The Subcommittee determined that the following administrative regulations complied with statutory requirements:

Registry of Election Finance: Reports and Forms

32 KAR 1:120E. Schedule for public fund transfers.

32 KAR 1:130E. Adoption of public finance manual and forms.

Department of Fish and Wildlife: Game

301 KAR 2:172. Deer hunting seasons and requirements.

301 KAR 2:174. Deer hunting zones.

301 KAR 2:178. Deer hunting on wildlife management areas.

Department of Corrections: Office of the Secretary

501 KAR 6:130. Western Kentucky Correctional Complex.

Transportation Cabinet: Office of Minority Affairs

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

600 KAR 4:020. The disadvantaged, minority and women business enterprises program.

Cabinet personnel stated that these administrative regulations were amended to comply with the Federal Highway Administration determination that state administrative regulations relating to disadvantaged business enterprise program were in noncompliance.

In response to a question by Chairman Crenshaw, Cabinet personnel stated that the finding of noncompliance was based upon the Cabinet's failure to guarantee sufficient due process.

The finding of noncompliance resulted from the Cabinet's denial of a due process hearing prior to the termination of an entity's disadvantaged business enterprise status, even if it had already been certified as a disadvantaged business enterprise.

Department of Highways: Traffic

603 KAR 5:191. Repeal of 603 KAR 5:190. In response to Senator Fred Bradley's inquiry, Transportation Cabinet representative, Sandy Pullen, stated that the repeal of the truck diversion was necessary because the: (1) Federal Highway Administration allowed the diversion to continue only during the time period of the reconstruction of a portion of Interstate 75 and 71; (2) Federal authorities require the Cabinet to repeal this administrative regulation because: (a) the reconstruction project is complete; and (b) there is no federally-acceptable reason for the diversion to continue.

Division of Planning

603 KAR 9:020. Automatic gates of railroad/highway crossings. Subcommittee staff stated that the: (1) initial review questioned the failure of the agency to attach a local government fiscal note to the administrative regulation; (2) Cabinet was not required to attach a fiscal note to this administrative regulation because: (a) KRS 277.065, which requires the costs to remove hazardous crossings to be allocated between the railroad and the governmental units, relates to 603 KAR 9:010; (b) 603 KAR 9:010 was amended to add a local government fiscal note; and (c) the cost of gates are borne by the state and federal government, and all evaluations are made by state and federal governments.

Department of Education: Office of Chief State School Officer

701 KAR 5:100. Guidelines for alterative models for school-based decision making. Kevin Noland, representing the Cabinet, appeared before the Subcommittee. Representative Bruce asked Mr. Noland to elaborate on the alternative models that would be acceptable. Mr. Noland stated that the State Board would not approve any alternative model that would dilute parent representation. Senator Kafoglis asked if representation would be consistent with the basic model. Mr. Noland answered that any alternative model required a two thirds teacher and administrator affirmative vote, and because the State Board wouldn't dilute the statutorial parent representation requirement, that representation would be consistent with the basic model. Senator Kafoglis asked about minority representation. Mr. Noland said that if there were at least an eight percent minority population, minority representation would be required, as required by statute.

School Administration and Finance

702 KAR 3:120. Uniform school financial accounting system. Kevin Noland stated that this administrative regulation is being amended to provide for computer accounting. Cindy Rausch, representing herself, stated that this administrative regulation is already being implemented in twenty-three counties. She stated that she was concerned with personally identifiable information being given to other agencies, and requested an amendment of this administrative regulation by inserting language requiring "Parental notification of all personally identifiable information collected and maintained on their child that can be linked or cross referenced in any way with the data elements contained in the Uniform Accounting System, Chart of Accounts." She also requested that it require "informed written parental consent before any personally identifiable information is released, in any form that can be linked or cross referenced with the data elements contained in the Uniform Accounting System, Chart of Accounts."

Senator Kafoglis asked if this wouldn't create a bureaucratic nightmare. Ms. Rausch said she didn't think so.

Keena Koch, representing the Department, stated that this was an organizational system for financial management data. She added that no personally identifiable information went into the data collected.

Chairman Crenshaw asked Ms. Rausch if the data contained personally identifiable information. She responded that it did. Kevin Noland stated that this administrative regulation is talking about money (data).

Representative Bruce suggested that there might be room for some accommodation. Ms. Koch responded that this administrative regulation does not deal with student data. Cindy Rausch said that this is one part of a whole school management system.

Chairman Crenshaw summarized that Mr. Noland is saying this administrative regulation only deals with money and Ms. Rausch is saying that it could be linked with other information. He then asked Mr. Noland if the Department was willing to amend the administrative regulation. Mr. Noland responded that it was not.

Representative Bruce asked if the Department would defer the administrative regulation to work this out. Mr. Noland stated that this requested amendment by Ms. Rausch was not relevant.

Senator Kafoglis made a motion that the administrative regulation be approved. The motion was seconded and passed.

702 KAR 3:130. Internal accounting.

Office of Learning Programs Development: Office of Instruction

704 KAR 3:035. Annual professional development plan.

Department of Housing, Buildings and Construction: Plumbing

815 KAR 20:070. Plumbing fixtures. Judy Walden, Counsel for the Department, appeared before the Subcommittee. Representative Allen asked Ms. Walden to summarize the changes in this administrative regulation. Ms. Walden responded that the amendment requires that any newly installed water heater installed in an attic be installed with a water pan under it, and that water heaters be accessible. She stated that some construction practices in the last few years have created problems, that every water heater installed will eventually go out, and if a water heater is in an attic and begins to leak, unless it has a water pan under it, it will cause water damage. Representative Allen said that this was just one more example of governmental intrusion, and he made a motion to find the administrative regulation deficient. The motion failed.

Cabinet for Human Resources: Department for Social Insurance: Public Assistance

904 KAR 2:001. Definitions.

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

904 KAR 2:020. Child support enforcement program: confidentiality and cooperative agreements.

904 KAR 2:116. Home energy assistance program.

904 KAR 2:380. Child support enforcement program application process.

904 KAR 2:390. Child support enforcement program paternity establishment. Subcommittee staff pointed out that: (1) there was no question as to the statutory authority to promulgate this administrative regulation; (2) the initial staff review suggested: (a) there would be additional costs associated with filing paternity actions on behalf of the noncustodial parent; and (b) the cabinet may receive reimbursement for these costs from the federal government; and (3) the regulatory impact analysis should have discussed the additional costs and potential reimbursement by the federal government.

Cabinet personnel stated that: (1) there may be some additional cost to the agency for filing paternity actions on behalf of the noncustodial parent; (2) the Cabinet: (a) could not project the additional costs may be; and (b) does not feel the costs will be significant; and (3) there will be federal funds available to reimburse 66 percent of those additional costs.

Food Stamp Program

904 KAR 3:010. Definitions.

Department for Mental Health and mental Retardation Services: Mental Health

908 KAR 2:090 & E. Decriminalization of mental illness.

The following administrative regulations were deferred to the next Subcommittee meeting, unless otherwise noted, upon agreement by the Subcommittee and the promulgating agency:

Executive Branch Ethics Commission

9 KAR 1:015. Adjudicatory proceedings.

9 KAR 1:020. Complaints.

9 KAR 1:030. Adjudicatory hearings.

9 KAR 1:035. Posthearing procedure.

Department of Agriculture: Pesticides

302 KAR 31:015. Certification.

Justice Cabinet: Charitable Gaming

500 KAR 11:001E. Definitions.

500 KAR 11:030E. Charity game ticket standards.

500 KAR 11:040E. Bingo standards.

500 KAR 11:050E. Raffle standards.

500 KAR 11:060E. Tipping prohibited.

500 KAR 11:070E. Exempt activities.

500 KAR 11:080E. Special charity fundraising event.

500 KAR 11:090E. Special limited charitable games.

500 KAR 11:100E. Division employees prohibited from playing charitable games.

Christopher Johnson, Director and Sarah Jackson, Assistant Director, Division of Charitable Gaming testified for the Justice Cabinet.

In response to a question by Chairman Crenshaw, Cabinet personnel requested that the charitable gaming administrative regulations be deferred until the Subcommittee considers the corresponding ordinary administrative regulations because the: (1) Notice Of Intent public hearing held on April 28, 1995, was attended by over 200 individuals; and (2) Cabinet would like to consider the comments made at the public hearing, and make necessary amendments prior to the Subcommittee's review of these administrative regulations.

In response to Chairman Crenshaw's invitation, Senator Roeding stated that: (1) these administrative regulations should not have been filed as emergency administrative regulations, because they did not meet any of the criteria for the promulgation of an emergency administrative regulation established by KRS 13A.190; (2) pursuant to KRS 13A.190(1), emergency administrative regulations can only be promulgated to: (a) "meet an imminent threat to public health, safety or welfare"; (b) "prevent the loss of federal funds"; (c) "meet a deadline for the promulgation of an administrative regulation that is established by state law, or federal law or regulation"; or (d) "protect human health or the environment"; (3) if these emergency administrative regulations are deferred they will remain in effect; (4) the public hearing on these administrative regulations occurred after they went into effect; (5) the Cabinet should not be permitted to enforce these administrative regulations while they are working on amendments; and (6) citizens are upset that these emergency administrative regulations have been promulgated without adequate public comment and input.

Representative Bruce stated that these administrative regulations will remain in effect for 170 days from the date of their publication in the Administrative Register regardless of any action taken by the Subcommittee.

Subcommittee staff pointed out that only the Governor or the agency have the authority to withdraw an emergency administrative regulation once it has been promulgated.

Chairman Crenshaw stated that: (1) while he did not attend the Notice Of Intent public hearing, he understood there will be significant amendments to these administrative regulations as a result of the public hearing; and (2) the agency appears to be acting in good faith by requesting this deferral.

In response to Chairman Crenshaw's comments, Cabinet personnel stated that: (1) Senator Roeding's comments were well taken; (2) the Cabinet intends to respond to all comments received, including Senator Roeding's; and (3) the public hearing comments will assist the Cabinet in drafting better ordinary administrative regulations.

These administrative regulations were deferred without objection.

Cabinet for Human Resources: Department for Health Services: Emergency Medical Services and Ambulance Service Providers

902 KAR 14:060E. Nonemergency health care transportation services.

902 KAR 14:070E. License procedures and fee schedule for ambulance service providers and tiered response emergency medical services.

902 KAR 14:080E. Ground ambulance service providers.

902 KAR 14:090E. Air ambulance service providers.

Department for Employment Services: Unemployment Insurance

903 KAR 5:290E. Employer contribution rates.

Department for Social Insurance: Public Assistance

904 KAR 2:015E. Supplemental programs for the aged, blind and disabled.

904 KAR 2:017E. Job opportunities and basic skills (JOBS) child care and supportive services.

904 KAR 2:035E. Right to apply and reapply.

904 KAR 2:400. Establishment, review, and modification of child support.

Food Stamp Program

904 KAR 3:030E. Application process.

904 KAR 3:050E. Claims and additional administrative provisions.

904 KAR 3:060E. Administrative disqualification hearings and penalties.

Department for Social Services: Children's Residential Services

905 KAR 7:250E. Kentucky educational collaborative for state agency children.

Department for Medicaid Services: Medicaid Services

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

907 KAR 1:016E. Psychiatric hospital services.

907 KAR 1:605. Medicaid procedures for determining initial and continuing eligibility.

907 KAR 1:610. Medicaid right to apply and reapply.

The following administrative regulations were withdrawn by the promulgating agency:

Registry of Election Finance: Reports and Forms

32 KAR 1:140E. Cash contributions. Anita Stanley, representing the Registry of Election Finance, on behalf of the Registry withdrew this administrative regulation. She stated that any cash contributions turned over to them by any candidate would be forwarded to the Attorney General.

Department of Personnel: State Employee Benefit Fund

101 KAR 4:010E. Health and other benefits.

The Subcommittee adjourned at 1:15 p.m. until June 5, 1995 at 10 a.m. in Room 149 of the State Capitol.

OTHER COMMITTEE REPORTS

COMPILER'S NOTE: In accordance with KRS 13A.290(9), the following reports were forwarded to the Legislative Research Commission by the appropriate jurisdictional committees and are hereby printed in the Administrative Register. The administrative regulations listed in each report became effective upon adjournment of the committee meeting at which they were considered.

INTERIM JOINT COMMITTEE ON HEALTH AND WELFARE
Meeting of April 19, 1995

The following administrative regulations were available for consideration by the Interim Joint Committee on Health and Welfare during its meeting of April 19, 1995, having been referred to the Committee on April 4, 1995, pursuant to KRS 13A.290(6):

902 KAR 100:100
902 KAR 100:040
902 KAR 100:142
904 KAR 2:370
905 KAR 2:140E
909 KAR 1:200E

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(7) and 13A.030(2): None

The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320: None

The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.

The following administrative regulations were deferred pursuant to KRS 13A.300: None

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the April 19, 1995 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

INTERIM JOINT COMMITTEE ON LABOR AND INDUSTRY
Meeting of April 20, 1995

The following administrative regulations were available for consideration by the Interim Joint Committee on Labor and Industry during its meeting of Thursday, April 20, 1995, having been referred to the Committee on April 4, 1995, pursuant to KRS 13A.290(6):

803 KAR 2:301
803 KAR 2:307
803 KAR 2:308
803 KAR 2:317
803 KAR 2:320
803 KAR 2:403
803 KAR 2:404
803 KAR 2:407
803 KAR 2:412
803 KAR 2:413
803 KAR 2:415
803 KAR 2:416
803 KAR 2:417
803 KAR 2:421
803 KAR 2:424
803 KAR 2:425
803 KAR 2:500
803 KAR 2:600
803 KAR 25:075

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(7) and 13A.030(2): None

The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320: None

The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.

The following administrative regulations were deferred pursuant to KRS 13A.300: None

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

INTERIM JOINT COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES
Meeting of April 12, 1995

The Interim Joint Committee on Agriculture and Natural Resources met Wednesday, April 12, 1995, and submits the following report:

The committee determined that the following administrative regulations comply with KRS Chapter 13A:

Division for Air Quality
401 KAR 50:038(&E)
Department of Agriculture
302 KAR 79:010

Administrative regulation 302 KAR 20:075 was deferred until the next meeting.

The committee meeting adjourned April 12, 1995, at 12:30 p.m.

INTERIM JOINT COMMITTEE ON LICENSING AND OCCUPATIONS
Meeting of April 21, 1995

The following administrative regulations were available for consideration by the Interim Joint Committee on Licensing and Occupations during its meeting of April 21, 1995, having been referred to the Committee on April 4, 1995, pursuant to KRS 13A.290(6):

201 KAR 30:030

201 KAR 30:040
201 KAR 30:130
810 KAR 1:009
810 KAR 1:014
810 KAR 1:016
810 KAR 1:017
810 KAR 1:025
810 KAR 1:027

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(7) and 13A.030(2): None

The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320: None

The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.

The following administrative regulations were deferred pursuant to KRS 13A.300: None

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the April 21, 1995 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

INTERIM JOINT COMMITTEE ON TRANSPORTATION
Meeting of May 2, 1995

The following administrative regulations were available for consideration by the Interim Joint Committee on Transportation during its meeting of Tuesday, May 2, 1995, having been referred to the Committee on April 3, 1995, pursuant to KRS 13A.290(6):

600 KAR 3:010
601 KAR 9:200 & E
603 KAR 5:112
603 KAR 5:230

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(7) and 13A.030(2): None

The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320: 603 KAR 5:230

The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.

In Section 5, Knott County after "*KY 582" delete "3.7 KY 1393". Remove the brackets and strikethroughs from around "0.0 KY 160".

In Section 5, Union County in front of "KY 492" insert:
"*KY 141 0.0 US 60 4.0 KY 270 east
*KY 270 11.0 KY 141 13.3 Webster CO LN".

In Section 5, Webster County after "*KY 270" insert "0.0 Union CO LN 2.4 Caney Fork". In front of "*KY 494" delete "8.9 Slover Creek RD" and replace with "13.2 US 41A".

The following administrative regulations were approved without amendment as referred to the Committee:

600 KAR 3:010
603 KAR 5:112

The following administrative regulations were deferred pursuant to KRS 13A.300: None

The following administrative regulation was found deficient by the Administrative Regulation Review Subcommittee and the Transportation Committee took no action on the regulation: 601 KAR 9:200 & E

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the Tuesday, May 2, 1995 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

INTERIM JOINT COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES
Meeting of May 10, 1995

The following administrative regulations were available for consideration by the Interim Joint Committee on Agriculture and Natural Resources during its meeting of May 10, 1995, having been referred to the Committee on May 2, 1995, pursuant to KRS 13A.290(6):

301 KAR 2:172
301 KAR 2:174
301 KAR 2:178

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(7) and 13A.030(2): none

The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320: none

The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.

The following administrative regulations were deferred pursuant to KRS 13A.300: none

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the May 10, 1995 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates L2

The Locator Index lists all regulations published in VOLUME 21 of the Administrative Register from July, 1994 through June, 1995. 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 20 are those regulations that were originally published in the Volume 20 (last year's) issues of the Administrative Register but had not yet gone into effect when the 1994 bound Volumes were published.

KRS Index L17

The KRS Index is a cross-reference of statutes to which regulations relate. These statute numbers are derived from the RELATES TO line of each regulation submitted for publication in VOLUME 21 of the Administrative Register.

Subject Index L33

The Subject Index is a general index of regulations published in VOLUME 21 of the Administrative Register, and is mainly broken down by agency.

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	21 Ky.R Page No.	Effective Date

VOLUME 20

EMERGENCY REGULATIONS: (Note: Emergency regulations expire 170 days from publication or upon replacement or repeal, whichever occurs first)

12 KAR 1:115E	3166	5-13-94
Replaced	3322	8-24-94
12 KAR 1:120E	3166	5-13-94
Replaced	3323	8-24-94
12 KAR 1:125E	3166	5-13-94
Replaced	3324	8-24-94
12 KAR 1:130E	3167	5-13-94
Replaced	3324	8-24-94
12 KAR 1:135E	3167	5-13-94
Replaced	3325	8-24-94
12 KAR 1:140E	3168	5-13-94
Replaced	3326	8-24-94
12 KAR 1:145E	3169	5-13-94
Replaced	3327	8-24-94
12 KAR 1:150E	3169	5-13-94
Replaced	3328	8-24-94
12 KAR 1:155E	3170	5-13-94
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12 KAR 1:160E	3170	5-13-94
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12 KAR 1:165E	3171	5-13-94
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12 KAR 1:170E	3171	5-13-94
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12 KAR 1:175E	3173	5-13-94
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12 KAR 6:010E	3174	5-13-94
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12 KAR 6:015E	3174	5-13-94
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12 KAR 6:020E	3175	5-13-94
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12 KAR 6:025E	3175	5-13-94
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31 KAR 4:090E	1448	10-17-94
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32 KAR 1:120E	1864	12-20-94
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32 KAR 1:130E	1865	12-20-94
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40 KAR 2:061E	242	7-14-94
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40 KAR 2:070E	243	7-14-94
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40 KAR 2:080E	243	7-14-94
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40 KAR 2:090E	245	7-14-94
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601 KAR 15:010E	876	7-15-94
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