

ADMINISTRATIVE REGISTER OF KENTUCKY



LEGISLATIVE RESEARCH COMMISSION
FRANKFORT, KENTUCKY

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MEETING NOTICE

The Administrative Regulation Review Subcommittee is scheduled to meet on February 5, 1996. See tentative agenda beginning on page 1431 of this Administrative Register.

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

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

ADMINISTRATIVE REGISTER OF KENTUCKY

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**ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
TENTATIVE AGENDA - February, 1996, 10 a.m.
Room 149, Capitol Annex**

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

AGRICULTURAL EXPERIMENT STATION

Seed

12 KAR 1:115. Sampling, analyzing, testing, and tolerances.

AUDITOR OF PUBLIC ACCOUNTS

Audits

45 KAR 1:030. Audits of sheriff's tax settlements.

45 KAR 1:040. Audits of county fee officials.

45 KAR 1:050. Audits of fiscal courts.

PERSONNEL

Personnel Board

101 KAR 1:325. Probationary periods.

Department of Personnel

Classified

101 KAR 2:100 (& E). Leave administrative regulations. (Emergency expired 1/18/96) (Public Hearing in December) (Extended Deadline for Filing Statement of Consideration)

Unclassified

101 KAR 3:010 (& E). Leave administrative regulations. (Emergency expired 1/18/96) (Public Hearing in December) (Extended Deadline for Filing Statement of Consideration)

FINANCE AND ADMINISTRATION CABINET

Kentucky Private Activity Bond Allocation Committee

200 KAR 15:010. Formula for allocation of private activity bonds.

Personnel Pilot Programs

200 KAR 22:100E. Comprehensive Employment Manual of the Cabinet for Human Resources, Department for Social Services, Division of Family Services, Jefferson District CPS Ongoing Services and Intake Units for Use in the Pilot Personnel Program.

200 KAR 22:110E. Comprehensive Employment Manual for the Kentucky Revenue Cabinet, Department of Administrative Services, Division of Revenue Operations for Use in the Pilot Personnel Program.

GENERAL GOVERNMENT CABINET

Board of Registration for Professional Engineers and Land Surveyors

201 KAR 18:129. Repeal of 201 KAR 18:130, 201 KAR 18:160; 201 KAR 18:200. (Not Amended After Hearing)

Board of Nursing

201 KAR 20:215. Contact hours, recordkeeping and reporting requirements for renewal of licensure.

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

INDEPENDENT ADMINISTRATIVE BODIES

Kentucky Lottery Corporation

202 KAR 3:040. Internal audit procedures.

Kentucky Spinal Cord and Head Injury Research Board

202 KAR 4:010E. Spinal cord and head injury research program. (Deferred from January)

TOURISM CABINET

Department of Travel Development

Travel Development

300 KAR 1:010. Procedure for regional marketing and matching funds program. (Deferred from October)

Department of Fish and Wildlife Resources

Licensing

301 KAR 5:020E. License agent requirements and responsibilities. (Repeals 301 KAR 3:025)

301 KAR 5:030E. Purchasing licenses and obtaining replacement licenses.

ECONOMIC DEVELOPMENT CABINET

Department of Agriculture

Pesticides

302 KAR 31:025. Commercial structural pest control and fumigation.

302 KAR 31:040. Storage and handling of pesticides and fertilizers for commercial agrichemical storage facilities.

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PETROLEUM STORAGE TANK ENVIRONMENTAL ASSURANCE FUND COMMISSION

Petroleum Storage Tank Environmental Assurance Fund Commission

415 KAR 1:114 & E. Contractor certification. (Repeals 415 KAR 1:115)

JUSTICE CABINET

Department of Corrections

Jail Standards for Full Service Facilities

- 501 KAR 3:010. Definitions.
- 501 KAR 3:020. Administration; management.
- 501 KAR 3:050. Physical plant.
- 501 KAR 3:060. Security; control.
- 501 KAR 3:100. Food services.
- 501 KAR 3:140. Inmate rights.

Office of the Secretary

- 501 KAR 6:020 (& E). Corrections policies and procedures.

Restricted Custody Center

- 501 KAR 7:010. Definitions.
- 501 KAR 7:050. Physical plant.

Jail Standards for Counties Not Housing Class D Felons

- 501 KAR 13:010. Life safety issues.

TRANSPORTATION CABINET

Office of Minority Affairs

- 600 KAR 4:010. Certification of disadvantaged, minority and women business enterprises.

Professional Engineering and Related Services

- 600 KAR 6:010. Definitions.
- 600 KAR 6:020. Transportation Cabinet employee ethics and responsibilities in the implementation of KRS 45A.800 to 45A.835.
- 600 KAR 6:030. Federal requirements.
- 600 KAR 6:040. Prequalification of firms for professional engineering or related services.
- 600 KAR 6:050. Procurement bulletins and advertisement for selection of professional firms for engineering or related services.
- 600 KAR 6:060. Professional engineering service selection committee.
- 600 KAR 6:070. Contracting for professional engineering or related services.
- 600 KAR 6:080. Financial records and audits of firms. (Repeals 600 KAR 1:101)

Department of Highways

Maintenance

- 603 KAR 3:080. Advertising devices.

EDUCATION, ARTS, AND HUMANITIES CABINET

Kentucky Board of Education

Office of District Support

School Administration and Finance

- 702 KAR 3:270E. SEEK funding formula.
- 702 KAR 3:280. School district Medicaid providers. (Amended After Hearing) (Deferred from November)

School Terms, Attendance and Operation

- 702 KAR 7:065E. Designation of agent to manage high school interscholastic athletics.

Office of Learning Programs Development

Education Professional Standards Board

- 704 KAR 20:084E. Interdisciplinary early childhood education, birth to primary.
- 704 KAR 20:690. Kentucky Teacher Internship Program. (Repeals 704 KAR 20:320)

LABOR CABINET

Occupational Safety and Health

- 803 KAR 2:317E. Special industries.
- 803 KAR 2:404E. Personal protective and life saving equipment.
- 803 KAR 2:412E. Fall protection.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Mines and Minerals

Division of Gas and Oil

- 805 KAR 1:150. Content of the operations and reclamation proposal; form on which the proposal is filed. (Public Hearing in December)
(Extended Deadline for Filing Statement of Consideration)

Department of Housing, Buildings and Construction

Plumbing

- 815 KAR 20:020. Parts or materials list.
- 815 KAR 20:090. Soil, waste and vent systems.

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CABINET FOR HUMAN RESOURCES Department for Health Services

Local Health Departments

902 KAR 8:120. Leave provisions applicable to employees of local health departments. (Extended Deadline for Filing Statement of Consideration)

Kentucky Birth Surveillance Registry

902 KAR 19:010. Kentucky Birth Surveillance Registry. (Amended After Hearing)
Department for Social Insurance

Public Assistance

904 KAR 2:016E. Standards for need and amount; AFDC.
904 KAR 2:410. Child collection and distribution.

Department for Social Services

Child Welfare

905 KAR 1:360E. Private child care levels of care.

Department for Medicaid Services

Medicaid Services

907 KAR 1:009E. Physicians' services. (Deferred from December)

907 KAR 1:010E. Payments for physicians' services. (Deferred from December)

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

907 KAR 1:140E. Alternative intermediate services for individuals with mental retardation or developmental disabilities (AIS-MR-DD)

(Repeals 907 KAR 1:425). (Deferred from December)

907 KAR 1:505E. Psychiatric residential treatment facility services. (Repeals 907 KAR 1:512)

907 KAR 1:510E. Payments for psychiatric residential treatment facility services.

907 KAR 1:675E. Program integrity.

907 KAR 1:677E. Medicaid recipient lock-in.

Department for Mental Health and Mental Retardation

Substance Abuse

908 KAR 1:300. Chemical dependency program evaluation. (Public Hearing in December)

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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.

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NOTICES OF INTENT TO PROMULGATE ADMINISTRATIVE REGULATIONS

KENTUCKY RETIREMENT SYSTEMS

Date: December 28, 1995

Kentucky Retirement Systems

- (1) Regulation number and title: **105 KAR 1:140**. Contribution reporting.
- (2) Kentucky Retirement Systems intends to promulgate an administrative regulation governing the subject matter above.
- (3) A public hearing to receive oral and written comments on the proposed regulation has been scheduled for February 29, 1996, at 9 a.m., at Kentucky Retirement Systems, Perimeter Park West, 1260 Louisville Road, 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 is not received from the required number of people at least 20 days prior to February 29, 1996, the public hearing will be cancelled.
- (5)(a) Persons wishing to request a public hearing should mail their written request to the following address: General Manager, Kentucky Retirement Systems, Perimeter Park West, 1260 Louisville Road, Frankfort, Kentucky 40601-6124.
- (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 Retirement Systems 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 contribution reporting is KRS 61.645(9)(f).
 - (b) The administrative regulation that the Kentucky Retirement Systems intends to promulgate will amend 105 KAR 1:140 to comply with 26 USC 401(a)(17).
 - (c) The necessity and function of the proposed administrative regulation is as follows: In order to remain qualified as a tax exempt plan under Internal Revenue laws, the Kentucky Retirement Systems must place a limit on creditable compensation reported for retirement purposes.
 - (d) The benefits expected from the administrative regulation are: The Kentucky Retirement Systems will conform to federal law.
 - (e) The administrative regulation will be implemented as follows: Employers will be notified of the contribution limit and any contributions reported on compensation above the limit will be refunded to the employer and employee.

KENTUCKY BOARD OF DENTISTRY

Date: January 12, 1996

Kentucky Board of Dentistry

- (1) **201 KAR 8:015**, Registration of dental laboratories and technicians with the board. This proposed administrative regulation will clarify who may supervise a dental laboratory; eliminate the term "certificate of authority", and establish a penalty for late renewals.
- (2) The Kentucky Board of Dentistry 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 February 26, 1996, at 1:30 p.m., in the Kentucky Board of Dentistry Office, 10101 Linn Station Road, Suite 540, Louisville, Kentucky 40223.
- (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 February 26, 1996, the public hearing will be cancelled.
- (5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Mr. Gary Munsie, Executive Director, Kentucky Board of Dentistry, 10101 Linn Station Road, Suite 540, Louisville, Kentucky 40223, (502) 423-0573, FAX: (502) 423-1239.
- (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 Gary Munsie at the address above.
- (7) Information relating to the proposed administrative regulation:
 - (a) The statutory authority for the promulgation of an administrative regulation relating to the authority of the board to license dental laboratories is governed by KRS 313.520.
 - (b) The administrative regulation that the Kentucky Board of Dentistry intends to promulgate will amend 201 KAR 8:015.
 - (c) The necessity and function of the proposed administrative regulation is as follows: This regulation will clarify who may supervise a dental laboratory; eliminate the term "certificate of authority", and establish a penalty for late renewals which cause administrative hardship.
 - (d) The benefits expected from administrative regulation is the clarification of the law regarding the supervision of dental laboratories.

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the elimination of useless terms, and the relief of administrative hardship for late renewals.

(e) The administrative regulation will be implemented by the Executive Director and Executive Secretary of the Board of Dentistry in accordance with KRS 313.040, 313.270, 313.290.

Date: January 12, 1996

Kentucky Board of Dentistry

(1) **201 KAR 8:121**, Repeal of 201 KAR 8:120, Special licensure. This proposed administrative regulation will repeal 201 KAR 8:120.

(2) The Kentucky Board of Dentistry intends to repeal 201 KAR 8:120.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for February 26, 1996, at 1:30 p.m., in the Kentucky Board of Dentistry Office, 10101 Linn Station Road, Suite 540, Louisville, Kentucky 40223.

(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 February 26, 1996, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Mr. Gary Munsie, Executive Director, Kentucky Board of Dentistry, 10101 Linn Station Road, Suite 540, Louisville, Kentucky 40223, (502) 423-0573, FAX: (502) 423-1239.

(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 Gary Munsie at the address above.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to the authority of the board to grant specialty licenses is governed by KRS 313.035.

(b) The administrative regulation that the Kentucky Board of Dentistry intends to promulgate will repeal 201 KAR 8:120 which has been replaced by KRS 313.035.

(c) The necessity and function of the proposed administrative regulation is as follows: This regulation will repeal 201 KAR 8:120 which has been replaced with KRS 313.035 allowing for student and teacher limited licenses.

(d) The benefit expected from this administrative regulation is the elimination of duplicative statutes and regulations.

(e) The administrative regulation will be implemented by the Executive Director and Executive Secretary of the Board of Dentistry in accordance with KRS 313.040, 313.270, 313.290.

Date: January 12, 1996

Kentucky Board of Dentistry

(1) **201 KAR 8:150**, Dentists examination; application. This proposed administrative regulation will amend the existing regulation by deleting outdated information and permitting changes in the application required for candidates for licensure to practice dentistry.

(2) The Kentucky Board of Dentistry 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 February 26, 1996, at 1:30 p.m., in the Kentucky Board of Dentistry Office, 10101 Linn Station Road, Suite 540, Louisville, Kentucky 40223.

(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 February 26, 1996, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Mr. Gary Munsie, Executive Director, Kentucky Board of Dentistry, 10101 Linn Station Road, Suite 540, Louisville, Kentucky 40223, (502) 423-0573, FAX: (502) 423-1239.

(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 Gary Munsie at the address above.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to the authority of the board to select subjects and standards of proficiency is KRS 313.220. Applications are governed by KRS 313.040.

(b) The administrative regulation that the Kentucky Board of Dentistry intends to promulgate will amend 201 KAR 8:150. It will allow the board staff flexibility to change the current application form and will reflect the board's acceptance of regional clinical examinations, rather than the board administering its own test.

(c) The necessity and function of the proposed administrative regulation is as follows: This regulation will make the application process conform with current testing procedures.

(d) The benefits expected from administrative regulation is the application will reflect current needs and avoid challenges under the Americans with Disabilities Act.

(e) The administrative regulation will be implemented by the Executive Director and Executive Secretary of the Board of Dentistry in

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accordance with KRS 313.040, 313.270, 313.290, and 201 KAR 8:260.

Date: January 12, 1996

Kentucky Board of Dentistry

- (1) **201 KAR 8:260**, Dental hygiene; application. This proposed administrative regulation will amend the current outdated regulation.
- (2) The Kentucky Board of Dentistry 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 February 26, 1996, at 1:30 p.m., in the Kentucky Board of Dentistry Office, 10101 Linn Station Road, Suite 540, Louisville, Kentucky 40223.
- (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 February 26, 1996, the public hearing will be cancelled.
- (5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Mr. Gary Munsie, Executive Director, Kentucky Board of Dentistry, 10101 Linn Station Road, Suite 540, Louisville, Kentucky 40223, (502) 423-0573, FAX: (502) 423-1239.
- (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 Gary Munsie at the address above.
- (7) Information relating to the proposed administrative regulation:
 - (a) The statutory authority for the promulgation of an administrative regulation relating to the authority of the board to license dental hygienists is governed by KRS 313.260.
 - (b) The administrative regulation that the Kentucky Board of Dentistry intends to promulgate will amend 201 KAR 8:260.
 - (c) The necessity and function of the proposed administrative regulation is as follows: This regulation will update the current application to include necessary information, clarify misunderstood questions, and eliminate the assignment of numbers by the board as the board no longer administers the dental hygiene test.
 - (d) The benefits expected from administrative regulation is the clarification of the regulation and addition of needed information on the dental hygiene application.
 - (e) The administrative regulation will be implemented by the Executive Director and Executive Secretary of the Board of Dentistry in accordance with KRS 313.040, 313.270, 313.290.

Date: January 12, 1996

Kentucky Board of Dentistry

- (1) **201 KAR 8:330**, Hygienists' temporary retirement; reinstatement. This proposed administrative regulation will amend the existing regulation by deleting out a March 1 renewal deadline and substituting a December 31 renewal deadline.
- (2) The Kentucky Board of Dentistry 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 February 26, 1996, at 1:30 p.m., in the Kentucky Board of Dentistry Office, 10101 Linn Station Road, Suite 540, Louisville, Kentucky 40223.
- (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 February 26, 1996, the public hearing will be cancelled.
- (5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Mr. Gary Munsie, Executive Director, Kentucky Board of Dentistry, 10101 Linn Station Road, Suite 540, Louisville, Kentucky 40223, (502) 423-0573, FAX: (502) 423-1239.
- (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 Gary Munsie at the address above.
- (7) Information relating to the proposed administrative regulation:
 - (a) The statutory authority for the promulgation of an administrative regulation relating to the authority of the board to administer the licensing of dental hygienists is governed by KRS 313.260 and 313.290.
 - (b) The administrative regulation that the Kentucky Board of Dentistry intends to promulgate will amend 201 KAR 8:330. It will allow the board staff flexibility to change the current application form for reinstated hygienists and will reflect the same renewal deadline of those not reinstated.
 - (c) The necessity and function of the proposed administrative regulation is as follows: This regulation will make the renewal process for reinstated hygienists conform with all other hygienist renewal procedures.
 - (d) The benefit expected from administrative regulation is the renewal deadline will be uniform for all dental hygienists.
 - (e) The administrative regulation will be implemented by the Executive Director and Executive Secretary of the Board of Dentistry in accordance with KRS 313.040, 313.270, 313.290, and 201 KAR 8:260.

ADMINISTRATIVE REGISTER - 1438

KENTUCKY REAL ESTATE COMMISSION

Date: December 22, 1995

Kentucky Real Estate Commission

201 KAR 11:400. Agency disclosure requirements.

(1) The Kentucky Real Estate Commission intends to promulgate an amendment to an administrative regulation, whose specific subject matter is: to exempt persons licensed by this commission whose only service to a consumer is the sale of real estate by auction from the mandatory agency disclosure requirements contained in this administrative regulation.

(2)(a) The Kentucky Real Estate Commission will hold a public hearing, if a public hearing is requested at least twenty (20) days prior to the date of the public hearing (as stated below), in writing, by at least (5) persons, or by an administrative body, or by an association having at least five (5) members, provided that a minimum of five (5) persons agree to be present at the public hearing, at which the Kentucky Real Estate Commission will accept oral and written comments from any interested person;

(b) Written requests for a public hearing and written comments shall be sent to: Ms. Bernadette Gradney, Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223.

(c) The public hearing shall be on February 28, 1996, at 10 a.m. at the hearing room, Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223;

(d) As concerns the proposed amendment to the administrative regulation:

1. The statutory authority is KRS 324.160(1)(e), (j), and 324.282;

2. The amendment to this regulation will amend various sections of this administrative regulation to comply with the provisions of KRS Chapter 13A governing the drafting and format of administrative regulations, and to clearly establish that the provisions of this administrative regulation do not apply to transactions between licensees and consumers that are restricted to the sales of real estate at auction;

3. The need for and function of this amendment is that sales of real estate at auction were not intended to be included in this administrative regulation;

4. The benefits expected from this amendment are that sales of real estate at auction will not occasion the necessity of disclosure or of completion of forms that are required by this administrative regulation;

5. The amendment will be implemented by mailing to all licensed auctioneers a letter informing them of the effect of this amendment.

TOURISM DEVELOPMENT CABINET Department of Fish and Wildlife Resources

Date: January 12, 1996

Tourism Development Cabinet

Department of Fish and Wildlife Resources

(1) Regulation Numbers and Titles: **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; **301 KAR 2:211**, Deer control tags.

(2) The Department of Fish and Wildlife Resources intends to amend the administrative regulations cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulations has been scheduled for February 29, 1996, at 9 a.m. in the Commission Room, Arnold L. Mitchell Building, at the Game Farm, five miles west of Frankfort on U.S. 60.

(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 February 29, 1996, the public hearing will be canceled.

(5) (a) Persons wishing to request a public hearing should mail their written request to The Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky 40601.

(b) In 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 may obtain a request from the Department at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of these administrative regulations is KRS 150.025, 150.170, 150.175, 150.340 and 150.370.

(b) The administrative regulation that the department intends to promulgate will:

1. Amend 301 KAR 2:172 as follows: Require hunters to validate deer tags before moving the deer carcass and allow hunters to remove deer from the field before tagging; and allow archery hunters to take a third deer provided they check in their first two deer.

2. Amend 301 KAR 2:174 as follows: Assign each of Kentucky's counties to one of seven zones for deer harvest purposes. Exact zone assignments will be determined based on analyses of harvest data and other deer population indicators.

3. Amend 301 KAR 2:178 as follows: Implement a quota hunt and Cyprus/AMAX-Robinson Forest Wildlife Management Area and adjust season dates and other harvest restrictions on wildlife management areas based on analyses of harvest data and other deer population indicators.

4. Amend 301 KAR 2:211 as follows: To clarify who is eligible for deer control tags; to make farms with deer damage solely to deer food plots ineligible for damage control tags, and to define habitat damage.

(c) The necessity and function of the proposed administrative regulations are to allow a regulated harvest of the Commonwealth's deer herd.

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(d) The benefits expected from these administrative regulations are sport and recreation for Kentucky's deer hunters and management of the Commonwealth's deer population.

(e) The Administrative regulations will be implemented as follows: Their provisions will be publicized through brochures and media outlets; they will be enforced by the department's Division of Law Enforcement.

Date: January 12, 1996

Tourism Development Cabinet

Department of Fish and Wildlife Resources

- (1) Regulation Number and Title: **301 KAR 6:001**, Definitions for 301 KAR Chapter 6; **301 KAR 6:020**, Boating safety equipment.
- (2) The Department of Fish and Wildlife Resources intends to amend the administrative regulations cited above.
- (3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for February 29, 1996 at 9 a.m. in the Commission Room, Arnold L. Mitchell Building, at the Game Farm, five miles west of Frankfort on U.S. 60.
- (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 February 29, 1996, the public hearing will be canceled.
- (5) (a) Persons wishing to request a public hearing should mail their written request to The Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky 40601.
- (b) In 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 may obtain a request from the Department 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 235.200, 235.205, 235.280.
 - (b) The administrative regulations that the department intends to promulgate will:
 1. Amend 301 KAR 6:001 as follows: Add the definition of a "Type V" personal flotation device.
 2. Amend 301 KAR 6:020 as follows: Require persons operating Class A vessels (those less than 16 feet in length) carry one (1) U. S. Coast Guard approved wearable personal safety device (type I, type II or type III) for each person aboard the vessel, specify certain exemptions from this requirement, and allow the use of approved Type V personal flotation devices.
 - (c) The necessity and function of the proposed administrative regulation is to meet new federal boating safety standards.
 - (d) The benefits expected from the administrative regulation are increased safety for operators of Class A vessels.
 - (e) This administrative regulation will be implemented by publication in brochures and through the media, and enforcement by officers of the Division of Water Patrol and Division of Law Enforcement within the Department of Fish and Wildlife Resources.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET

Department for Environmental Protection

Division of Waste Management

Date: January 11, 1996

Natural Resources and Environmental Protection Cabinet

Department for Environmental Protection

Division of Waste Management

- (1) The numbers and titles of the administrative regulations to be amended are:
 - 401 KAR 30:010, Definitions
 - 401 KAR 30:020, General Provisions
 - 401 KAR 30:031, Environmental Performance Standards
 - 401 KAR 30:040, Transfer of Regulatory Responsibility
 - 401 KAR 30:070, Reference Documents
 - 401 KAR 30:080, Standards for Variances
 - 401 KAR 31:010, General Provisions for Hazardous Wastes
 - 401 KAR 31:020, Criteria for Identifying the Characteristics of Hazardous Waste and Criteria for Listing
 - 401 KAR 31:030, Characteristics of Hazardous Waste
 - 401 KAR 31:040, Lists of Hazardous Wastes
 - 401 KAR 31:050, General Provisions for Special Waste
 - 401 KAR 31:060, Rulemaking Petitions for Hazardous Waste
 - 401 KAR 31:070, Delisted Hazardous Waste Streams
 - 401 KAR 31:100, Appendix on Representative Sampling Methods
 - 401 KAR 31:110, Appendix on Toxicity Characteristic Leaching Procedure
 - 401 KAR 31:120, Appendix on Chemical Analysis Test Methods
 - 401 KAR 31:160, Appendix on Basis for Listing Hazardous Waste
 - 401 KAR 31:170, Appendix on Hazardous Waste Constituents
 - 401 KAR 31:190, Appendix on Method of Analysis for Chlorinated Dibenzo-p-dioxins and Dibenzofurans
 - 401 KAR 32:010, General Provisions for Generators

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401 KAR 32:020, Manifest System
401 KAR 32:030, Pretransport Requirements
401 KAR 32:040, Recordkeeping and Reporting
401 KAR 32:050, Special Conditions
401 KAR 32:100, Appendix on Hazardous Waste Manifest and Instructions
401 KAR 33:010, General Provisions for Transporters
401 KAR 33:020, Compliance with the Manifest System and Recordkeeping
401 KAR 33:030, Hazardous Waste Discharges During Transportation
401 KAR 34:010, General Provisions for Facilities
401 KAR 34:020, General Facility Standards
401 KAR 34:030, Preparedness and Prevention
401 KAR 34:040, Contingency Plan and Emergency Procedures
401 KAR 34:050, Manifest System, Recordkeeping and Reporting
401 KAR 34:060, Groundwater Protection
401 KAR 34:070, Closure and Postclosure
401 KAR 34:080, General Financial Requirements
401 KAR 34:090, Closure Financial Requirements
401 KAR 34:100, Postclosure Financial Requirements
401 KAR 34:110, Use of a Mechanism for Closure and Postclosure
401 KAR 34:120, Liability Requirements
401 KAR 34:130, Incapacity of Owners or Operators, Guarantors, or Financial Institutions
401 KAR 34:180, Use and Management of Containers
401 KAR 34:190, Tanks
401 KAR 34:200, Surface Impoundments
401 KAR 34:210, Waste Piles
401 KAR 34:220, Land Treatment
401 KAR 34:230, Landfills
401 KAR 34:240, Incinerators
401 KAR 34:250, Miscellaneous Units
401 KAR 34:275, Air Emission Standards for Process Vents
401 KAR 34:280, Air Emission Standards for Equipment Leaks
401 KAR 34:285, Drip Pads
401 KAR 34:290, Appendix on Recordkeeping Instructions
401 KAR 34:320, Appendix on Statistical Testing
401 KAR 34:330, Appendix on Examples of Potentially Incompatible Waste
401 KAR 34:340, Appendix on Political Jurisdictions and Demonstrations of Compliance with the Seismic Standards
401 KAR 34:350, Treatment of Nerve and Blister Agents
401 KAR 34:360, Appendix on the List of Hazardous Constituents for Groundwater Monitoring
401 KAR 35:010, General Provisions for Facilities (IS)
401 KAR 35:020, General Facilities Standards (IS)
401 KAR 35:030, Preparedness and Prevention (IS)
401 KAR 35:040, Contingency Plan and Emergency Procedures (IS)
401 KAR 35:050, Manifest System, Recordkeeping and Reporting (IS)
401 KAR 35:060, Groundwater Monitoring (IS)
401 KAR 35:070, Closure and Postclosure (IS)
401 KAR 35:080, General Financial Requirements (IS)
401 KAR 35:090, Closure Financial Requirements (IS)
401 KAR 35:100, Postclosure Financial Requirements (IS)
401 KAR 35:110, Use of a Mechanism for Closure and Postclosure (IS)
401 KAR 35:120, Liability Requirements (IS)
401 KAR 35:130, Incapacity of Owners or Operators, Guarantors, or Financial Institutions (IS)
401 KAR 35:180, Use and Management of Containers (IS)
401 KAR 35:190, Tanks (IS)
401 KAR 35:200, Surface Impoundments (IS)
401 KAR 35:210, Waste Piles (IS)
401 KAR 35:220, Land Treatment (IS)
401 KAR 35:230, Landfills (IS)
401 KAR 35:240, Incinerators (IS)
401 KAR 35:250, Thermal Treatment (IS)
401 KAR 35:260, Chemical, Physical and Biological Treatment (IS)
401 KAR 35:270, Underground Injection (IS)
401 KAR 35:275, Air Emission Standards for Process Vents (IS)
401 KAR 35:280, Air Emission Standards for Equipment Leaks (IS)
401 KAR 35:285, Drip Pads (IS)
401 KAR 35:290, Appendix on Recordkeeping Instructions (IS)
401 KAR 35:310, Appendix on Interim Primary Drinking Water Standards (IS)

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- 401 KAR 35:320, Appendix on Test for Significance (IS)
- 401 KAR 35:330, Appendix on Examples of Potentially Incompatible Waste (IS)
- 401 KAR 36:020, Hazardous Waste Burned in Boilers and Industrial Furnaces
- 401 KAR 36:025, Tables and Procedures Associated with the Standards for the Management of Specific Hazardous Wastes and

Specific Types of Hazardous Waste Management Facilities

- 401 KAR 36:030, Recyclable Materials Used in a Manner Constituting Disposal
- 401 KAR 36:050, Used Oil Burned for Energy Recovery
- 401 KAR 36:060, Recyclable Materials Used for Precious Metal Recovery
- 401 KAR 36:070, Spent Lead-Acid Batteries Being Reclaimed
- 401 KAR 37:010, General Provisions for Land Disposal Restrictions
- 401 KAR 37:030, Prohibitions on Land Disposal
- 401 KAR 37:040, Treatment Standards
- 401 KAR 37:050, Prohibitions on Storage
- 401 KAR 37:100, Appendix on Treatment Standards
- 401 KAR 37:110, Appendix on the California List of Halogenated Organic Compounds Regulated Under the Landban
- 401 KAR 38:010, General Provisions for Permitting
- 401 KAR 38:020, Interim Status Provisions
- 401 KAR 38:025, Permit Review and Determination Timetables
- 401 KAR 38:030, Conditions Applicable to all Permits
- 401 KAR 38:040, Changes to Permits; Expiration of Permits
- 401 KAR 38:050, Public Information Procedures
- 401 KAR 38:060, Special Types of Permits
- 401 KAR 38:070, Applications Procedures
- 401 KAR 38:080, Contents of Part A Application
- 401 KAR 38:090, General Contents of Part B Application
- 401 KAR 38:100, Specific Part B Requirements for Groundwater Protection
- 401 KAR 38:150, Specific Part B Requirements for Containers
- 401 KAR 38:160, Specific Part B Information Requirements for Tanks
- 401 KAR 38:170, Specific Part B Requirements for Surface Impoundments
- 401 KAR 38:180, Specific Part B Requirements for Waste Piles
- 401 KAR 38:190, Specific Part B Requirements for Incinerators
- 401 KAR 38:200, Specific Part B Requirements for Land Treatment Facilities
- 401 KAR 38:210, Specific Part B Requirements for Landfills
- 401 KAR 38:230, Specific Part B Requirements for Miscellaneous Units
- 401 KAR 38:240, Specific Part B Requirements for Process Vents
- 401 KAR 38:250, Specific Part B Requirements for Equipment
- 401 KAR 38:260, Specific Part B Information for Boilers and Industrial Furnaces Burning Hazardous Waste
- 401 KAR 38:270, Specific Part B Information Requirements for Drip Pads
- 401 KAR 38:500, Provisions for Approval by the Local Government or the Kentucky Regional Integrated Treatment and Disposal

Facility Siting Board

- 401 KAR 39:060, Short-term Fees
- 401 KAR 39:080, Recycling Fees
- 401 KAR 39:090, Postclosure Fees
- 401 KAR 39:100, Exposure Information Report Fee
- 401 KAR 39:110, Marketer and Burner Registration Fees
- 401 KAR 39:120, Part A Application Fee
- 401 KAR 40:010, General Enforcement Provisions
- 401 KAR 40:020, Inspections
- 401 KAR 40:030, Hearings
- 401 KAR 40:040, Remedies
- 401 KAR 40:050, Penalties
- 401 KAR 40:060, County Enforcement Representative

The numbers and titles of new administrative regulations to be promulgated are:

- 401 KAR 30:005, Definitions
- 401 KAR 31:005, Definitions
- 401 KAR 32:005, Definitions
- 401 KAR 33:005, Definitions
- 401 KAR 34:005, Definitions
- 401 KAR 34:245, Containment Buildings
- 401 KAR 34:281, Air Emission Standards for Tanks, Surface Impoundments, and Containers
- 401 KAR 34:287, Corrective Action for Waste Management Units
- 401 KAR 35:005, Definitions
- 401 KAR 35:245, Containment Buildings
- 401 KAR 35:281, Air Emission Standards for Tanks, Surface Impoundments, and Containers
- 401 KAR 36:005, Definitions
- 401 KAR 37:005, Definitions

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401 KAR 38:005, Definitions
401 KAR 39:005, Definitions
401 KAR 40:001, Definitions
401 KAR 43:005, Definitions
401 KAR 43:010, General Standards
401 KAR 43:020, Standards for Small Quantity Handlers of Universal Waste
401 KAR 43:030, Standards for Large Quantity Handlers of Universal Waste
401 KAR 43:040, Standards for Universal Waste Transporters
401 KAR 43:050, Standards for Destination Facilities
401 KAR 43:060, Import Requirements
401 KAR 43:070, Petitions to Include Other Wastes under 401 KAR Chapter 43
401 KAR 44:005, Definitions
401 KAR 44:010, Applicability
401 KAR 44:020, Standards for Used Oil Generators
401 KAR 44:030, Standards for Used Oil Collection Centers and Aggregation Points
401 KAR 44:040, Standards for Used Oil Transporter and Transfer Facilities
401 KAR 44:050, Standards for Used Oil Processors and Refiners
401 KAR 44:060, Standards for Used Oil Burners Who Use Off-Specification Used Oil for Energy Recovery
401 KAR 44:070, Standards for Used Oil Marketers
401 KAR 44:080, Standards for Use as a Dust Suppressant and Disposal of Used Oil
401 KAR 47:005, Definitions
401 KAR 49:005, Definitions

(2) The Natural Resources and Environmental Protection Cabinet intends to promulgate 171 administrative regulations governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulations has been scheduled for February 29, 1996, at 7 p.m. EST, at the Capital Plaza Tower Auditorium, Mero Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if 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 February 29, 1996, the public hearing will be canceled.

(5) Persons wishing to request a public hearing should mail their written request to the following address: Division of Waste Management, Attention James Hale, 14 Reilly Road, Frankfort, KY 40601, and phone number (502) 564-2225 ext. 221.

(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 Division of Waste Management at the address listed above.

(7) Information relating to the proposed administrative regulations.

(a) The statutory authority for the promulgation of these administrative regulations governing hazardous waste is KRS 224.10-100, 18-715, 46-505, 46-510, 46-520, 46-530, 46-560, and 50-130 and 13A.222.

(b) The administrative regulations that the Natural Resources and Environmental Protection Cabinet intends to promulgate will amend 136 existing administrative regulations and establish 35 new administrative regulations.

(c) The necessity and function of the proposed administrative regulation is as follows:

1. Comply with KRS Chapter 13A requirements concerning the location of definition regulations;
2. Update the Kentucky Hazardous Waste Administrative Regulations to include federal regulatory amendments;
3. Update forms incorporated by reference in the Kentucky Hazardous Waste Regulations;
4. Clarify statutory requirements related to hazardous waste and its management;
5. Reference the Division of Water MCL list to provide consistency between Departmental Programs;
6. Clarify that groundwater sampling methods must be capable of detecting MCL values;
7. Allow use of two inch monitoring wells;
8. Allow treatment on-site by generators during the accumulation period;
9. Allow for the release of a Letter of Credit when alternate insurance is provided; and
10. Provide standards necessary to allow reclamation of spent mercury containing lamps.

(d) The benefits expected from these administrative regulations are: maintaining consistency with the Federal Hazardous Waste Program, thus ensuring state authorization; providing clarification to the regulated community; and assuring compliance with statutory requirements.

(e) The administrative regulations will be implemented by the Division of Waste Management, Department for Environmental Protection. All administrative regulations and updated forms will be made available to the public.

ADMINISTRATIVE REGISTER - 1443

JUSTICE CABINET Department of Corrections

Date: January 11, 1996
Justice Cabinet
Department of Corrections

(1) Regulation Number and Title: **501 KAR 6:020**, Department of Corrections: emergency preparedness; use of force, transportation of inmates; special management inmates; inmate grievance procedure; meritorious good time; unauthorized substance abuse testing; assessment center operations; inmate conflicts; parole progress reports; referral procedure for inmates adjudicated guilty but mentally ill; protective custody; inmate furloughs; and community center program.

(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 February 29, 1996 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 February 29, 1996, 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. Emergency preparedness (8.4) shall be amended to comply with drafting rules set forth in KRS 13A and to reflect current conditions regarding emergency situations.

2. Use of force (9.1) shall be amended to:

- (a) Reflect the correct references;
- (b) Clarify the inclusion of the use of mechanical restraints;
- (c) Clarify the progressive levels of force; and
- (d) Comply with drafting rules in KRS 13A.

3. Transportation of inmates (9.9) shall be amended to streamline the procedures for transporting inmates.

4. Special management inmates (10.2) shall be amended to reflect the procedure for placing inmates in temporary holding cells.

5. Inmate grievance procedure (14.6) shall be amended to reflect that the Court may now hold in abeyance any litigation involving an issue an inmate could have pursued through the grievance system and did not. The revision shall affect the established time limits within which an inmate has to file a grievance.

6. Meritorious good time (15.3) shall be amended to clarify the procedure for recommendations for awards of meritorious good time.

7. Unauthorized substance abuse testing (15.8) shall be added to describe the method for collecting urine samples for testing to detect the unauthorized use of drugs.

8. Assessment center operations (17.2) shall be amended to reflect the current practice of reporting operational matters to the warden.

9. Inmate conflicts (18.3) shall be added to reflect the procedure for investigating and documenting conflicts between inmates.

10. Parole progress reports (18.10) shall be amended to clarify the procedure for sending information to the Parole Board.

11. 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.

12. Protective custody (18.15) shall be amended to reflect current procedures for classification of inmates to protective custody.

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

14. Community center program (25.6) shall be amended to revise the stipulations for furloughs.

(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: January 11, 1996
Justice Cabinet
Department of Corrections

(1) Regulation Number and Title: **501 KAR 6:060**, Northpoint Training Center: establishment of the warden as chief executive officer; accounting for appropriations and expenditures of funds; firearms and chemical agents training; the fire and safety officer; fire procedures; fire prevention; special management unit; protective custody; food services: general guidelines; menu, nutrition, and special diets; inspection and

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sanitation; protective custody unit.

(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 February 29 1996, 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 February 29, 1996, 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 6:060, as follows:

1. Establishment of the warden as chief executive officer (01-15-01) shall be amended to ensure continued compliance with American Correctional Association (ACA) Standards.

2. Accounting for appropriations and expenditures of funds (02-03-01) shall be amended to change the ACA Standards from the second to the third edition. There are many minor word changes.

3. Firearms and chemical agents training (04-04-01) shall be amended to comply with ACA Standards.

4. The fire and safety officer (08-05-01) shall be amended to comply with ACA Standards.

5. Fire procedures (08-05-02) shall be amended to designate locations for equipment to ensure adherence of fire protection procedures.

6. Fire prevention (08-05-03) shall be amended to correct minor word changes. Also to ensure compliance with ACA.

7. Special management unit (10-01-01) shall be amended to correct minor word changes and to add Attachment 13.

8. Protective custody unit (10-02-01) shall be deleted as Northpoint Training Center no longer maintains a separate protective custody unit.

9. Protective custody (10-03-01) shall be amended to ensure continued compliance with ACA.

10. Food services: general guidelines (11-03-01) shall be amended to ensure continued compliance with ACA.

11. Menu, nutrition, and special diets (11-04-02) shall be amended to correct minor word changes.

12. Inspection and Sanitation (11-06-01) shall be amended to ensure compliance with the ACA Standard concerning refrigerator and water temperatures.

(c) The necessity and function of the proposed administrative regulation is: To update operating procedures at the Northpoint Training Center 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.

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

Date: November 10, 1995

Cabinet for Human Resources

Department for Social Insurance

Division of Management and Development

(1) Regulation Number and Title: **904 KAR 2:116**, Home energy assistance program.

(2) The Cabinet for Human Resources, Department for Social Insurance, Division of Management and Development, 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 February 28, 1996, 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 February 28, 1996, 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-

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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 Cabinet for Human Resources at the address listed above.

(c) Note: Request 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 the home energy assistance program is KRS 194.060 and 42 USC 8621 et. seq.

(b) The administrative regulation that the cabinet intends to promulgate will amend 904 KAR 2:116, as follows:

1. Section 2(1). Added information that applicants must provide for determination of eligibility and benefit amount.
2. Section 3(1). Added gross monthly income amounts relative to household size which are at 110% of poverty and added criteria that the household is responsible for heating costs or heating costs as an undesignated portion of rent.
3. Section 3(3). Change crisis eligibility criteria for more stringent guidelines.
4. Section 4. Effective January 8, 1996, require all eligible households at or above 28% of the poverty level, including those residing in subsidized housing, to make a co-payment as a percentage of the amount needed to relieve the crisis. Because they receive a utility allowance, subsidized households will be required to pay a higher copayment.

5. Section 7. Added a new section describing how vendors are selected for HEAP.

(c) The necessity and function of the proposed administrative regulation is to amend the administrative regulation to incorporate the changes made to the Low Income Home Energy Assistance Program Block Grant during the block grant public hearing.

(d) The benefits expected from this administrative regulation are that eligible low income households receive benefits to help with their energy burdens.

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 11:400E

The information required by the provisions of this administrative regulation is not required or necessary for, and was not intended by the commission to apply to, transactions between licensees and consumers that are restricted to the sales of real estate at auction. This emergency administrative regulation is required to clearly state to licensees the activities governed by the provisions of this administrative regulation, and must be implemented immediately to prevent the adverse effect on business transactions that will result without the clarification provided by this administrative regulation. An ordinary amendment of this administrative regulation is not sufficient because by the time the amendment would take effect, numerous auction sales of real estate would have occurred. This emergency administrative regulation will be replaced by an ordinary administrative regulation. Since this emergency amendment will be replaced by an ordinary amendment, this provision (KRS 13A.190(6)(d)) does not apply. The explanation required in KRS 13A.190(5) does not apply because no emergency administrative regulation governing the same subject matter has been previously filed.

PAUL E. PATTON, Governor
SUE TEEGARDEN, Chairman

REAL ESTATE COMMISSION

201 KAR 11:400E. Agency disclosure requirements.

RELATES TO: KRS 342.160(1)(e) [~~Chapter 324~~]

STATUTORY AUTHORITY: KRS 324.160(1)(e), (j), 324.282[~~324.285(5)~~]

EFFECTIVE: December 22, 1995

NECESSITY AND FUNCTION: [~~Confusion exists among brokers and sales associates, and consumers, about the various agency relationships which exist in real estate brokerage transactions.~~] This administrative regulation establishes the types of relationships between brokers, sales associates, and consumers; [~~and~~] required forms; and informs brokers, sales associates, and consumers [~~the consumer~~] of their rights and duties [~~of brokers, sales associates, and consumers~~].

Section 1. Definitions. (1) "Delivery" means delivery of an item to a prospective party or his broker or sales associate [~~agent~~] by:

- (a) Mail;
- (b) FAX transmission;
- (c) Messenger; or
- (d) Hand.

(2) "First contact" means the period:

(a) Before a contract containing a duty of representation and compensation is entered into by a:

1. Prospective party who does not have a broker or sales associate [~~an agent~~]; and

2. A broker or sales associate [~~Licensee~~] who has offered to represent him.

(b) Before the beginning of discussions relating to a real estate transaction between a:

1. Prospective party who does not have a broker or sales associate [~~an agent~~]; and

2. A broker or sales associate [~~Licensee~~] who has proposed to

discuss the real estate transaction with him.

(3) "First substantial contact" means the period before a written offer to purchase is presented.

(4) "Prospective party" means a person who:

(a) Enters a listing contract as a seller;

(b) Enters a buyer broker agreement as a buyer; or

(c) Seeks or uses the services of a broker or sales associate [~~person licensed by the Kentucky Real Estate Commission~~].

(5) "Prospective party who is represented by a broker or sales associate [~~an agent~~]" means a person who has entered into a current listing contract, or buyer broker agreement with a broker or sales associate [~~Licensee~~].

Section 2. The provisions of this administrative regulation shall not apply to sales of real estate at auction.

Section 3. Prospective Party Information. (1) A broker or sales associate [~~Licensee~~] shall deliver to a prospective party an:

(a) "Agency Information For Consumers Bulletin", on the first contact; and

(b) "Agency Disclosure Form", on the first substantial contact.

(2) An "Agency Disclosure Form" shall:

(a) Be signed by each:

1. Prospective party to the transaction; and

2. Broker or sales associate [~~Licensee~~] involved in the transaction; and

(b) Identify:

1. Each prospective party known to the broker or sales associate [~~Licensee~~] making the disclosure; and

2. If a prospective party is represented by a broker or sales associate [~~an agent~~], the name of the broker or sales associate [~~agent~~], his real estate company, and whom they represent;

3. The real estate that is the subject of the negotiation;

(c) Describe the personal, family, or business relationships between:

1. The broker or sales associate [~~Licensee~~] making the disclosure; and

2. Each prospective party known to the broker or sales associate [~~when Licensee at the time~~] the disclosure is made;

(d) State whether the broker or sales associate [~~Licensee~~] making the disclosure is acting as a principal as a prospective:

1. Seller;

2. Buyer;

3. Lender; or

4. Investor.

(3) The "Agency Disclosure Form" and the "Agency Information For Consumers Bulletin" required by subsection (1) of this section shall be:

(a) The "Agency Disclosure Form Approved By Kentucky Real Estate Commission", and the "Agency Information For Consumers Bulletin Approved by Kentucky Real Estate Commission"; or

(b) An Agency Disclosure Form, and Agency Information For Consumers Bulletin, that have been developed by the broker or sales associate [~~Licensee~~] and approved by the commission.

(4) [~~(a)~~] An "Agency Information For Consumers Bulletin" developed by a licensee:

(a) [~~(b)~~] Shall consist of the material contained in the "Agency Information For Consumers Bulletin Approved by Kentucky Real Estate Commission"; and

(b) [~~(c)~~] May contain the principal broker's [~~a licensee's~~] logo and

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be in a format that differs from the "Agency Information For Consumers Bulletin Approved by Kentucky Real Estate Commission".

(5)(a) An "Agency Disclosure Form" or "Agency Information For Consumers Bulletin" that has been developed by the broker or sales associate [licensee], shall be submitted to the commission for approval.

(b) The general counsel of the commission shall:

1. Review the form or bulletin;
2. Make a recommendation to the commission that the form or bulletin be approved or disapproved; and
3. Inform the broker or sales associate [licensee] of the commission's decision.

Section 3. Commission Review of Licensee Documents. The commission shall:

- (1) Review licensee listing agreements, buyer broker agreements, and purchase agreements;
- (2) Approve agreements that it determines contain the information required by this administrative regulation; and
- (3) Inform licensees of commission action.

Section 4. Incorporation By Reference. (1) The following documents are incorporated by reference:

- (a) "Agency Disclosure Form Approved By Kentucky Real Estate Commission (Sep-07-1995)"; and
- (b) "Agency Information For Consumers Bulletin Approved by Kentucky Real Estate Commission (Sep-07-1995)".

(2) They may be inspected, copied, or obtained at the Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, Louisville Kentucky 40223, 8 a.m. to 4:30 p.m., Monday through Friday.

SUE TEEGARDEN, Chairman

APPROVED BY AGENCY: December 14, 1995

FILED WITH LRC: December 22, 1995 at noon

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. Second and subsequent years: 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.

(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: There is no additional information or comment.

(11) TIERING: Is tiering applied? Tiering was applied to clarify that activities for which disclosure is not necessary are not included by this administrative regulation.

STATEMENT OF EMERGENCY

904 KAR 2:116E

This emergency administrative regulation makes changes in the Home Energy Assistance Program to be implemented immediately. To be eligible for crisis, a household must be without heat or will be without heat or disconnected from natural gas or electric within forty-

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eight (48) hours. All eligible households applying for crisis at or above twenty-eight (28) percent of the poverty level, including those residing in subsidized housing, will be required to make a copayment as a percentage of the amount necessary to relieve the crisis. Because they receive a utility allowance, households living in subsidized housing will pay a higher copayment amount. A new section, Section 7, Vendor Selection, has been added. This section establishes the procedures for soliciting and selecting vendors. The Home Energy Assistance Program will have ended prior to an ordinary administrative regulation being final; therefore in order to implement these requirements for the Home Energy Assistance Program, it is necessary to promulgate this emergency administrative regulation. This emergency administrative regulation shall be replaced by an ordinary administrative regulation.

PAUL E. PATTON, Governor
STEPHEN L. HENRY, MD, Secretary

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

904 KAR 2:116E. Home energy assistance program.

RELATES TO: KRS 194.050, 42 USC 8621 et seq.

STATUTORY AUTHORITY: KRS 194.050, 42 USC 8621 et seq.

EFFECTIVE: January 4, 1996

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility as prescribed by 42 USC 8621 et seq., as amended, to administer the Low Income Home Energy Assistance Program (LIHEAP) to provide assistance for eligible low income households within the Commonwealth of Kentucky to help meet the costs of home energy. This administrative regulation states the eligibility and benefits criteria for heating assistance.

Section 1. Definitions. (1) An "authorized representative" means the person who presents to the cabinet or its representative a written statement signed by the appropriate household member authorizing that person to apply on the household's behalf.

(2) "Crisis component" means the component that provides assistance to households which are experiencing a home heating crisis.

(3) "Economic unit" means one (1) or more persons sharing common living arrangements.

(4) "Emergency" means the household is without heat at the time of application or will be disconnected from a utility service within forty-eight (48) hours.

(5) "Energy" means electricity, gas, and any other fuel that is used to sustain reasonable living conditions.

(6) "Gross income" means all earned and unearned income, including lump sum payments received by the households during the calendar month preceding the month of the application.

(7) "HEAP" means home energy assistance program and shall refer to the heating assistance portion of LIHEAP.

(8) "Heating season" means the period from October through April.

(9) "Household" means any individual or group of individuals who are living together in the principal residence as one (1) economic unit and purchase energy in common.

(10) "Life threatening situation" means without heat or will be without heat within forty-eight (48) hours and temperatures are at a dangerous level for household members.

(11) "Principal residence" means the place:

(a) Where a person is living voluntarily and not on a temporary basis;

(b) He considers home;

(c) To which, when absent, he intends to return; and

(d) Is identifiable from other residences, commercial establishments, or institutions.

(12) "Subsidy component" means the component that provides eligible households with a one (1) time payment to the household's energy provider.

Section 2. Application. (1) Each household or authorized representative shall complete an application and provide proof of all household income, the most recent heating bill or verification that heat is included in the rent and Social Security numbers for all household members for the agency [information necessary] to determine eligibility and benefit amount.

(2) An application shall not be considered completed until all information needed is received.

Section 3. Eligibility Criteria. (1) Income.

(a) Gross household income shall be at or below 110% of the federal poverty income guideline. Relative to household size, the gross monthly income for the month prior to application shall be at or below the following:

Household Size	Gross Monthly Income	Household Size	Gross Monthly Income
1	\$685	7	\$2,093
2	\$920	8	\$2,328
3	\$1,155	9	\$2,563
4	\$1,389	10	\$2,798
5	\$1,624	11	\$3,033
6	\$1,859	12	\$3,268

For each additional family member, \$235 shall be added.

~~[as published annually by the U.S. Department of Health and Human Services. The Department for Social Insurance shall announce the income guidelines after being published by the Department of Health and Human Services.]~~

(b) Excluded from income are:

1. Payments received by a household from a federal, state, or local agency designated for a special purpose and which the applicant must spend for that purpose;

2. Payments made to others on the household's behalf;

3. Loans;

4. Reimbursements for expenses;

5. Incentive payments (JET and JTPA) normally disregarded in AFDC;

6. Federal payments or benefits which shall be excluded according to federal law; and

7. Supplemental medical insurance premiums.

(2) Liquid assets.

(a) The household shall have total liquid assets at the time of application of not more than \$1,500, or \$4,000 if a member of the household has an illness which requires liquid resources to be accessed regularly for medical and living expenses.

(b) Excluded assets are:

1. Cars;

2. Household or personal belongings;

3. Principal residence;

4. Cash surrender value of insurance policies;

5. Prepaid burial policies;

6. Real property; and

7. Cash on hand or in a bank account if the cash is income considered under subsection (1)(a) of this section.

(3) The household shall be responsible for home heating costs or pay heating costs as an undesignated portion of the rent.

(4) Crisis component.

(a) Applicants shall meet the criteria in subsections (1), (2), and (3) of this section [income and liquid assets criteria]; and

- (b) ~~Be without heat; or~~
~~(c) Be without fuel if coal, wood, or kerosene is the primary heat source within five (5) days; or~~
(c) Be without fuel or disconnected from services within forty-eight (48) hours if propane, fuel oil, natural gas, or electric is the primary heat source; or
~~(d) Have received a notice of disconnection of service; or~~
~~(e) Have an inoperable heating system; or~~
(e) [(f)] For those households whose home heating costs are included as an undesignated portion of the rent, the household must have received a notice of eviction for nonpayment of rent.

Section 4. Benefit Levels. (1)(a) Payments to the households' heating fuel providers shall be made for the full benefit amount.

(b) Benefits shall be determined from fuel usage data and from the average heating season energy cost for the six (6) primary heating fuels prior to the implementation of the subsidy component.

(c) Households shall receive benefits based on the household's poverty level and the type of heating fuel. Those households with the lowest incomes and highest heating season fuel costs shall receive the highest benefits. Benefits shall be a percentage of the average annual heating season energy costs of the primary heating fuel.

(d) Households living in federally assisted housing and receiving a utility allowance shall be eligible for benefits which shall be lower than benefits provided to all other households.

(2) Crisis component. Benefits to households, including households living in federally assisted housing, shall be the minimum amount necessary to alleviate the crisis. Benefits may be fuel or other energy for heating, heaters, blankets or sleeping bags, or emergency shelter. Space heaters shall be a temporary service and shall be loaned to a household until fuel is delivered, the heating system is repaired or other resources are located which will alleviate the crisis. The contracting agency shall determine the type and value of assistance necessary to alleviate the crisis.

(a) In determining the minimum amount of assistance, the contracting agency shall take into consideration direct subsidies for payment of utility cost received by the household from other programs.

(b) A household may receive assistance more than once, but shall not receive more than the maximum allowable for the primary heating fuels determined prior to component implementation.

(c) The benefits for a household threatened with eviction whose heat is an undesignated portion of the rent shall not receive more than the maximum allowable for the primary heating fuel as determined prior to component implementation.

(d) A household that has a heating system that has become inoperable since the end of the previous heating season shall be referred to the local weatherization program to have its heating system evaluated and repaired if necessary.

(e) Beginning January 8, 1996, all eligible households, including those residing in subsidized housing, with an income at or above twenty-eight (28) percent of the poverty level shall make a copayment amount as a percentage of the amount needed to relieve the crisis. Those households residing in subsidized housing and receiving a utility allowance shall pay a higher copayment amount.

(f) The copayment amount shall be based on the housing type and the household's percentage of poverty and shall be as follows:

<u>Percent Of Poverty</u>	<u>Copayment Percentage for Households Residing in Nonsubsidized Housing</u>	<u>Copayment Percentage for Households Residing in Subsidized Housing</u>
0 - 27%	0%	0%
28 - 55%	10%	15%
56 - 83%	15%	20%
84 - 110%	20%	25%

Section 5. Benefit Delivery Methods. (1)(a) Payment under the subsidy component is authorized by a one (1) party check made payable to the household's energy provider or landlord if the cost of heating is included as an undesignated portion of rent.

(b) At the recipient's discretion, the total benefit may be made in separate authorizations to more than one (1) provider (for example, when the recipient heats with both a wood stove and electric space heaters). However, the total amount of the payments shall not exceed the maximum for the primary source of heating.

(2) For the crisis component, direct cash payments shall not be made to the recipient. Payments shall be authorized to the energy provider by one (1) party checks upon delivery of fuel or restoration, or continuation, of service; or to vendors supplying heaters, blankets, or emergency lodging.

Section 6. Right to a Fair Hearing. Any individual who has been denied assistance or whose application has not been acted upon with reasonable promptness has a right to request and receive a fair hearing in accordance with 904 KAR 2:055.

Section 7. Vendor Selection. (1) Subsidy component.

(a) The contracting agency shall solicit vendors for all nonmetered fuels and shall establish an approved vendor listing.

(b) The contracting agency shall place an advertisement for interested vendors in the local newspapers with the largest circulation and shall contact all vendors in good standing that participated in the program during the last contract period.

(c) All potential vendors shall provide the contracting agency with a fixed price in gallons for propane or fuel oil, cords for wood, or tons for coal, delivered or picked up by the client.

(d) Prior to being accepted as a vendor, the vendor shall sign an agreement to comply with the requirements in Section 11 of this administrative regulation and agree to the following:

1. Allow contracting agency and authorized federal or state representatives to inspect records upon request;

2. Maintain records to financial transactions regarding HEAP for a period of three (3) years;

3. Provide information to the agency on any instances where the vendor may be aware that a household has been approved for benefits by misrepresentation of the household's situation;

4. Provide fuel as specified and at the price quoted;

5. Comply with the Equal Employment Opportunity standards; and

6. Comply with billing procedures established by the agency.

(e) Households shall select a vendor from the agency's approved vendor list.

(2) Crisis component.

(a) Each agency shall perform a local price survey for each bulk fuel type and shall establish a reasonable price for quality of fuel, delivery and on-site pick-up for each fuel type.

(b) Each agency shall maintain a list of all approved vendors and prices throughout the crisis component.

(c) A household may use its regular vendor if the price does not exceed the established price for that fuel type and mode of delivery.

(d) For households with no regular vendor, the agency shall select from its vendor list the lowest priced vendor capable of providing fuel within forty-eight (48) hours.

Section 8. Time Standards. (1) Under the subsidy component, an eligibility determination shall be made promptly after receipt of a completed and signed application but not to exceed thirty (30) days.

(2) Under the crisis component, completed applications shall be processed so that the crisis is resolved within forty-eight (48) hours and in life threatening situations within eighteen (18) hours.

(3) Applicants shall have five (5) working days from the date of application to provide information necessary to complete the application.

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Section 9. [8-] Effective Dates. (1) Implementation and termination dates for HEAP, depending upon the availability of funds, are:

(a) Applications for the subsidy component shall be accepted within the time period the department designates in the annual LIHEAP state plan as submitted to the federal government.

(b) Applications for the crisis component shall be accepted beginning on the date specified in the annual LIHEAP state plan and ending by April 30, or until all available funds have been expended. Applications shall be processed in the order taken until funds are expended.

(2) HEAP may be reactivated after termination under the same terms and conditions as shown in this administrative regulation if additional federal funds are made available.

Section 10. [9-] Allocation of Funds. (1) An amount of funds sufficient to provide benefits to all eligible households that apply during the subsidy application period shall be reserved for the subsidy component.

(2) The balance of benefit funds for HEAP shall be reserved for the crisis component. All benefit funds reserved for the crisis component shall be allocated based upon each local administering agency's share of the nonduplicated households assisted in the 1994 crisis component. \$400,000 of the crisis benefit funds shall be identified as contingency funds and allocated to agencies as needed. ~~[eligible population except that the department shall establish by administrative regulation a minimum and maximum level of funds that agencies may receive relative to the amount of funds expended for crisis assistance in the preceding year.]~~

(3) Each agency shall reserve ten (10) percent of the allocation under subsection (2) of this section to assure that funds are available until April 30, to assist households who are without heat or will be disconnected from utility services within forty-eight (48) hours.

(4) No less than \$25,000 shall be reserved for the Preventive Assistance Program administered by the Department for Social Services to assist families with an energy payment not to exceed \$300 for each family if the payment shall prevent the removal of a child from a family or if it shall assist in reuniting a child with the family.

Section 11. [40-] Energy Provider Responsibilities. Any provider accepting payment from HEAP for energy or services provided to eligible recipients shall comply with the following:

(1) Reconnection of utilities and delivery of fuel during the crisis component shall be accomplished upon certification for payment;

(2) The household shall be charged in the normal billing process the difference between the actual cost of the home energy and the amount of payment made through this program;

(3) HEAP recipients shall be treated the same as households not receiving benefits;

(4) The household on whose behalf benefits are paid shall not be discriminated against, either in the costs of goods supplied or the services provided; and

(5) A landlord shall not increase the rent of recipient households due to receipt of this payment.

JOHN L. CLAYTON, Commissioner
STEPHEN L. HENRY, MD, Secretary

APPROVED BY AGENCY: December 14, 1995
FILED WITH LRC: January 4, 1996 at 11 a.m.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Marty Mason, Director

(1) Type and number of entities affected: The Home Energy Assistance Program will be comprised of two components, subsidy and crisis which will provide heating benefits to eligible low income households at or below 110% of the federal poverty level. The

number of households affected by the program will be dependent upon the federal appropriation.

(2) Direct and indirect cost 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: Effective January 8, 1996, with the opening of the crisis component, all eligible households with incomes at or above 28% of poverty will make a copayment as a percentage of the amount needed to relieve the crisis. Those households living in subsidized housing will be required to pay a higher copayment.

(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: 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: The HEAP service providers are required to accept applications, determine eligibility and benefit amounts, issue vouchers, reimburse vendors, solicit and approve vendors, submit reports to the contracting agency, and obtain an annual audit. These requirements will neither increase nor decrease the costs. Cost of the program is determined by the federal appropriation of LIHEAP; the cost of administration is relative to the allocation - not to exceed 10% of the grant. The contractor agency, Kentucky Association for Community Action, will monitor each subcontractor a minimum of one time during the duration of the HEAP program.

2. Second and subsequent years: The compliance, paperwork and reporting requirements for all subsequent years will be the same as the first year.

(3) Effects on the promulgating administrative body: The Department for Social Insurance shall be responsible for the overall administration of HEAP.

(a) Direct and indirect cost or savings: Up to ten (10) percent of available funds for HEAP, may be used for administration.

1. First year: Normal costs associated with administration of this program and contract management shall be incurred.

2. Continuing cost or savings: There will not be any continuing costs or savings.

3. Additional factors increasing or decreasing costs: The Department for Social Insurance is not aware of additional factors increasing or decreasing costs.

(b) Reporting and paperwork requirements: All HEAP applicants shall complete an application and provide materials to verify eligibility. The local administering agencies shall report services provided, submit invoices necessary for reimbursement and shall be subject to reporting and paperwork requirements necessary for appropriate administration of energy assistance programs including audits. The Department for Social Insurance shall collect and analyze data on households receiving assistance and report such to the Department for Health and Human Services.

(4) Assessment of anticipated effect on state and local revenues: The HEAP shall have little impact upon state or local revenues.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: 100% federal funds.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation on: Heating benefits will be paid to heating fuel vendors. The economic impact can be determined only after Congress appropriates funds.

(a) Geographical area in which administrative regulation will be implemented:

(b) Kentucky:

(7) Assessment of alternative methods; reasons why alternatives were rejected: This regulation is being amended to reflect the plan for heating assistance contained in the Low Income Home Energy

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Assistance Block Grant which was subject to substantial public review and comment, a legislative review and public hearing. Criteria has been set at a level to maximize the number of households assisted with the minimum amount necessary for a reasonable benefit. Various levels of funds for the two (2) components were examined. Balancing a federal intent that funds be used for heating assistance with the need for adequate crisis assistance funding, the cabinet proposed the funding levels reflected in the State Plan.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: Implementation of HEAP will have a somewhat positive effect on the public health of the low income eligible population in that they will receive benefits to maintain a heating source, to assist in having a heating source, gas or electric turned back on, or to have an inoperable heat system repaired.

(b) State whether a detrimental effect on environment and public health would result if not implemented: A detrimental effect on the public health of low-income families during the winter months would result if the program is not implemented.

(c) If detrimental effect would result, explain detrimental effect: If HEAP is not implemented a number of individuals or households at or below 110% of the federal poverty level may experience severe health problems related to not having sufficient heat during the winter; hypothermia and freezing to death would be possible.

(9) Identify any statute, administrative regulation or governmental policy which may be in conflict, overlapping, or duplication: No statute, administrative regulation or governmental policy is in conflict, overlapping or a duplication of HEAP.

(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? Federal statutes mandate that eligibility requirements be in a like manner on a statewide basis; therefore, tiering is prohibited.

statute does not address benefit type or amount. This regulation sets the type and value of assistance at a level to provide a reasonable benefit to serve the maximum number of households with the available funds. In addition, effective January 8, 1996 in the crisis component, all eligible households, including those residing in subsidized housing, at or above 28% of the poverty level will be required to make a copayment as a percentage of the amount needed to relieve the crisis. Because they receive a utility allowance, subsidized households will be required to pay a higher copayment.

5. Justification for the imposition of the stricter standards, or additional or different responsibilities or requirements. Due to the limited amount of funds and a need in excess of available funds, it is necessary to target assistance to those households most in need and to require households to pay a small amount toward relieving the crisis.

FISCAL NOTE ON LOCAL GOVERNMENT

1. Does this administrative regulation relate to any aspect of a local government, including any service provided by that local government? Yes

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. This regulation will affect cities which own and operate utilities for heating.

3. State the aspect or service of local government to which this administrative regulation relates. Municipal utilities.

4. How does this administrative regulation affect the local government or any service it provides? The provision of energy assistance benefits helps low income households pay for and maintain heat. Municipal utilities, and thus the cities, will benefit through reductions in the amount of payments in arrears and through helping households to maintain service.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. PL 97-35 as amended, and 45 CFR 96.

2. State compliance standards. This regulation specifies income eligibility at 110 percent of poverty. It also provides for local administration by community action agencies.

3. Minimum or uniform standards contained in the federal mandate. The federal statute permits income eligibility to range between 110 percent and 150 percent of poverty. Outreach activities must be conducted to assure that eligible households, especially those with elderly, disabled, or both are made aware of HEAP assistance. The designation of local agencies administering similar low income energy assistance programs shall be given priority as service deliverers. The statute requires that owners and renters be treated equitably. The statute requires crisis assistance that is weather or supply related or related to other factors affecting the availability of residential energy until March 15. In addition, it is required that the highest level of assistance be provided to those households which have the lowest incomes and the highest energy costs in relation to household income and household size.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate. The block grant concept permits state flexibility within broad guidelines contained in the statute. In order to target assistance to the most needy, the state has adopted the minimum income eligibility criteria permitted under the statute. Other criteria designed to target benefits to the most in need is a liquid resources test of \$1,500, except that households with a catastrophic illness shall have a limitation on resources at \$4,000. The

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ADMINISTRATIVE REGULATION AS AMENDED BY PROMULGATING AGENCY AND REVIEWING SUBCOMMITTEE

GENERAL GOVERNMENT CABINET State Board of Elections (As Amended)

31 KAR 5:020. Placement of voting machines.

RELATES TO: KRS 117.065

STATUTORY AUTHORITY: KRS 117.015(1), 117.035(1)

NECESSITY AND FUNCTION: KRS 117.065 requires county boards of elections ~~[are required]~~ to select voting locations. This administrative regulation establishes ~~[describes]~~ the placement of voting machines so as to prevent unlawful voting activity.

Section 1. If [Where] polling is conducted by a voter's ~~[the voters']~~ operation of a machine, whether mechanical or electronic, the machine shall be positioned so that a person ~~[all persons]~~ using the machine for voting is ~~[are]~~ visible to the clerk of the election and to the voters waiting to use the machine.

Section 2. If [Where] polling is conducted at a machine which employs a curtain or similar device to protect the secrecy of a voter's ~~[the voters']~~ selections, the machine shall be placed so that a person ~~[all persons]~~ entering the area behind the curtain is ~~[are]~~ visible to the clerk of the election and to the voters waiting to use the machine.

Section 3. If [Where] polling is conducted by paper ballot or by the use of paper cards as part of an electronic voting system, the table[s] or desk[s] used by the voter[s] in filling out the ballots or cards shall be positioned so that a person ~~[all persons]~~ filling out the ballot[s] or cards are visible to the clerk of the election and to the voters waiting to vote.

Section 4. A [In no case shall the] county board of elections shall not ~~[authorize]~~ the placement of voting machines in a separate room ~~[or area separated by a wall or other obstruction]~~ from the area occupied by the clerk of the election and the voters waiting to vote.

BOB BABBAGE, Chairman

APPROVED BY AGENCY: November 15, 1995

FILED WITH LRC: November 15, 1995 at 10 a.m.

FINANCE AND ADMINISTRATION CABINET Office of the Secretary (As Amended)

200 KAR 22:090. Comprehensive Employment Manual of the Workforce Development Cabinet's Department for the Blind for use in the Pilot Personnel Program.

RELATES TO: KRS 18A.430(1)

STATUTORY AUTHORITY: KRS 18A.430(1)(a), (b), (c)

NECESSITY AND FUNCTION: KRS 18A.430(1)(a) provides that each pilot agency participating in the Pilot Personnel Program authorized by KRS 18A.400 to 18A.450 shall develop a comprehensive employment manual establishing conditions of employment for employees in the Pilot Personnel Program. KRS 18A.430(1)(b) requires that the employment manuals be promulgated by administrative regulation. Pursuant to KRS 18A.430(1)(c), the head of the agency in which the pilot program is located shall be responsible for preparing the administrative regulation and submitting it to the Secretary of the Finance and Administration Cabinet for promulgation.

This administrative regulation establishes the Comprehensive Employment Manual of the Department for the Blind for use in the Pilot Personnel Program.

Section 1. Comprehensive Employment Manual. The Department for the Blind has been approved to participate in the Pilot Personnel Program authorized by KRS 18A.400 to 18A.450. Implementation of the Pilot Personnel Program for ~~[Therefore, pursuant to KRS 18A.430(1), the conditions of employment for employees in]~~ the Department for the Blind shall comply with ~~[are set out in]~~ the "Employee Handbook of the Department for the Blind for Use in the Pilot Personnel Program."

Section 2. Incorporation by Reference. (1) The "Employee Handbook for Kentucky ~~[of the]~~ Department for the Blind ~~[for Use in the Pilot Personnel Program]~~ revised January 1995" ~~[("Employee Handbook")]~~ is incorporated by reference.

(2) This document ~~[The "Employee Handbook"]~~ may be inspected, copied, or obtained at the Workforce Development Cabinet, Department for the Blind, 209 St. Clair, 4th Floor, Frankfort, Kentucky 40601, c/o Denise Placido, Project Coordinator, Monday through Friday, 8 a.m. to 4:30 p.m.

CRIT LUAllen, Secretary

APPROVED BY AGENCY: November 14, 1995

FILED WITH LRC: November 15, 1995 at 11 a.m.

GENERAL GOVERNMENT CABINET Board of Hairdressers and Cosmetologists (As Amended)

201 KAR 12:082. School's course of instruction.

RELATES TO: KRS 317A.060(1), 317A.090

STATUTORY AUTHORITY: KRS 317A.060(1), 317A.090 ~~[317A.050]~~

NECESSITY AND FUNCTION: KRS 317A.060(1) authorizes the board to promulgate administrative regulations governing schools of cosmetology. KRS 317A.090 establishes the requirements for schools of cosmetology. KRS 317A.050(7)(d) provides that a license to operate a school of cosmetology may be granted if the applicant has complied with applicable statutes and administrative regulations governing schools of cosmetology. This administrative regulation establishes requirements for the course of instruction of schools of cosmetology pursuant to the cited sections of KRS Chapter 317A. [Schools shall provide a course of instruction of 1,800 hours of student training. The curriculum prepares the individual for examination for the appropriate license.]

Section 1. The regular courses of instruction for cosmetology students shall contain the following:

(1) Professional practices.

(a) The cosmetology profession.

1. Cosmetology vocabulary.

2. Brief history: how it began, and changes.

3. Ethics: ethics in a beauty salon; and salon conduct.

(b) Salon procedures.

1. Hygiene and good grooming: personal and public; personal characteristics; and responsibilities of the cosmetologists.

2. Professional attitudes and salesmanship; personality develop-

ment; salesmanship and business management; customer relationship; and telephone personality.

3. Public relations and psychology; behavior; and proper image.
(c) Specialty services.

1. Facial treatments and make-up: facial treatment/make-up preparation; implements and supplies; procedure in giving a plain facial; purpose and effect of message movements; facial cosmetics; special problems; eyebrow arching; and lash and brow dye.

2. Manicuring: purpose and effect; preparation; equipment; and procedures, including the following: plain manicure, oil manicure, removal of stains, repair work, hand and arm massage, buffing, application of lacquer, and application of artificial nails.

(2) Life sciences (general anatomy).

(a) Osteology: definition; and functions.

(b) Myology: definition; functions; and types.

(c) Neurology: definition; functions; types (motor and sensory); and principal nerves of the head, face and neck.

(d) Angiology: definition; composition of blood; and function of blood.

(e) Dermatology: structure of skin; functions of skin; appendages of skin; conditions of the skin; and lesions of the skin.

(f) Trichology: structure of hair; composition; blood and nerve supply; growth and regeneration; color, texture, elasticity, porosity; and conditions to be recognized.

(g) Nails: structure and composition; growth and regeneration; and irregularities.

(3) Physical sciences (chemistry and treatment).

(a) Chemistry.

1. Elements, compounds, and mixtures: properties of; acid and alkali; and chemistry of water.

2. Composition and uses of cosmetics: for the body; for the skin and face; and for the scalp and hair.

3. Chemistry of hair lightening.

4. Chemistry of hair coloring.

5. Chemical hair relaxing.

6. Chemistry of make-up.

7. Chemistry of facial treatments.

8. Chemistry of rinses: soaps and shampoos; and detergents.

9. Chemistry of cold waving.

(b) Scalp and hair treatments: purpose and effects; preparation and procedure; use of cap; electricity and therapeutic ray; and safety rules.

(c) Shampoos and rinses: importance of good shampoo; purpose of effects; required materials and implements; brushing and drying; types of shampoos; rinses (not colored); and composition.

(d) Hair coloring: principal reasons for coloring; advantages of coloring; classifications of hair coloring; variation of products; procedures; and safety measures.

(e) Hair lightening: types of lighteners; implements and supplies; procedure; special problems in hair lightening; fillers and toners; removal of aniline derivative tints; and tint back to natural coloring.

(f) Cold waving: basic requirements; scalp and hair analysis; hair porosity; hair texture; hair elasticity; hair density; curling rods and chemicals; variation of permanent wave products; procedures; problems; and safety measures.

(g) Sterilization and sanitation: definitions; importance; sterilization rules; and methods of sterilization.

(4) Hair designing or sculpturing.

(a) Hair shaping: fundamentals of hair shaping; correct use of tools; designing and planning the hair cut; sectioning and thinning; razor and shear shaping; wig shaping; and safety precautions.

(b) Hair styling: finger waving; pin curls; hair partings; artistry hair styling; dressing of the coiffure; special consideration in hair styling; chemical hair relaxing and styling; facial types; and hair pressing and types of hot-iron curling.

(c) Care and styling of wigs: purpose; quality; types of wigs; ordering wigs; cleaning; shaping; tinting and color rinsing; setting; and

safety precautions.

Section 2. Schools shall teach the students of the various supplies and equipment used in the usual salon practices.

Section 3. Schools shall have the following charts or visual aids available for students' use:

(1) Charts or visual aids showing anatomy of muscles of face and neck with special reference to the direction of muscle fibers and function of muscle or groups of muscles;

(2) Charts or visual aids showing anatomy of nails.

Section 4. A student ~~[All students]~~ shall receive not less than 1,800 hours in clinical class work and scientific lectures with 450 minimum lecture hours for science and theory and 1,305 minimum clinic and practice hours; and forty-five (45) hours of applicable Kentucky statutes and administrative regulations.

Section 5. One (1) hour per week shall be devoted to the teaching and explanation of the Kentucky law as set forth in KRS Chapter 317A and the ~~[rules and]~~ administrative regulations of the board.

Section 6. A ~~[No]~~ school of cosmetology shall not be granted a license to operate a school of cosmetology or annual renewal of license unless the following curriculum is maintained and taught.

(1) Curriculum for freshmen students.

(a) Theory and related theory class, 100 hours.

1. General theory, including Kentucky cosmetology law and applicable ~~[rules and]~~ administrative regulations ~~[adopted thereunder]~~.

2. Clinical theory.

3. Lecturing theory.

(b) Clinical and related theory class (freshman practice class on students or mannequins), 200 hours.

1. Cold waves.

2. Facials and make-up.

3. Complete "S" formations or complete finger waves.

4. Pin curl technique.

5. Hair shaping.

6. Hair styling techniques.

7. Lash and brow tint.

8. Eyebrow arches.

9. Manicuring.

10. Scalp treatments.

11. Shampooing.

12. Hair coloring, bleaching, and rinsing (mixing and formulas).

13. Heat permanent.

14. Safety measures.

(2) Curriculum for junior and senior students.

(a) Theory and related theory class, 500 hours.

(b) Professional practices, life sciences (general anatomy), physical sciences (chemistry and treatment), hair designing safety measures, Kentucky cosmetology laws and applicable ~~[rules and]~~ administrative regulations ~~[adopted thereunder]~~.

(c) Clinical class, 1,000 hours.

1. Hair conditioning treatments.

2. Scalp treatments.

3. Hair shaping.

4. Shampoos.

5. Cold waves.

6. Chemical hair relaxing (permanent wave).

7. Complete "S" formation and complete finger waves.

8. Pin curl techniques.

9. Hair styles.

10. Iron curling.

11. Hair coloring and toning.

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12. Bleaches and frostings.
13. Facials and make-up.
14. Manicuring.
15. Lash and brow tints.
16. Eyebrow arches.
17. Color rinses (certified color).
18. Wiggery.
19. Professional ethics and good grooming.
20. Salesmanship.
21. Reception desk and telephone answering.
22. Recordkeeping.
23. Dispensary (procedures for ordering supplies and retail merchandise).
24. Personality development.
25. Salon management.
26. Public relations.

Section 7. In addition to the regular course of instruction, cosmetology schools may have two (2) [one (1)] related lectures and demonstrations per month.

Section 8. ~~[Any]~~ Time not utilized in theory or clinic work shall be used for study periods or library work.

Section 9. A school shall furnish students text books that have been approved by the board. [Each school shall furnish reference books for students' use. Any recognized textbook relevant to the art of science of cosmetology and educational to the student is acceptable to the board.]

Section 10. Students of cosmetology shall not be permitted to work on the public until they have completed 300 hours of instruction.

Section 11. Students of cosmetology may be allowed eight (8) hours per day for two (2) out-of-school activities per 1,800 hours pertaining to the profession of cosmetology if reported to the board office on "Certification of Cosmetology Field Trip * Hours (95)" form, or "Certification of Cosmetology Student Education Show * Hours (95)" form, as appropriate. [a standard form supplied by the board.]

Section 12. Students of cosmetology may be permitted to attend two (2) educational programs within their 1,800-hour course for eight (8) hours credit per day, if reported to the board office on "Certification of Cosmetology Field Trip * Hours" form, or "Certification of Cosmetology Student Education Show * Hours" form, as appropriate. [a standard form supplied by the board.]

Section 13. Copies of the Kentucky State Board of Hairdressers and Cosmetologists' statutes and administrative regulations shall be made available to all students.

Section 14. Manicurist curriculum shall include the following:

- (1) Science and theory; 100 hours.
 - (a) Equipment, sterilization, sanitation, public and personal hygiene safety measures, statutes [Kentucky cosmetology law and all rules] and administrative regulations governing cosmetology. [adopted thereunder.]
 - (b) Nail condition and manicure techniques.
 - (c) Hand and arm message.
 - (d) Science pertaining to areas of hands and arms.
 - (e) Personality, grooming, salon management, professional ethics, and cosmetic theory laws.
- (2) Clinical; 200 hours.
 - (a) Oil and plain manicure.
 - (b) Nail polish changes, moons, half-moons, and tips.
 - (c) Hand and arm message.

- (d) Safety measures.
- (e) Care of equipment.
- (f) Removal of stains.
- (g) Repair work.
- (h) Buffing.
- (i) Application of lacquer.
- (j) Application of artificial nails.

Section 15. The course of study and curriculum for an apprentice instructor shall include as minimums, with a total of 1,000 hours, the following:

- (1) Orientation, fifteen (15) hours.
- (2) Psychology of student training, fifty (50) hours.
- (3) Introduction to teaching, thirty (30) hours.
- (4) Good grooming and personality development, fifty (50) hours.
- (5) Course outlining and development, forty (40) hours.
- (6) Lesson planning, forty-five (45) hours.
- (7) Teaching techniques (methods), eighty (80) hours.
- (8) Teaching aids, audio-visual techniques, eight (80) hours.
- (9) Demonstration techniques, fifty-five (55) hours.
- (10) Examinations and analysis, sixty (60) hours.
- (11) Classroom management, forty-five (45) hours.
- (12) Recordkeeping, twenty-five (25) hours.
- (13) Teaching observation, sixty-five (65) hours.
- (14) Teacher assistant, ninety (90) hours.
- (15) Pupil teaching (practice teaching), 270 hours.

Section 16. A [All] student instructor[s] shall be under the immediate supervision and instruction of a licensed instructor ~~[at all times]~~ during the school day. A [No] student instructor shall not ~~[ever]~~ assume any of the duties and responsibilities of a licensed supervising instructor.

Section 17. All records of apprentice instructors' hours earned shall be recorded on a standard form supplied by the board office on or before the tenth day of each month.

Section 18. If the board permits [When permission of this board is given] a student to enroll in a school for a special brush-up course in any of the following subjects, the [said] student shall be required to have a course of training of the following number of hours in the course or courses he ~~[or she]~~ desires to take:

- (1) Permanent waving, and all chemical control, 150 hours.
- (2) Manicuring, hand and arm message, and bleach, 100 hours.
- (3) All iron curls, 100 hours.
- (4) Facials, 125 hours.
- (5) Hair coloring and bleaching, 150 hours.
- (6) Scalp message, 25 hours.
- (7) Hair shaping, trimming, and thinning, 125 hours.
- (8) Science, 100 hours.
- (9) Hair dressing and styling, 150 hours.

Section 19 . Incorporation by Reference. (1) The following forms are incorporated by reference:

(a) "Certification Of Cosmetology Field Trip * Hours (1995)", ; and

(b) "Certification Of Cosmetology Student Education Show * Hours (1995)".

(2) These forms may be inspected, copied, or obtained at Kentucky State Board of Hairdressers and Cosmetologists, 314 West Second Street, Frankfort Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

PAT WILSON GAISER, Chairman

APPROVED BY AGENCY: July 11, 1995

FILED WITH LRC: August 15, 1995 at 10 a.m.

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GENERAL GOVERNMENT CABINET Kentucky Board of Licensure and Certification for Dietitians and Nutritionists (As Amended)

201 KAR 33:030. Continuing education requirements for licensees and certificate holders.

RELATES TO: KRS 310.041(1), 310.050(3)

STATUTORY AUTHORITY: KRS 310.041(1), 310.050(3)

NECESSITY AND FUNCTION: KRS 310.050(3) requires completion of continuing education prior to the renewal of a license or certificate, and KRS 310.041(1) requires the board to promulgate administrative regulations establishing continuing education requirements. This administrative regulation establishes continuing education requirements for dietitians and nutritionists. [This administrative regulation is necessitated by KRS 310.050(3) and sets forth in detail the requirements for continuing education.]

Section 1. (1)(a) The annual continuing education compliance period shall extend [extends] from November 1 of each year to October 31 of the next year.

[(a) During this period of time, fifteen (15) hours of approved continuing education shall be completed by the licensee or certificate holder in order to renew the license or certificate for the next licensure or certification period.]

(b) Prior to renewal of a license or certificate for the next licensure or certification period, a licensee or certificate holder shall have earned fifteen (15) hours of approved continuing education during the compliance period.

(c) A person who is licensed as a dietitian and certified as a nutritionist shall have earned a total of fifteen (15) hours of approved continuing education during the compliance period, prior to renewal of his license and certificate for the next licensure period. [Individuals who hold both licensure as a dietitian and certification as a nutritionist shall complete a total of fifteen (15) hours of approved continuing education in order to renew both credentials.]

(2) An initial [if a new licensee or certificate holder is licensed or certified during the year, the] licensee or certificate holder shall be exempt from the [meeting] continuing education requirements for the first license or certification renewal.

(3) Hours of continuing education credit may be obtained by attending and participating in a continuing education activity that [which] has been approved [prior approval] by the board.

(4) No more than fifteen (15) hours of continuing education may be carried over into the next continuing education period.

(5) It shall be the responsibility of each licensee or certificate holder to finance the costs of continuing education.

(6) For purposes of the audit set forth in subsection (8) of this section, every licensee or certificate holder shall maintain a record of all continuing education courses attended for two (2) years after the continuing education period. Appropriate documentation to be kept includes the continuing professional education annual statement furnished by the Commission on Dietetic Registration or any of the following:

(a) Certificates of attendance for the prior approved continuing education;

(b) Transcripts for academic coursework;

(c) Reprints of journal articles published; or

(d) Proof of attendance, description of activity, and professional qualifications of the presenter for out-of-state continuing education activities.

(7) Each licensee or certificate holder shall sign a statement on the renewal application form indicating compliance with the continuing education requirements. No license or certificate shall be renewed

without this sworn statement.

(8)(a) The board may [reserves the right to] audit a licensee's or certificate holder's continuing education records each year.

(b) ~~[(a)]~~ Licensees or certificate holders who are audited shall be chosen in a random manner or at the discretion of the board.

(c) ~~[(b)]~~ Falsifying reports, records, or other documentation relating to [or failure to meet] continuing education requirements shall [may] result in formal disciplinary action.

Section 2. Approved Continuing Education Activities. (1) Obtaining continuing education.

(a) Hours of continuing education credit may be obtained by attending and participating in a continuing education activity which has been approved by the board.

(b) The board shall approve continuing education hours which have been approved by the Commission on Dietetic Registration of the American Dietetic Association.

(2) Criteria for ~~[(appropriate)]~~ subject matter.

(a) [Appropriate] Subject matter for continuing education hours shall reflect[e] the educational needs of the licensed dietitian or certified nutritionist and the nutritional health needs of the consumer.

(b) Subject matter shall be limited to offerings that are scientifically founded and offered at a level beyond entry-level dietetics for professional growth.

(c) The following areas shall be deemed appropriate subject matter for continuing education credit if, in the judgment of the board, they are directly related to the practice of dietetics or nutrition:

1. ~~[(a)]~~ Sciences on which dietetic practice, dietetic education, or dietetic research is based including nutrition, biochemistry, physiology, food management and behavioral and social sciences to achieve and maintain people's nutritional health;

2. ~~[(b)]~~ Nutrition therapy related to assessment, counseling, teaching, or care of clients in any setting; or

3. ~~[(c)]~~ Management or quality assurance of nutritional care delivery systems.

(3) Standards for approval of continuing education, programs and activities. A continuing education activity shall be qualified for approval if the board determines that it:

(a) ~~[(1)]~~ Constitutes an organized program of learning, ~~[(2)]~~ including a workshop or symposium, ~~[(3)]~~ which contributes directly to the professional competency of the licensee or certificate holder; and

(b) ~~[(4)]~~ Pertains to subject matters which relate integrally to the practice of dietetics or nutrition; and

(c) ~~[(5)]~~ Is conducted by individuals who have education, training and experience in the subject matter of the program.

(4) Academic coursework.

(a) Coursework shall be eligible for credit if it:

1. Has been ~~[(shall be)]~~ completed at a U.S. regionally accredited college or university; and

2. Is ~~[(is)]~~

~~[(a) To receive continuing education credit the coursework shall be] beyond entry-level dietetics; ~~[(b)]~~~~

(b) One (1) academic semester credit shall equal[e] fifteen (15) continuing education hours.

(c) One (1) academic quarter credit shall equal[e] ten (10) continuing education hours.

(5) Scholarly publications. Publications may be approved if they are published in a refereed professional journal. Continuing education credit hours may be reported using the following guidelines:

Senior author: first of two (2) or more authors listed.

Co-author: second of two (2) authors listed.

Contributing author: all but senior of three (3) or more authors.

Research papers:

Single author - ten (10) hours.

Senior author - eight (8) hours.

Co-author - five (5) hours.

Contributing author - three (3) hours.

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Technical articles:

- Single author - five (5) hours.
- Senior author - four (4) hours.
- Co-author - three (3) hours.
- Contributing author - two (2) hours.
- Information sharing articles - one (1) hour.

Abstracts:

- Senior author - two (2) hours.
- Co-author - one (1) hour.
- (6) Poster sessions.

(a) Continuing education credit may be obtained for attending juried poster sessions at national or state professional meetings that meet the criteria for appropriate subject matter established in subsection (3) of this section.

(b) One (1) hour of continuing education credit shall be allowed for each six (6) posters reviewed not to exceed five (5) hours in a continuing education year.

(7) Continuing education hours for presenters. ~~[Presenters may receive continuing education hours subject to the following requirements:]~~

(a) **Credit shall not be given for presentations to the lay public.** ~~[Presentations to the lay public are inappropriate.]~~

(b) Hours shall be requested only once for the same presentation;

(c) The presenter shall receive ~~[may request]~~ twice the number of hours approved for the activity;

(d) Two (2) hours per topic shall be allowed for presenters of poster sessions at national or state professional meetings; and

(e) A copy of the abstract or manuscript and documentation of the peer review process shall be included in the licensee's or certificate holder's documentation list.

Section 3. Procedures for Prior Approval of Continuing Education Activities. (1) An organization or person which seeks prior approval of a course, program or other continuing education activity shall apply to the board for approval at least sixty (60) days in advance of the commencement of the activity.

(2) The application shall state the:

- (a) Dates;
- (b) Subjects offered;
- (c) Objectives for the activity;
- (d) Total hours of instruction;
- (e) Names and qualifications of speakers; and
- (f) Other pertinent information.

(3) ~~[(2)]~~ The board shall approve or deny timely and complete applications before the commencement of the activity.

(4) ~~[(3)]~~ Review of programs. The board may monitor and review any continuing education program already approved by the board. Upon evidence of significant variation in the program presented from the program approved, the board may disapprove all or any part of the approved hours granted the program.

Section 4. Subsequent Approval of Continuing Education Activities. (1) ~~[Subsequent approved activities are]~~ Individual or group educational activities for which program providers or sponsors have not requested continuing education hour approval prior to the date of the activity may be approved by the board for continuing education credit. Activities which have received prior approval may not be submitted on a subsequent approval basis.

(2) The person seeking subsequent approval of continuing education activities shall submit the following information regarding the program attended:

- (a) Dates;
- (b) Subjects offered;
- (c) Learner educational objectives for the activity and anticipated outcomes;
- (d) Total hours of instruction;
- (e) Names and qualifications of speakers;

(f) A timing outline, including time spent for registration, introductions, welcomes, and coffee and meal breaks;

(g) The number of continuing education hours requested; and

(h) Any other pertinent information.

(3) Requests for approval shall be submitted as follows:

(a) Normal continuing education programs shall be submitted within thirty (30) days of completion;

(b) Publications shall be submitted within six (6) months of the date of publication; and

(c) Academic coursework shall be submitted within one (1) year of the course completion date.

(4) Activities which have not received prior approval may be submitted by individuals on a subsequent approval basis with rationale demonstrating continuing education value.

Section 5. Appeals Procedure. (a) ~~A~~ [Individual] licensee[s] or certificate holder[e] may appeal decisions regarding continuing education by filing a written appeal.

(b) An appeal ~~[Appeals]~~ shall be sent to the board within thirty (30) calendar days after notification of denial and shall be considered by the board at its next scheduled meeting.

Section 6. Waiver of Continuing Education. (1) A licensee or certificate holder who is medically disabled or ill may be granted:

(a) A waiver of the continuing education requirements; or

(b) An extension of time within which to complete continuing education requirements, or make required reports. ~~[The board may, in individual cases involving medical disability or illness, grant waivers of the minimum continuing education requirements or extensions of time within which to fulfill the same or make the required reports.]~~

(2) A written request for waiver or extension of time shall be:

(a) Submitted by the licensee or certificate holder; ~~[person holding licensure or certification]~~ and

(b) ~~[shall be]~~ Accompanied by a verifying document signed by a licensed physician.

(3) Waivers of the minimum continuing education requirements or extensions of time ~~[within which] to complete them~~ ~~[fulfill the same]~~ may be granted by the board for a period of time not to exceed one (1) calendar year.

(4) If the medical disability or illness upon which a waiver or extension has been granted continues beyond the period of the waiver or extension, the licensee or certificate holder ~~[person holding licensure or certification]~~ shall reapply.

CAROLE WILSON, R.D., L.D., Board Chairman
APPROVED BY AGENCY: October 12, 1995
FILED WITH LRC: October 13, 1995 at 10 a.m.

TOURISM CABINET Department of Fish and Wildlife Resources (As Amended)

301 KAR 5:001. Definitions for 301 KAR Chapter 5.

RELATES TO: KRS 150.195

STATUTORY AUTHORITY: KRS 150.195

NECESSITY AND FUNCTION: To define the terms used in 301 KAR Chapter 5.

Section 1. Definitions. (1) ~~[(2)]~~ "Agent cap" means the maximum number of appointed agents established for each county.

(3) "Agent in good standing" means a license agent whose status has not been suspended, revoked or terminated.

(4) "Agents of county clerks" means the business establishments included on the list submitted to the department by county clerks of

their authorized license agents as of July 16, 1994.

(2) ~~[(5)]~~ "Commission" is defined by KRS 150.010(4).

(3) ~~[(6)]~~ "Commissioner" is defined by KRS 150.010(5)

(4) ~~[(7)]~~ "Department" is defined by KRS 150.010(8).

(5) ~~[(4)]~~ "License agent" means a county clerk, government office or business authorized to sell licenses and conduct other transactions for the department.

(a) ~~["Appointed agent" means a licensee agent appointed by the department and provided with a POS device.~~

(b) ~~"Leasing agent" means a business that becomes a license agent by leasing the POS device from the department.~~

(c) ~~["Governmental agent" means a license agent who is a county clerk or the representative of another federal, state, or local governmental entity.~~

(d) ~~["Temporary agent" means a licensee agent substituting on a temporary basis for another agent whose agent status has been suspended.]~~

(b) ~~[(e)]~~ "Out-of-state agent" means a license agent who sells licenses at a location outside the boundaries of Kentucky.

(6) ~~[(9)]~~ "License stock" means the blank paper upon which licenses are printed by the POS device.

(7) ~~[(10)]~~ "POS device" means a point-of-sale computer terminal, printer, and associated hardware, software, and connecting cables used to generate licenses and record license sale data.

(8) ~~[(8)]~~ "POS licenses" means the licenses or permits authorized by KRS 150.175 and 301 KAR 3:022 which are available for sale through POS devices.

(9) ~~[(11)]~~ "Transaction" means the purchase or sale of a license, permit, or product, or the application for a hunt, using a POS device at a license agent location.

(10) ~~[(12)]~~ "Upload" means the transfer, over telephone lines, of electronic data from the POS device to the department.

C. THOMAS BENNETT, Commissioner

GREG GINTER, Secretary

MIKE BOATWRIGHT, Chairman

APPROVED BY AGENCY: August 25, 1995

FILED WITH LRC: November 13, 1995 at 1 p.m.

TOURISM CABINET
Department of Fish and Wildlife Resources
(As Amended)

301 KAR 5:010. License agent selection criteria.

RELATES TO: KRS 150.195

STATUTORY AUTHORITY: KRS 150.195

NECESSITY AND FUNCTION: To establish ~~[the number of appointed agents per county, the criteria for selecting appointed agents, and]~~ application procedures for becoming a license agent and requirements for inventory agents.

Section 1. ~~[Agent Caps. (1) Except that a county shall not have fewer than two (2) appointed agent positions, the agent cap for each county shall be the lesser of:~~

(a) ~~Equal to the number of licenses sold in that county during the 1993 license year divided by 850, which is the average number of licenses sold per agent in 1993, and rounded to the next largest whole number; or~~

(b) ~~The number of agents of the county clerk in that county on July 16, 1994.~~

(2) ~~Agent caps shall not include:~~

(a) ~~Governmental agents or their branch offices; or~~

(b) ~~Leasing agents.~~

Section 2.] License Agent Applications and Agreements. (1)

Before receiving authorization to serve as license agents, businesses or governmental agencies shall:

(a) Complete and submit a license agent application form;

(b) Enter into a formal contract with the department by agreeing to the provisions of, and signing, the appropriate agent agreement;

(c) Pay a security deposit as required in the agent agreement; and

(d) Sign an electronic fund transfer authorization form which authorizes the department to make electronic fund transfers from a bank account into which the agent shall deposit the proceeds from transactions.

1. Agents with multiple business locations wishing to consolidate payments shall make suitable arrangements with the department.

2. State agencies serving as license agents shall remit payment through the state accounting system.

(2) The following application and agent agreement forms are incorporated by reference. They may be inspected or copied at the Division of Fiscal Control, Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky 40601 ((502) 564-4224) between 8 a.m. and 4:30 p.m. (Eastern Time) on normal business days:

(a) License Agent Application Form, 1995.

(b) Electronic Fund Transfer Authorization Form, 1995.

(c) ~~[Appointed]~~ Agent Agreement, 1995

(d) ~~[Leasing Agent Agreement, 1995]~~

(e) ~~Governmental Agent Agreement, 1995.~~

(f) ~~[(f)]~~ Out-of-state Agent Agreement, 1995.

~~[(g) Temporary Agent Agreement, 1995.]~~

(f) ~~[(h)]~~ Inventory Agent Agreement, 1995.

(g) ~~[(i)]~~ Inventory Agent Reporting Form, 1995.

(3) The department shall not appoint as agents:

(a) Individuals; or

(b) Businesses that do not have:

1. A valid federal identification number; and

2. Except for out-of-state agents, a Kentucky sales tax number.

~~[Section 3. Appointed Agents. (1) The department shall retain as appointed agents those agents of county clerks who before October 1, 1995:~~

(a) ~~Complete and return the application as stipulated in Section 2 of this administrative regulation; and~~

(b) ~~Complete and submit the agent agreement and electronic fund transfer authorization forms as stipulated in Section 2 of this administrative regulation; and~~

(c) ~~Pay the security deposit required by that agreement.~~

(2) ~~The provisions of subsections (3) through (8) of this section shall apply to agents of county clerks who do not meet the deadlines stipulated in subsection (1) of this section.~~

(3) ~~If the number of agents appointed under the provisions of subsection (1) of this section:~~

(a) ~~Equals or exceeds the agent cap, the department shall not appoint additional agents in that county.~~

(b) ~~Is less than the agent cap, the department may appoint additional agents up to the limit of the agent cap.~~

(4) ~~If the number of appointed agents in a county falls below the agent cap, the department may appoint additional agents in that county up to the agent cap.~~

(5) ~~Before it appoints additional agents in a county, the department shall:~~

(a) ~~Give first right of refusal, based on seniority, to businesses that:~~

1. ~~Are existing leasing agents; and~~

2. ~~Are agents in good standing.~~

(b) ~~If vacancies still exist, publish a paid announcement which conforms to the specifications of KRS 424.140 and 424.130 in the county or local newspaper as identified by KRS 424.120.~~

(c) ~~Prospective agents shall apply on agent application forms.~~

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~~(7) The department may inspect the facilities and records of applicants to verify the information on the application.~~

~~(8) If the department receives more applications than agent vacancies, the department shall:~~

~~(a) Assign a numerical score, using the Agent Score Sheet, to the applications; and~~

~~(b) Appoint as agents those applicants receiving the highest scores.~~

~~(9) The agent score sheet is incorporated by reference. It may be inspected or copied at the Division of Fiscal Control, Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky 40601 ((502) 564 4224) between 8 a.m. and 4:30 p.m. (Eastern Time) on normal business days.~~

~~(10) If the department does not receive enough qualified applicants to fill existing vacancies in a county, it may extend the deadline date for application until the cap is reached.~~

~~Section 4. Leasing Agents. The department may lease POS devices to businesses in counties that are at or above the agent cap, providing that:~~

~~(1) The department has POS devices available for leasing purposes; and~~

~~(2) The business is not under suspension or revocation as a license agent.]~~

Section 2. [5.] Inventory Agents. (1) County clerks who are license agents may become inventory agents by written request to the department.

(2) In exchange for an additional fifteen (15) cents for each license sold in the inventory agent's county, an inventory agent shall:

(a) Maintain a supply of spare POS terminals, ribbons, paper stock, literature and other items as the department may direct;

(b) Make these items available to license agents during the county clerk's normal business hours;

(c) Keep accurate records, on forms provided by the department, of inventory items received and delivered; and

(d) Collect and ship defective POS devices to a designated maintenance facility.

(3) The department shall not appoint an inventory agent for counties in which the county clerk has chosen not to be an inventory agent.

~~[Section 6. Temporary Agents. (1) If an appointed agent is suspended, the department may appoint a temporary agent to serve during the term of the suspension.~~

~~(2) The department shall select temporary agents using the procedure detailed in Section 3(5) through (8) of this administrative regulation.]~~

Section 3. [7.] Out-of-state Agents. The department may grant license agent status to business locations outside Kentucky if the out-of-state agent:

(1) Was the agent of a county clerk; and

(2) Posts a surety bond as stipulated in the out-of-state agent agreement.

C. THOMAS BENNETT, Commissioner

GREG GINTER, Secretary

MIKE BOATWRIGHT, Chairman

APPROVED BY AGENCY: August 25, 1995

FILED WITH LRC: November 13, 1995 at 1 p.m.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET Department for Environmental Protection Division for Air Quality (As Amended)

401 KAR 50:031. Regulatory limit on potential to emit [Inherent physical limitations].

RELATES TO: KRS 224.10-100, 224.20-110, 224.20-120, 42 USC 7661-7661f, 401 KAR 50:035

STATUTORY AUTHORITY: KRS 224.10-100, 224.20-120, 42 USC 7661-7661f

NECESSITY AND FUNCTION: KRS 224.10-100 requires the Natural Resources and Environmental Protection Cabinet to prescribe administrative regulations for the prevention, abatement, and control of air pollution. This administrative regulation establishes new criteria for determining major source status under Title V of the Clean Air Act Amendments of 1990.

Section 1. Definitions. Except as provided in this section, terms used in this administrative regulation shall have the meaning given to them in 401 KAR 50:010, unless the context clearly indicates otherwise.

(1) "Act" means the Clean Air Act promulgated at 42 USC 7401-7671q, as amended by PL 101-549 (November 15, 1990) and PL 102-187 (December 4, 1991).

(2) "Actual emissions" means the emissions of a regulated air pollutant from a ~~[stationary]~~ source during a calendar year. ~~[every twelve (12) month period.]~~ Actual emissions are determined using data that is provided to the cabinet at the beginning of each year for the purpose of updating the Kentucky Emissions Inventory System (KyEIS), or by other information deemed appropriate by the cabinet. Actual emissions do not include any activity or emissions unit that is not required to be permitted pursuant to 401 KAR 50:035. ~~[continuous emission monitoring data or source test data where available. In the absence of this or similar data, actual emissions are determined using throughputs of process materials and materials stored, usage of materials, manufacturer's product specifications, material VOC content reports or laboratory analyses, other information required by this and other applicable state and federal administrative regulations, and other information as requested in writing by the cabinet.]~~

(3) "Classification date" means December 14, 1995. ~~[thirty (30) days after the date on which the U.S. EPA publishes a final rule granting full or interim approval to Kentucky's Permit Program submitted pursuant to 42 USC 7661-7661f (Title V of the Act).]~~

(4) "Conditional major permit [FESOP" or "federally enforceable state operating permit]" means a permit issued by the cabinet pursuant to 401 KAR 50:035, Section 5(1)(a), which limits a source's potential to emit below the thresholds which require a source to obtain a Part 70 permit, and which is ~~[made federally-]~~ enforceable.

(5) "HAP" or "hazardous air pollutant" means a pollutant listed pursuant to 42 USC 7412(b) (Section 112(b) of the Act).

~~(6) "[Inherent physical limitation" means a condition that is inherent in the physical design or operation of a source which limits its potential to emit. Inherent physical limitations are not required to be federally enforceable.~~

~~(7) "Major source" means a source that emits or has the potential to emit ~~[may emit]~~ a regulated air pollutant and which is described in paragraph (a), (b), or (c) of this subsection.~~

(a) A source that directly emits or has the potential to emit 100 tons per year or more of a regulated air pollutant that is not a HAP. Fugitive emissions shall be considered in determining if the source is a major source only if the source belongs to one (1) of the following categories:

1. Coal cleaning plants (with thermal dryers);
2. Kraft pulp mills;

3. Portland cement plants;
4. Primary zinc smelters;
5. Iron and steel mills;
6. Primary aluminum ore reduction plants;
7. Primary copper smelters;
8. Municipal incinerators capable of charging more than 250 tons of refuse per day;
9. Hydrofluoric, sulfuric, or nitric acid plants;
10. Petroleum refineries;
11. Lime plants;
12. Phosphate rock processing plants;
13. Coke oven batteries;
14. Sulfur recovery plants;
15. Carbon black plants (furnace process);
16. Primary lead smelters;
17. Fuel conversion plant;
18. Sintering plants;
19. Secondary metal production plants;
20. Chemical process plants;
21. Fossil-fuel boilers (or a combination thereof) totaling more than 250 million BTU per hour heat input;
22. Petroleum storage and transfer units with a total storage capacity of more than 300,000 barrels;
23. Taconite ore processing plants;
24. Glass fiber processing plants;
25. Charcoal production plants;
26. Fossil-fuel-fired steam electric plants of more than 250 million BTU per hour of heat input; or

27. A ~~[All other]~~ stationary source category [categories] subject to a standard promulgated pursuant to 42 USC 7411 (Section 111 of the Act) or 42 USC 7412 (Section 112 of the Act) and for which the U.S. EPA has made an affirmative determination pursuant to 42 USC 7602(j) (Section 302(j) of the Act);

(b) On or after the classification date, a source that directly emits or has the potential to emit, in the aggregate, ten (10) tons per year or more of a HAP, or twenty-five (25) tons per year or more of a combination of HAPs, or a lesser quantity of HAPs which the U.S. EPA has established by rule. All fugitive emissions of HAPs shall be considered in determining if the source is a major source. Emissions from an oil or gas exploration or production well, with its associated equipment, and emissions from a pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not the units comprise a source as defined in subsection ~~(12) [(43)]~~ of this section, to determine whether the units or stations are major sources; or

(c) A major stationary source as defined in 42 USC 7501 to 7515 (Part D of the Act) including:

1. For ozone nonattainment areas, sources that emit or have [with] the potential to emit 100 tons per year or more of volatile organic compounds or oxides of nitrogen in areas classified as marginal or moderate, fifty (50) tons per year or more in areas classified as "serious," twenty-five (25) tons per year or more in areas classified as "severe," or ten (10) tons per year or more in areas classified as "extreme;"

2. For carbon monoxide nonattainment areas that are classified as "serious," sources that emit or have [with] the potential to emit fifty (50) tons per year or more of carbon monoxide; and

3. For particulate matter (PM₁₀) nonattainment areas classified as "serious," sources that emit or have [with] the potential to emit seventy (70) tons per year or more of PM₁₀.

~~(7) [(8)]~~ "Minor source" means a source that emits and has the potential to emit [whose potential to emit is] less than the thresholds for a major source as defined in subsection ~~(6) [(7)]~~ of this section.

~~(8) [(9)]~~ "Part 70 permit" means a [an operating] permit issued to a source pursuant to a Title V program approved by the U.S. EPA.

~~(9) [(10)]~~ "Process statement" means an [annual] emissions report covering one (1) or more calendar years that is certified by the owner

or operator of a source, and which provides the following: throughputs of process materials and materials stored, usage of materials, fuel usage, available continuous emissions monitoring data, hours of operation, and other information requested in writing by the cabinet.

~~(10) [(11)]~~ "PTE" or "potential to emit" means the maximum capacity of a source to emit an air pollutant given its physical and operational design. A physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is ~~[federally-] enforceable.~~

~~(11) [(12)]~~ "Regulated air pollutant" means the following:

(a) Volatile organic compounds (VOCs) and oxides of nitrogen;

(b) A pollutant for which a national ambient air quality standard has been promulgated pursuant to 42 USC 7409 (Section 109 of the Act);

(c) A Class I or Class II ozone-depleting substance subject to a standard promulgated pursuant to 42 USC 7671-7671q (Title VI of the Act);

(d) A pollutant, other than total suspended particulates (TSP), subject to a standard promulgated pursuant to 42 USC 7411 (Section 111 of the Act); or

(e) A pollutant subject to a standard or requirement promulgated pursuant to 42 USC 7412 (Section 112 of the Act), pursuant to subparagraphs 1 through 3 of this paragraph [as provided below]:

1. A pollutant listed pursuant to 42 USC 7412(r) (Section 112(r) of the Act) shall be considered regulated upon promulgation of the list.

2. A HAP subject to a standard or other requirement promulgated by the U.S. EPA pursuant to 42 USC 7412(d) (Section 112(d) of the Act) or adopted by the cabinet pursuant to 42 USC 7412(g) and (j) (Section 112(g) and (j) of the Act) shall be considered regulated for all sources or categories of sources upon promulgation of the standard or requirement, or eighteen (18) months after the standard or requirement was scheduled to be promulgated pursuant to 42 USC 7412(e)(3) (Section 112(e)(3) of the Act), whichever date is sooner.

3. A HAP for which the cabinet has made a case-by-case emission limitation determination pursuant to 42 USC 7412(g)(2) (Section 112(g)(2) of the Act) shall be considered regulated, but only for the source for which the determination was made.

~~(12) [(13)]~~ "Source" means a stationary source, or a group of stationary sources, that are located on one (1) or more contiguous or adjacent properties under common control of the same person, or persons under common control, and that belong to a single major industrial grouping (i.e., all have the same two (2) digit code as described in the 1987 Standard Industrial Classification Manual, which is incorporated by reference in 401 KAR 51:017, Section 21), and which emits or has the potential to emit [may emit] a regulated air pollutant.

~~(13) [(14)]~~ "Stationary source" means a building, structure, affected facility, or installation that emits or has the potential to emit [may emit] a regulated air pollutant.

~~(14) [(15)]~~ "State-origin permit" means a permit that contains only state-enforceable requirements, or that contains federally-enforceable requirements but is not required by the U.S. EPA to be a federally-enforceable permit.

~~(15) [(16)]~~ "Title V Program" means a state permit program approved by the U.S. EPA pursuant to 42 USC 7661 through 7661f (Title V of the Act).

~~(16) [(17)]~~ "Twelve (12) month period" means a period of twelve (12) consecutive months determined on a rolling basis with a new twelve (12) month period beginning on the first day of each calendar month.

Section 2. Applicability. (1) This administrative regulation shall apply to any source:

(a) That complies with the notification requirements in Section 4(1)(a) of this administrative regulation;

(b) Whose PTE equals or exceeds the major source thresholds provided in Section 1(6) [(7)](a), (b), or (c) of this administrative regulation **when notification is made to the cabinet [at the time of notification]**; and

~~[(b) That has operated continuously for at least one (1) twelve (12) month period beginning twenty four (24) months immediately preceding the effective date of this administrative regulation; and]~~

(c) Whose actual emissions during each calendar year beginning January 1, 1996, [beginning twenty four (24) months immediately preceding the effective date of this administrative regulation] and continuing thereafter do not exceed the limits [values] specified in subparagraphs 1 through 3 of this paragraph[shown below]:

1. Fifty (50) percent of the major source threshold for ~~[tons per year of]~~ a regulated air pollutant (excluding HAPs);

2. Five (5) tons per year of a single HAP, or fifty (50) percent of any major source threshold less than ten (10) tons per year that the U.S. EPA may establish by rule; and

3. Twelve and one-half [a-half] (12.5) tons per year of any combination of HAPs, ~~[and]~~

4. ~~Fifty (50) percent of a lesser threshold for a single HAP that the U.S. EPA may establish by rule.]~~

(2) A source that has applied for a Part 70 permit or a conditional major permit [FESOP] shall not be subject to this administrative regulation unless the owner or operator of the source voluntarily withdraws the application.

(3) A source that has received a Part 70 permit or a conditional major permit [FESOP] shall not be subject to this administrative regulation ~~[unless the permit has expired and the owner or operator does not apply for renewal].~~

(4) Nothing in this administrative regulation shall prevent a source from applying for or receiving a Part 70 permit or a conditional major permit [FESOP] in lieu of complying with this administrative regulation.

(5) Nothing in this administrative regulation shall relieve a source from the obligation to:

(a) Obtain a Part 70 permit ~~[or a FESOP]~~ if required to do so for any reason other than its status as a major source under 42 USC 7661-7661f (Title V of the Act);

(b) Obtain a state-origin permit or other type of permit if required to do so pursuant to 401 KAR 50:035; or

(c) Operate in compliance with all applicable state and federal requirements.

Section 3. General Provision. A source that is subject to this administrative regulation and complies with the notification, record-keeping, and reporting requirements in Sections 4, 5, and 6 of this administrative regulation ~~[The cabinet has determined that a source subject to this administrative regulation has an inherent physical limitation which prevents it from becoming a major source pursuant to 42 USC 7661-7661f (Title V of the Act). These sources]~~ shall be classified as a minor source[s] pursuant to 40 CFR Part 70 and 401 KAR 50:035 and shall be deferred from the obligation to apply for ~~[obtain]~~ a Part 70 permit or a conditional major permit [FESOP] until twelve (12) months after the date of publication by the U.S. EPA of a final rule which requires the minor source to obtain a permit, or within five (5) years after the classification date, whichever date is earlier.

Section 4. Notification, Compliance, and Enforcement. (1)(a) The owner or operator of a source that meets the requirements in Section 2(1)(b) and (c) of this administrative regulation, and who chooses to comply with this administrative regulation in lieu of obtaining a Part 70 permit or a conditional major permit, shall notify the cabinet after the effective date of this administrative regulation but not later than eight (8) months after the classification date [within sixty (60) days after the source becomes subject to this administrative regulation]. The notification shall be certified by the owner or operator. It shall state

that the source is subject to this administrative regulation and [except as noted below,] that the source meets the requirements of Section 2(1)(b) and (c) of this administrative regulation as of the date of notification. If the source's actual emissions in any calendar year during the period beginning January 1, 1991 and ending December 31, 1995, exceeded the limits in Section 2(1)(c) of this administrative regulation, the notification shall include a description, in sufficient detail to allow verification by the cabinet, of how the source will comply with the limits. If the owner or operator has submitted an application for a Part 70 permit or a conditional major permit and chooses to withdraw the application, the request for withdrawal shall also be included in the notification. [and shall include a certified process statement demonstrating that the source complies with the requirements in Section 2(1) of this administrative regulation.]

(b) A source that is not listed in the KyEIS and that notifies the cabinet pursuant to paragraph (a) of this subsection shall be notified by the cabinet and shall [that is not listed in the KyEIS will be notified and shall] be required to submit a process statement within thirty (30) days of the cabinet's notification.

(c) The source shall begin complying with the recordkeeping and reporting requirements in Sections 5 and 6 of this administrative regulation immediately upon notification to the cabinet.

(2) A source that is subject to this administrative regulation and fails to submit a process statement, if required, pursuant to subsection (1)(b) of this section, or fails to comply with the recordkeeping and reporting requirements in Sections 5 and 6 of this administrative regulation ~~[comply with the notification, recordkeeping, and reporting requirements in subsection (1) of this section]~~ shall be in violation of this administrative regulation and shall be subject to enforcement action. Additionally, if the source fails to comply with these requirements within thirty (30) days after notice of violation is provided by the cabinet, it shall no longer be subject to this administrative regulation and shall be required to submit an application pursuant to 401 KAR 50:035 for a Part 70 permit or a conditional major permit within six (6) months following the date of the notice of violation, or within one (1) year following the classification date, whichever date is later. [FESOP.]

(3) A source whose actual emissions exceed the limits in Section 2(1)(c) of this administrative regulation but does not exceed the major source thresholds provided in Section 1(6)(a), (b), or (c) of this administrative regulation shall be in violation of this administrative regulation and shall be subject to enforcement action. Additionally, the source shall be required to submit a complete application for a Part 70 permit or a conditional major permit as follows:

(a) If the source notifies the cabinet that it is going to exceed the emission limits thirty (30) days prior to the exceedence, the source shall be required to submit an application within one (1) year following the date of notification.

(b) If the cabinet determines that the source has exceeded the emission limits and the source has not notified the cabinet thirty (30) days in advance, the source shall be required to submit an application within four (4) months after the date the cabinet notifies the source of its finding, or within one (1) year after the classification date, whichever date is later.

~~[(3) A source whose actual emissions exceed the values given in Section 2(1) of this administrative regulation, or who is required to obtain a permit for noncompliance pursuant to subsection (2) of this section, shall submit an application to the cabinet for a Part 70 permit or a FESOP within six (6) months after:~~

~~(a) The exceedance occurs; or~~

~~(b) The source is notified that it must obtain a permit.]~~

(4) A source that exceeds the major source thresholds provided in Section 1(6)(a), (b), or (c) of this administrative regulation shall be in violation of this administrative regulation and 401 KAR 50:035, and shall be subject to immediate enforcement action. The source shall also be immediately subject to any additional requirements which may apply. ~~[A source that is required to obtain a Part 70 permit or a~~

~~FESOP pursuant to subsection (3) of this section shall not become subject to this administrative regulation again until the Part 70 permit or FESOP has expired and the source has demonstrated its ability to comply with all the provisions of this administrative regulation.]~~

Section 5. Recordkeeping Requirements. ~~[(2)]~~ The owner or operator shall keep and maintain records for each emission unit sufficient to determine actual emissions. If groups of similar units are [in the case of groups of similar units] connected in series, records may be kept on the group rather than on each individual unit (e.g., a series of spray booths with a common feed, or internal combustion engines in an oil field fed by a common fuel line). These records shall be summarized and totaled at the end of each quarter (March 31, June 30, September 30, and December 31) and again at the end of each calendar year. They shall be ~~[in a monthly log,]~~ maintained on site for five (5) years, and made available for inspection by the cabinet or the U.S. EPA on request.

~~(1) [The owner or operator shall keep and maintain the records prescribed in subsection (2) of this section unless the actual emissions of the source do not exceed the values shown below:]~~

~~(a) Five (5) tons per year of a regulated air pollutant (excluding HAPs);~~

~~(b) One (1) ton per year of a single HAP;~~

~~(c) Two and a half (2.5) tons per year of any combination of HAPs; and~~

~~(d) Ten (10) percent of any lesser threshold for a single HAP that the U.S. EPA may establish by rule.~~

~~(a) [1-] A current list of all coatings, solvents, inks and adhesives in use. This list shall include: information on the manufacturer, brand, product name or CAS number, VOC content in grams per liter or pounds per gallon, HAPs content in grams per liter or pounds per gallon, or manufacturer's product specifications, material VOC content reports or laboratory analyses providing this information;~~

~~(b) [2-] A description of all equipment used during and after coating or solvent application, including type, make and model; maximum design process rate or throughput; type and description of control devices used; and a description of the application method and drying method used;~~

~~(c) [3-] A quarterly [monthly] log of the consumption of each solvent, including solvents used in purging, clean-up, and surface preparation, and of each coating, ink, and adhesive used; and~~

~~(d) [4-] All purchase orders, invoices, and other documents to support information in the quarterly [monthly] log.~~

~~(2) [(b)] Organic liquid storage unit. Owners or operators of sources containing a permitted organic liquid storage unit shall keep and maintain the following records:~~

~~(a) [1-] A quarterly [monthly] log identifying the liquid stored and used [monthly throughput]; and~~

~~(b) [2-] Information on the tank design and specifications including control equipment.~~

~~(3) [(c)] Combustion emission unit. Owners or operators of sources containing combustion emission units shall keep and maintain the following records:~~

~~(a) [1-] Information on equipment type, make and model, maximum design process rate or maximum power input and output, minimum operating temperature and capacity of thermal oxidizers, type and description of control devices used, and all source test information; and~~

~~(b) [2-] A quarterly [monthly] log of hours of operation, fuel type, fuel usage, fuel heating value, and percent sulfur for fuel oil and coal. For nonfossil fuels, heating value shall be expressed in BTU/lb or BTU/gal.~~

~~(4) [(d)] Emission control unit. Owners or operators of sources~~

containing emission control units shall keep and maintain the following records:

~~(a) [1-] Information on equipment type and description, make and model, and emission units served by the control unit;~~

~~(b) [2-] Information on equipment design including if [where] applicable, pollutants controlled; control efficiency; maximum design or rated capacity; inlet and outlet temperatures, and concentrations for each pollutant controlled; catalyst data (type, material, life, volume, space velocity, ammonia injection rate and temperature); baghouse data (design cleaning method, fabric material, flow rate, air-to-cloth ratio); electrostatic precipitator data (number of fields, cleaning method, and power input); scrubber data (type, design, sorbent type, pressure drop); other design data as appropriate; all source test information; and~~

~~(c) [3-] A quarterly [monthly] log of hours of operation including notation of any control equipment breakdowns, upsets, repairs, maintenance and any other deviations from design parameters.~~

~~(5) [(e)] General emissions unit. Owners or operators of sources containing emission units not described in paragraphs (a) through (c) of this subsection shall keep and maintain the following records:~~

~~(a) [1-] Information on the process and equipment including the following: equipment type, description, make and model, maximum design process rate or throughput, and type and description of control devices used;~~

~~(b) [2-] A quarterly [monthly] log of operating hours, each raw material used and its amount, each product produced and its production rate;~~

~~(c) [3-] Purchase orders, invoices, and other documents to support information in the quarterly [monthly] log; and~~

~~(d) [4-] Any additional information requested in writing by the cabinet.~~

Section 6. Reporting Requirements. The cabinet shall mail a printout of the current emissions inventory data contained in the KyEIS to each source subject to this administrative regulation on or before December 15 of each year. The owner or operator shall update the information as instructed, including the required certification, and return it to the cabinet no later than January 15 of the following year. [The owner or operator of a source shall submit a certified process statement to the cabinet each year on the anniversary of the notification date provided in Section 4(1) of this administrative regulation, unless the actual emissions of the source do not exceed the values shown below:]

~~(1) Twenty five (25) tons per year of a regulated air pollutant (excluding HAPs);~~

~~(2) Two and a half (2.5) tons per year of a single HAP;~~

~~(3) Six and a quarter (6.25) tons per year of any combination of HAPs; and~~

~~(4) Twenty five (25) percent of any lesser threshold for a single HAP as the U.S. EPA may establish by rule.]~~

Section 7. This administrative regulation shall expire on December 15, 2000. A source whose PTE equals or exceeds the major source thresholds in Section 1(6)(a), (b), or (c) of this administrative regulation on December 15, 2000, shall be considered a major source for purposes of the Title V [operating permit] program.

PHILLIP J. SHEPHERD, Secretary

APPROVED BY AGENCY: December 11, 1995

FILED WITH LRC: December 15, 1995 at 8 a.m.

ADMINISTRATIVE REGISTER - 1462

DEPARTMENT OF STATE POLICE (As Amended)

502 KAR 45:025. Disqualification.

RELATES TO: KRS 16.040, 16.050

STATUTORY AUTHORITY: KRS 16.040, 16.050, 16.080

NECESSITY AND FUNCTION: KRS 16.040 requires the Commissioner of State Police to prescribe minimum physical requirements for persons appointed as state police officers, and to conduct tests to determine the fitness and qualifications of applicants. KRS 16.080 authorizes the commissioner to adopt administrative regulations for the enlistment of officers. KRS 16.050 requires the State Police Personnel Board to adopt administrative regulations to provide for competitive examination as to the fitness of applicants for employment as officers, and for the establishment of eligible lists for employment based upon competitive examination. This administrative regulation establishes the grounds for disqualification from competition in the process.

Section 1. Applicants shall be disqualified from further participation in the selection process or removed from the register if it is determined that:

(1) An applicant does not meet any one (1) of the qualifications for appointment as an officer;

(2) An applicant has made a false statement of material fact on the application, or in response to any questions or requests for information during the selection process;

(3) An applicant has used or attempted to use political influence, coercion or bribery to secure an advantage in any phase of the selection process;

(4) An applicant has cheated during the course of any examination required during the selection process, or has attempted to gain an advantage over other applicants by any dishonest or intentionally misleading act or omission;

(5) An applicant has failed to comply with any instructions from the department relating to the selection process;

(6) An applicant has been dismissed for cause from any public agency, or has resigned while charges of misconduct were pending;

(7) An applicant has been convicted of a felony or any crime of moral turpitude;

(8) An applicant is a current user of a controlled substance, unless prescribed by a physician;

(9) An applicant is addicted to any controlled substance or intoxicant;

(10) An applicant has more than six (6) ~~five (5)~~ driver demerit points against his operator's license;

(11) An applicant tests positive for an unlawful controlled substance as determined by a blood or urine analysis;

~~(12) An applicant has used a controlled substance which would constitute a felony offense;~~

~~(13) An applicant has used marijuana beyond experimental use.~~

Section 2. If ~~probable~~ cause exists to believe that an applicant has committed an act or omission which if true would result in disqualification, the department may defer any further processing of the application, or may condition further processing upon successful completion of a polygraph examination conducted by a licensed examiner employed by the department.

Section 3. An applicant who is disqualified or upon whose application further processing is deferred shall be informed within ten (10) working days of the reason for the disqualification or deferral, and of the right to appeal to the State Police Personnel Board.

GENE PETER, Commissioner

APPROVED BY AGENCY: October 11, 1995

FILED WITH LRC: October 11, 1995 at 2 p.m.

TRANSPORTATION CABINET Department of Highways Permits Branch (As Amended)

603 KAR 4:035. Logo signs placement along fully controlled access highways.

RELATES TO: KRS 177.0734 through 177.0738

STATUTORY AUTHORITY: KRS 177.0734 through 177.0738

NECESSITY AND FUNCTION: KRS 177.0734 through 177.0738 require the Commissioner of Highways to prescribe by administrative regulations reasonable standards for the erection of specific information panels within highway rights-of-way to provide directional information for business establishments offering goods and services in the interest of the traveling public. This administrative regulation sets forth the criteria to be followed in the erection and maintenance of specific motorist signing designed to inform motorists where travel related goods and services are available. Furthermore, as a result of a recommendation of the Governor's Highway Signage and Tourism Task Force, the Federal Highway Administration will allow Kentucky to experiment with a fifth legend logo for tourist activity signing along specified interstate and parkway routes. This administrative regulation sets forth the criteria to be followed in the erection and maintenance of these signs to be used as a demonstration project for the fifth legend logo signs relating to tourist activities. The demonstration project is scheduled to be evaluated in early 1997.

Section 1. Definitions. (1) "Business location" means a place of business where more than one (1) motorist service is available.

(2) "Business sign" means a separately attached sign mounted on the specific information panel to show the name, brand name or trademark of a qualified motorist service available near the interchange.

(3) "Clear zone" means the area between the edge of the driving-lane of a fully controlled access highway and an imaginary line running parallel to the highway but thirty (30) feet (9.15 meters) away from the highway.

(4) "Combination specific information sign" means a specific information sign with more than one (1) of the services "gas", "food", "lodging", "camping", or "tourist activities" listed on it.

(5) "Contractor" means the entity selected by the Department of Highways pursuant to KRS Chapter 45A and 600 KAR 1:101 to administer the specific information signing program in Kentucky. The activities of the contractor shall include but not be limited to marketing, determination of business eligibility, maintenance, erection and removal of the specific information panels and installation and removal of business signs.

(6) "Contract year" means July 1 through the following June 30.

(7) "Cover" means place a protective shield over a business sign to prohibit viewing of the sign.

(8) "Double exit interchange" means a grade-separated crossing of roadways having two (2) mainline off-ramps in one (1) direction to provide access to the crossroad.

(9) "Fully controlled access highway" means a highway, limited to interstate highways and state parkways, that gives preference to through traffic and has access only at selected public roads and that has no at-highway grade crossings or intersections.

(10) "Highway guide sign" means an official highway sign which is erected by the Department of Highways to give directions; to furnish advance notice of the approach to intersections or interchanges; to direct drivers into appropriate lanes; to identify routes, and directions on those routes; to show distances to destinations; to indicate access to general motorist services, rest, scenic and

recreational areas; and to provide other information of value to the traveling public.

(11) "Interchange" means a junction of two (2) or more highways by a system of separate levels that permit traffic to pass from one to another without the crossing of traffic streams.

(12) "Intersection" means a junction of two (2) roads at the same grade level.

(13) "Logo" means a business sign.

(14) "Motorist service" means a place of business or a business location providing gas, food, lodging, or camping facilities or a combination thereof.

(15) "Primary motorist service" means a business location which gives precedence to one (1) motorist service over any other motorist service available at that business location.

(16) "Ramp sign" means a sign that is placed along the ramp or at the ramp terminal for service facilities which have business logos displayed along the main roadway.

(17) "Secondary motorist service" means one (1) or more motorist services available at a business location which are subordinate to the primary motorist service.

(18) "Single exit interchange" means a grade-separated crossing of roadways having one (1) mainline off-ramp per direction to provide access to the crossroad.

(19) "Specific information panel" means an official sign placed within the highway right-of-way with the words "GAS," "FOOD," "LODGING," "CAMPING," or "TOURIST ACTIVITIES" or combinations thereof, and space for one (1) or more individual business signs which may be attached to the panel.

(20) "Tourist activities" means activities or locations that are natural phenomena; historic, cultural, scientific, educational and religious sites; or areas of natural beauty or naturally suited for outdoor recreation. These activities are deemed to be in the interest of the traveling public.

(21) "Trailblazing sign" means a sign similar to a ramp sign used on nonfully controlled access highways from which a service is available to indicate the direction to the service.

Section 2. General Provisions. (1) The Commissioner, Department of Highways, shall authorize the placement of specific information panels with business signs within the right-of-way of fully controlled access highways.

(2) The Department of Highways shall control the erection and maintenance of panels and signs in accordance with the "Manual on Uniform Traffic Control Devices" (MUTCD) as incorporated by reference in 603 KAR 5:050 and with the provisions of this administrative regulation.

(3) The Department of Highways shall demonstrate the use of the "tourist activities" specific service sign on the following highways:

(a) I-24 along its entire length;

(b) I-65 from the Tennessee state line to the Bullitt-Jefferson County line; ~~through Exit 94 north of Elizabethtown;~~

(c) I-64 from the Shelbyville-Jefferson County line to the West Virginia state line ~~[Shelbyville to Ashland]; and~~

(d) William H. Natcher Parkway, formerly the Green River Parkway, along its entire length.

Section 3. Application and Contracts for Specific Information Signs. (1) Application for a business to place a logo relating to gas, food, lodging or camping on a specific information panel shall be on "Application for Highway Logo Signing" forms prepared by the Kentucky Logo Sign Group, Inc. in November 1993. This form is incorporated by reference as a part of this administrative regulation.

(2) Application for a business to place a logo relating to tourist activities on a specific information panel shall be on "Application for Highway Tourist Activity Logo Signing" forms prepared by the Kentucky Logo Sign Group, Inc., in May, 1994. This form is incorporated by reference as a part of this administrative regulation.

(3) The notice by the business to the Department of Highways' contractor of the number, type and placement of each logo sign shall be on "Logo Program Billing Information" forms prepared by the Kentucky Logo Sign Group, Inc. in May, 1994. This form is incorporated by reference as a part of this administrative regulation.

(4) The contract to be entered into between the participating business and the Department of Highways' contractor shall be the "Highway Logo Program Agreement" form prepared by the Kentucky Logo Sign Group, Inc. as revised November 1995 ~~[in May, 1994]~~. Addenda to this form may be included in the contract where appropriate. This form is incorporated by reference as a part of this administrative regulation.

(5) All forms incorporated by reference as a part of this administrative regulation may be viewed, copied or obtained from the Kentucky Logo Sign Group, Inc., Suite 6, State National Bank Building, 305 Ann Street, Frankfort, Kentucky 40601. Its telephone number is 1-800-469-5646. The forms may also be viewed, copied, or obtained from the Division of Traffic, 501 High Street, Mail Code 1-3, Frankfort, Kentucky 40622. Its telephone number is (502) 564-3020. Its hours of operation are 8 a.m. through 4:30 p.m. eastern time on weekdays.

Section 4. Location and Erection of Specific Information Panels.

(1) A specific information panel bearing separately attached business signs shall not be erected less than 800 feet (244 meters) in advance of the exit direction sign at the interchange where motorist services are available.

(2) Spacing between each specific information panel shall be at a minimum of 800 feet (244 meters) and shall be spaced at least 800 feet (244 meters) from any other highway guide signs in existence or proposed for that area.

(3) A specific information panel shall not be erected if there is insufficient space between the previous interchange and the interchange where the motorist services are available for the required highway guide signs and a specific information panel.

(4) A specific information panel shall not be erected at an interchange or intersection which intersects another limited access facility.

(5) A specific information panel shall not be erected at any interchange or intersection which does not have a convenient reentry in the same direction of travel.

(6)(a) Except as allowed in subsection (9) of this section, not more than one (1) specific information panel for "GAS," "FOOD," "LODGING," "CAMPING," or "TOURIST ACTIVITIES" shall be erected in each direction for an interchange or intersection.

(b) Not more than four (4) specific information panels shall be erected in one (1) direction of travel for an interchange or intersection.

(c) In one (1) direction of travel, the successive panels shall be erected in the order of "TOURIST ACTIVITIES" or "CAMPING," "LODGING," "FOOD," and "GAS" unless a combination specific information sign is erected in accordance with Section 5(10) or (11) of this administrative regulation.

(d) At interchanges with insufficient space available in a single direction for four (4) specific information panels, or at interchanges with requests for all five (5) type services, service signing preference shall be in the order "gas", "food", "lodging", "camping", and "tourist activities", with "gas" having the highest priority.

(7) The specific information panels shall be located to:

(a) Take advantage of natural terrain;

(b) Have the least impact on the scenic environment; and

(c) Avoid visual conflict with other signs within the highway right-of-way.

(8) Unprotected sign panel supports located within the clear zone shall be of a breakaway design.

(9)(a) If a specific information panel has at least two (2) unused display spaces, and if another of the specific information panels is full but there are additional eligible businesses requesting logo space for

that panel or service, the panel with the unused space may be converted to a combination specific information sign to include the additional service.

(b) A qualified motorist service logo displayed as a result of the creation of a combination specific service information sign in paragraph (a) of this subsection shall have a lower priority than a qualified motorist service of the type initially displayed on the panel.

Section 5. Interchange Specific Information Panel Composition.

(1) A specific information panel shall have a blue background with a white reflectorized border.

(2) The directional arrows and all letters and numbers used in the name of the type of service and the directional legend shall be white and reflectorized.

(3) All letters used in the name of service and the directional legend shall be ten (10)-inch (254-millimeter) capital letters.

(4) All numbers shall be ten (10) inches (254 millimeters) in height.

(5) The size of the specific information panel shall comply with the requirements of the MUTCD.

(6) An average measured retroreflectivity of fifty (50) percent or greater shall be maintained on each specific information panel.

(7)(a) For single exit interchanges, a standard full-size specific information panel shall accommodate a maximum of six (6) business signs.

(b) In instances when the number of businesses does not warrant a full-size panel, a half-size or combination panel may be used.

(8) If service facilities are not visible from a ramp terminal, supplemental "GAS," "FOOD," "LODGING," "CAMPING" or "TOURIST ACTIVITIES" logos shall be placed along the ramp or at the ramp terminal with a directional arrow and mileage (kilometers) to the service.

(9)(a) For double exit interchanges, the specific information panel shall consist of two (2) sections, one (1) for each exit, mounted on the same base.

(b) The top section shall display business signs for the first exit and the lower section shall display business signs for the second exit.

(c) Each section shall accommodate a maximum of three (3) business signs for each service per exit.

(d) If a type of motorist service is to be signed for only one (1) exit, one (1) section of the specific information panel may be omitted or a single exit interchange sign may be used.

(10) Business signs for two (2) types of services may be displayed on the same combination specific information sign under the following conditions:

(a) For the two (2) types of services there is a total of not more than six (6) qualified businesses at the interchange unless as set forth in Section 4(9) of this administrative regulation;

(b) Up to three (3) business signs may be displayed for each type of service in combination on a panel;

(c) If four (4) business signs are displayed for one (1) type of service on a combination specific information sign, no more than two (2) business signs for the other type of service shall be displayed on the combination specific information sign; and

(d) The name of each type of service shall be displayed above its respective business signs.

~~[(e) If tourist activities is one (1) of the types of services to be combined, it shall only be combined with camping.]~~

(11) Business signs shall not be combined on a panel as described in subsection (10) of this section if:

(a) It is anticipated that additional service businesses shall become available in the near future; or

(b) It becomes necessary to display more than a total of six (6) business signs for the two (2) types of services displayed in combination;

(12)(a) Except at unnumbered exits, the exit number shall be displayed above the names of the types of services; and

(b) At unnumbered exits, the legend "NEXT RIGHT" or "NEXT LEFT" shall be displayed above the names of the types of services.

Section 6. Ramp Signs. (1) At single-exit interchanges, exit ramp signs shall be installed except that the logos for facilities visible from the ramp terminal may be omitted.

(2) Business signs on ramp signs shall be duplicates of the corresponding logos installed along the main roadway, but reduced in size.

(3) Ramp signs shall include distances to the service facilities. Directions shall be indicated by arrows.

(4) Ramp signing may be used on ramps at double-exit interchanges.

Section 7. Business Signs. (1) Each business sign shall have a legend and border. However, if the business identification symbols or trademarks are used alone for a business sign, the border may be omitted.

(2) Each business sign on the specific information panel shall be contained within a forty-eight (48)-inch (1219.2-millimeter) wide and thirty-six (36)-inch (914.4-millimeter) high rectangular background area which includes the border, if required.

(3) The principal legend shall be legible from the main traveled way of the highway under normal driving conditions.

(4) A symbol or trademark shall be reproduced in the colors and general shape consistent with customary use and an integral legend shall be in proportionate size.

(5) A message, symbol or trademark which resembles any official traffic control device shall be prohibited.

(6) The vertical and horizontal spacing between business signs on specific information panels shall not exceed eight (8) inches (203.2 millimeters) and twelve (12) inches (304.8 millimeters), respectively.

(7) The required reflectivity, material composition, and adhesiveness of the business signs are set forth in the "LOGO PROGRAM SPECIFICATIONS" form 99-133 last revised by the Kentucky Transportation Cabinet in April, 1991. This form is incorporated by reference as a part of this administrative regulation.

(8) If a business ceases to exist or is not in operation for thirty (30) days, the business sign shall be immediately covered or removed as circumstances of each closing or cessation of business dictate.

(9) Any business which operates on a seasonal basis shall make provisions for removing or covering business signs during the off season. Businesses of this type shall notify the Department of Highways' contractor in writing thirty (30) days before the opening or closing occurs.

(10) In the absence of an official trademark or logo, the official name as indicated in partnership agreements, incorporation documents, or otherwise documented may be substituted on the business sign.

(11)(a) Descriptive advertising words, phrases or slogans shall not be allowed on a business sign; i.e., "Open 24 Hours," "Joe's 24-Hour Market," "Free Coffee," "Credit Cards Accepted," etc.

(b) Descriptive words which are part of the official name of the business shall be permitted on a business sign; i.e., "hotel," "motel," "inn," "lodge," "restaurant," "cafe," "cafeteria," "diner," or others with a similar meaning.

(c) The word "Diesel" on a "GAS" business sign shall be permitted.

(12) If there is more than one (1) eligible business at an interchange with the same business symbol, brand, trademark or logo, more than one (1) business symbol, brand, trademark or logo with the same design may be placed on a specific information panel or on a ramp sign to indicate the distances to the individual businesses.

Section 8. Business Criteria and Eligibility. (1) In the absence of adequate motorist service business signs to fill a specific information panel with primary motorist service signs, secondary motorist service

business signs may be allowed on those unfilled panels.

(2) If a space is not available for the primary motorist service, a secondary motorist service may be considered if space is available on the specific information panel for that type of service.

(3) Secondary motorist services shall not be considered until all businesses with a primary motorist service have been allowed an opportunity to have their business signs placed on the specific information panel pertaining to that type motorist service.

(4) In selecting secondary services, the same criteria as required for primary motorist services shall be used to determine their qualification for a business sign.

(5)(a) A business within a three (3) mile (4.83 kilometer) limit in any direction from the centerline of a fully controlled access road interchange shall have first priority to place signs on information panels.

(b) If within that three (3) mile (4.83 kilometer) limit and adequate number of services of the type being considered are not available, second priority shall be an additional three (3) miles (4.83 kilometers).

(c) Priority shall be extended in three (3) mile (4.83 kilometer) increments until an adequate number of services of the type being considered are available or fifteen (15) miles (24.15 kilometers) is reached.

(d) A business further than fifteen (15) miles (24.15 kilometers) from the interchange shall not be eligible to qualify for placement of a business sign. However, any business at a distance greater than fifteen (15) miles (24.15 kilometers) from the interchange with a business sign in place on January 1, 1994, may continue to display the business sign until the business fails to meet another criterion of this administrative regulation.

(6) A business with one (1) or more advertising devices in violation of KRS 177.830 through 177.890 on any route controlled by this statute or in violation of 603 KAR 3:080 shall not be eligible to qualify for a business sign until all violations have been removed.

(7) A business with one (1) or more advertisements on signs which are in violation of KRS 177.830 through 177.890 or 603 KAR 3:080 shall not be eligible to qualify for a business sign until all violations have been removed.

(8) An activity which is identified at an interchange by a guide sign pursuant to Chapter 2F of the "Manual on Uniform Traffic Control Devices":

(a) May also be identified with a "TOURIST ACTIVITIES" logo;

(b) Shall have a lower priority for eligibility than any other activity which is eligible for a "TOURIST ACTIVITIES" logo.

Section 9. Requirements for Obtaining Business Signs. A motorist service business located at, or conveniently accessible from, an interchange or intersection shall be eligible for placement of a business sign on a specific information panel if it qualifies under the following conditions:

(1) Each business shall offer written assurance that it conforms with all applicable laws and administrative regulations concerning the provision of public accommodations with regard to race, religion, color, sex, age, disability, or national origin.

(2) To qualify for a "GAS" business sign, a business shall:

(a) Be in operation seven (7) days a week, and continuously open for sixteen (16) hours a day; and

(b) Have motor vehicle fuel, oil, water, drinking water, restroom facilities, and a telephone.

(3) To qualify for a "FOOD" business sign, a business shall:

(a) Be licensed in accordance with KRS Chapter 219;

(b) Be in continuous operation to serve three (3) meals a day, seven (7) days a week;

(c) Have a seating capacity for a minimum of six (6) guests at sit-down, eat-in service; and

(d) Have a telephone.

(4) To qualify for a "LODGING" business sign, a facility shall:

(a) Be licensed in accordance with KRS Chapter 219;

(b) Have a minimum of two (2) rooms available for sleeping accommodations; and

(c) Have a telephone.

(5) To qualify for a "CAMPING" business sign, a facility shall:

(a) Be licensed in accordance with KRS Chapter 219; and

(b) Have a minimum of ten (10) parking accommodations which have modern sanitary facilities, and drinking water.

(6) To qualify for a "TOURIST ACTIVITIES" business sign, a facility shall:

(a) Be an activity or location that is one (1) or more of the following:

1. Natural phenomena;

2. Historic site;

3. Cultural site;

4. Scientific site;

5. Educational site;

6. Religious site;

7. Area of natural beauty; or

8. Area naturally suited for outdoor recreation.

(b) Maintain regular hours for that type of establishment;

(c) Be licensed in accordance with KRS Chapter 219, if applicable;

(d) Have restroom facilities;

(e) Have drinking water available;

(f) Have an on-premise or nearby public telephone; and

(g) Have adequate parking to accommodate its traffic with a minimum of ten (10) spaces.

(7)(a) Qualifying businesses nearest to the interchange or intersection shall receive preference in the selection process.

(b) A qualifying food business which is open sixteen (16) hours a day beginning no later than 7 a.m. each day shall have priority over another qualifying food business which does not provide service for this entire time period. Distance from the interchange shall only be considered in determining priority after the business hours have been considered.

(c) If a new qualifying business comes into existence nearer the interchange or intersection than one which already has a business sign displayed on a fully utilized panel, the new business may have its business sign displayed at the beginning of the next contract year. The business farthest from the interchange shall have its business sign removed at the end of the contract year if the closer business has applied to have its business sign displayed and has been approved for the program.

(d) A qualifying business or activity which has been identified on an official highway guide sign shall have a lower priority to have its business sign displayed than any other qualifying business or activity.

(8)(a) The qualifying business shall pay to the department's contractor an annual fee of \$600, in advance, for each business sign placed on the fully controlled access highway for gas, food, and lodging and ~~tourist activities~~ and \$300 for camping and tourist activities.

(b) The annual fee for the first year shall accompany the initial application.

(c) If the first lease is for less than one (1) year, the first year's annual fee shall be prorated on a monthly basis with each portion of a month the business sign is up requiring payment of one-twelfth (1/12) of the fee.

(d) The yearly renewal fee shall be due forty-five (45) days prior to the annual renewal date.

(e) The payment of this fee guarantees that the business sign will be displayed for one (1) contract year or portion of the first contract year as long as the business does not violate any part of their agreement with the Department of Highways' contractor.

(9) If a sign or signs for a business is removed or covered for any reason, a fee of \$100 shall be charged for the reinstallation or uncovering of the sign for each business at each interchange.

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(10) The qualifying business shall be responsible for damages to business signs caused by acts of vandalism or natural causes requiring repair or replacement of business signs.

(11) A business sign shall not be displayed which:

(a) Would misinform the traveling public; or

(b) Is unsightly, badly faded, or in a state of dilapidation. In these instances the business shall provide a new or renovated business sign.

Section 10. Trailblazing Signs For Campgrounds. (1) Only those campgrounds within fifteen (15) miles (24.15 kilometers) of the centerline of a fully controlled access highway shall be eligible for new trailblazing signs.

(2) Only one (1) specific service trailblazing sign shall be erected for each business with a logo. This sign shall be placed a minimum of 300 feet (91.5 meters) in advance of the intersection from which the camping service is available.

(3) A trailblazing sign shall not be erected or displayed if the business is visible from a point on the fully controlled access highway within 300 feet (91.5 meters) prior to intersection.

Section 11. Measurements. (1) Measurements in the selection of qualified businesses for business signs shall be from the juncture of the center line, measured between the center edges of the main traveled way of the fully controlled access road and the center line of a nonlimited access crossroad.

(2) Selection of businesses for display of business signs shall begin at the point of measurement described in subsection (1) of this section to the nearest point of vehicle travel to the exit from the crossroad or public thoroughfare to the particular motorist service.

Section 12. Business Sign Contract. (1)(a) A business sign contract between a participating business and the department's contractor shall be approved by the Transportation Cabinet prior to the erection of a business sign.

(b) Each business sign and contract shall be subject to review by the Transportation Cabinet at any time.

(c) Failure to comply with any of the requirements set forth herein including nonpayment by the participating business shall be cause for the revocation of a business sign contract.

(d) If the contract is revoked for cause, the prepaid fees for a contract year or portion thereof, shall not be refunded.

(2) If the Department of Highways or its contractor determines that a contract, business, or business sign does not comply with the requirements of this administrative regulation, the Department of Highways' contractor shall notify the business in writing of the violation.

(3) If the business fails to comply with the requirements of this administrative regulation within fifteen (15) days after receiving the notification, the Department of Highways' contractor shall take immediate action to cancel the contract and remove, replace, or cover the business signs.

Section 13. Appeal to the Commissioner of Highways for Exemption. (1) The Commissioner of Highways may grant an exemption to a business from the necessity of complying with any of the requirements set forth in this administrative regulation provided:

(a) It is determined by the commissioner that the exemption is in the public interest;

(b) The business conforms to the Federal Highway Administration standards for specific information signs; and

(c) That business which conforms to all the requirements set forth in this administrative regulation shall be given a preference over a business not conforming to all of the requirements in qualifying for placement of a business sign on a specific information panel.

(2) Any request for an exemption by a business to the Commissioner of Highways shall be filed in the form of an appeal as pre-

scribed for in Section 15 of this administrative regulation.

Section 14. Encroachment Permits. The Department of Highways' contractor shall apply for an encroachment permit pursuant to 603 KAR 5:150 for each new specific service sign proposed to be erected or removed from state-owned right-of-way.

Section 15. Appeal of Department of Highways Action. (1) Any business or person aggrieved by the action taken by the Department of Highways or its contractor in administering this administrative regulation may request a formal hearing before the Commissioner of the Department of Highways.

(2) The request for the formal hearing shall:

(a) Be filed in writing with the Commissioner, Department of Highways, 501 High Street, Frankfort, Kentucky 40622; and

(b) Set forth the nature of the complaint and the grounds for the appeal.

(3) Upon receipt of a request for a hearing, the general counsel of the Transportation Cabinet shall assign the matter to a hearing examiner.

(4) The hearing and subsequent procedures shall be conducted in accordance with the provisions of KRS Chapter 13B.

~~[(5) If the appellant wishes to continue the appeal after the administrative hearing set forth in KRS Chapter 13B, the court of proper jurisdiction for the filing of an appeal shall be Franklin Circuit Court.] [The hearing examiner shall schedule a date for the hearing as soon as the schedules of the parties needed at the hearing allow provided that the time shall not exceed sixty (60) days after receipt of the request for hearing.~~

~~(5) The hearing shall be recorded.~~

~~(6) The rules of evidence shall not apply.~~

~~(7)(a) The hearing examiner shall prepare and submit his report with a recommendation within sixty (60) days of the hearing.~~

~~(b) The report and recommendation shall be submitted to the Commissioner of Highways with copies served to the party which requested the hearing.~~

~~(8) Any party to the hearing may within twenty (20) days file with the Commissioner of Highways his exceptions to the report and recommendation of the hearing examiner.~~

~~(9) The commissioner shall within ten (10) days of receiving the exceptions and within thirty (30) days of receiving the report and recommendation of the hearing examiner issue an official order setting forth the final action of the Department of Highways.]~~

J.M. YOWELL, P.E., State Highway Engineer

DON C. KELLY, P.E., Secretary

APPROVED BY AGENCY: December 8, 1995

FILED WITH LRC: December 11, 1995 at 10 a.m.

LABOR CABINET

Department of Workplace Standards
Kentucky Occupational Safety and Health
(As Amended)

803 KAR 2:320. Air contaminants [Adoption of 29 CFR Part 1910.1000-1500].

RELATES TO: KRS [Chapter] 338.051, 338.061, 29 CFR 1910.1000-1500

STATUTORY AUTHORITY: KRS 338.051(3), 338.061, 29 CFR 1910.1000-1500

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health ~~rules and~~ administrative regulations, and standards. Express authority to incorporate by reference established federal standards and national

consensus standards is also given to the board. The following administrative regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry. [The standards are arranged in numerical order in order to facilitate reference to 29 CFR 1910.]

Section 1. Definitions. (1) Definitions for Section 2 of this administrative regulation.

(a) "Absolute filter" means a filter capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 mu particles.

(b) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(c) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of 4,4'-Methylene bis (2-chloroaniline). The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(d) "Closed system" means an operation involving 4,4'-Methylene bis (2-chloroaniline) where containment prevents the release of 4,4'-Methylene bis (2-chloroaniline) into required areas, nonregulated areas, or the external environment.

(e) "Decontamination" means the inactivation of 4,4'-Methylene bis (2-chloroaniline) or its safe disposal.

(f) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary or Health, Education and Welfare to act for the director.

(g) "Disposal" means the safe removal of 4,4'-Methylene bis (2-chloroaniline) from the work environment.

(h) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of 4,4'-Methylene bis (2-chloroaniline) which may result in exposure to or contact with 4,4'-Methylene bis (2-chloroaniline).

(i) "External environment" means any environment external to regulated and nonregulated areas.

(j) "Isolated system" means a fully enclosed structure other than the vessel of containment, of 4,4'-Methylene bis (2-chloroaniline), which is impervious to the passage of entry of 4,4'-Methylene bis (2-chloroaniline), and which would prevent the entry of 4,4'-Methylene bis (2-chloroaniline) into regulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(k) "Laboratory type hood" means a device enclosed on three sides and the top and bottom designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving 4,4'-Methylene bis (2-chloroaniline) within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(l) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(m) "Open-vessel system" means an operation involving 4,4'-Methylene bis (2-chloroaniline) in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of 4,4'-Methylene bis (2-chloroaniline) into regulated areas, nonregulated areas or the external environment.

(n) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to 4,4'-Methylene bis (2-chloroaniline).

(o) "Regulated area" means an area where entry and exit is restricted and controlled.

(2) Definitions for Section 5 of this administrative regulation. As used in the material incorporated by reference in Section 5 [4] of this administrative regulation.

(a) "Area director" means Director, Division of Occupational Safety and Health, Kentucky Labor Cabinet.

(b) "Assistant Secretary" means Secretary of Labor, Kentucky

Labor Cabinet.

(c) "U.S. Department of Labor" means Kentucky Labor Cabinet. [The Occupational Safety and Health Standards Board hereby adopts 29 CFR Part 1910 revised as of July 1, 1986, published by the Office of the Federal Register, National Archives and Records Service, General Services Administration. These standards are hereby incorporated by reference, as amended February 15, 1990 and May 15, 1990, with the following additions, exceptions, and deletions:

(1) 29 CFR 1910.1000, "Air Contaminants", Table Z-1 is amended as published in the Federal Register, Volume 50, Number 240, December 13, 1985, is incorporated by reference.

(a) 29 CFR 1910.1000, "Air Contaminants", Tables Z-1 A, Z-2 and Z-3 as published in Federal Register, Volume 54, Volume Number 12, January 19, 1989 are incorporated by reference.

(b) 4,4'-Methylene bis (2-chloroaniline)", found in Table Z-1 A of 29 CFR 1910.1000, as published in the Federal Register, Volume 54, Number 12, January 19, 1989, is hereby revoked.

(c) Revisions to 29 CFR 1910.1000, "Air Contaminants", Table Z-1 A, as published in the Federal Register, Volume 54, Number 127, July 5, 1989, is incorporated by reference.

(d) Revisions to 29 CFR 1910.1000, "Air Contaminants", Table Z-1 A, as published in the Federal Register, Volume 54, Number 170, September 5, 1989, is incorporated by reference.

(e) 29 CFR 1910.1000, Table Z-2, "Benzene", shall be amended as follows: Amendments as published in the Federal Register, Volume 52, Number 176, September 11, 1987 are incorporated by reference.

(f) 29 CFR 1910.1000, Table Z-2, "Formaldehyde", as published in the Federal Register, Volume Number 52, December 4, 1987, is amended.

(g) Amendments to 29 CFR 1910.1000, "Air Contaminants", as published in the Federal Register, Volume 57, Number 112, June 10, 1992, are incorporated by reference.

(h) Amendments to 29 CFR 1910.1000, "Air Contaminants", as published in the Federal Register, Volume 57, Number 127, July 1, 1992, are incorporated by reference.

(i) Amendments to 29 CFR 1910.1000, "Air Contaminants", as published in the Federal Register, Volume 57, Number 178, September 14, 1992, are incorporated by reference.

(j) Amendments to 29 CFR 1910.1000, "Air Contaminants", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, are incorporated by reference.

(k) Amendments to 29 CFR 1910.1000, "Air Contaminants", as published in the Federal Register, Volume 58, Number 142, July 27, 1993, are incorporated by reference.

(2) The revisions to 29 CFR 1910.1001, "Occupational Exposure to Asbestos", as published in Federal Register, Volume 59, Number 153, August 10, 1994, are incorporated by reference.

(3) The amendment to 29 CFR 1910.1003, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.

(4) The amendment to 29 CFR 1910.1004, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.

(5)(a) 29 CFR 1910.1005 "4,4'-methylene bis (2-chloroaniline)" and 29 CFR 1910.1003 through 1016 paragraphs (c)(6), "Laboratory Activities", printed in the Federal Register, Volume 39, Number 125, June 27, 1974, are in effect.

(b) Paragraph 1910.1005(c)(7) of the 29 CFR 1910 General Industry Standards shall read as follows: "Premixed Solutions: Where 4,4'-methylene bis (2-chloroaniline) is present only in a single solution at a temperature not exceeding 120 degrees Celsius, the establishment of a regulated area is not required; however, (i) only authorized employees shall be permitted to handle such materials."

(6) The amendment to 29 CFR 1910.1006, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.

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(7) The amendment to 29 CFR 1910.1007, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.

(8) The amendment to 29 CFR 1910.1008, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.

(9) The amendment to 29 CFR 1910.1009, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.

(10) The amendment to 29 CFR 1910.1010, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.

(11) The amendment to 29 CFR 1910.1011, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.

(12) The amendment to 29 CFR 1910.1012, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.

(13) The amendment to 29 CFR 1910.1013, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.

(14) The amendment to 29 CFR 1910.1014, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.

(15) The amendment to 29 CFR 1910.1015, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.

(16) The amendment to 29 CFR 1910.1016, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.

(17) The amendment to 29 CFR 1910.1017, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.

(18) The amendment to 29 CFR 1910.1018, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.

(19) 29 CFR 1910.1025, "Occupational Exposure to Lead" shall be amended as follows:

(a) "Table 1—Implementation Schedule" is amended to read:

TABLE 1—Implementation Schedule

INDUSTRY ^a	COMPLIANCE DATES		
	200 ug/m ³	100 ug/m ³	50 ug/m ³
Primary Lead Production (2)	June 29, 1984	June 29, 1984	June 29, 1984
Secondary Lead Production (2)	June 29, 1984	June 29, 1984	June 29, 1986
Lead Acid Battery Manufacture (2)	June 29, 1983	June 29, 1986	
Automobile/Manufacture/Solder Grinding (2)	N/A	June 29, 1988	
Electronics, Gray Iron Foundries, Ink Manufacture, Paints and Coatings Manufacture, Wall Paper Manufacture, Can Manufacture, and Printing (2)	N/A	June 29, 1982	
Lead Pigment Manufacture, Nonferrous Foundries, Lead Steel Manufacture, Lead Chemical Manufacture, Ship Building and Ship Repair, Battery Breaking in the Collection (2)	N/A	N/A	N/A

and Processing of Scrap (excluding collection and processing of scrap which is part of a secondary smelting operation); Secondary Smelting of Copper, and Lead Casting

All Other Industries (2) N/A June 11, 1984

^aIncludes ancillary activities located on the same worksite.

^aOn effective date. This continues an obligation from Table Z-2 of 29 CFR 1910.1000 which had been in effect since 1971 but which was deleted upon effectiveness of this section.

(b) Revision to 1910.1025, as published in the Federal Register, Volume 54, Number 131, July 11, 1989 is incorporated by reference.

(c) Amendments, revisions, and additions to 29 CFR 1910.1025, "Occupational Exposure to Lead", as published in Federal Register, Volume 55, Number 30, February 13, 1990, are incorporated by reference.

(d) Amendments, revisions, and additions to 29 CFR 1910.1025, "Occupational Exposure to Lead", as published in Federal Register, Volume 56, Number 105, May 31, 1991, are incorporated by reference.

(20) Amendments to 29 CFR 1910.1027, "Cadmium", as published in the Federal Register, Volume 57, Number 178, September 14, 1992, are incorporated by reference.

(21) Amendments to 29 CFR 1910.1027, "Cadmium", as published in the Federal Register, Volume 55, Number 77, April 23, 1993, are incorporated by reference.

(22) 29 CFR 1910.1028, "Benzene", as published in the Federal Register, Volume 52, Number 176, September 11, 1987 is incorporated by reference.

(23) 29 CFR 1910.1029, "Coke Oven Emissions", shall be amended as follows: Revision as published in the Federal Register, Volume 50, Number 178, September 13, 1985 are incorporated by reference.

(24) 29 CFR 1910.1030, "Bloodborne Pathogens", as published in the Federal Register, Volume 56, No. 235, is incorporated by reference with the following revisions, additions, or deletions:

(a) 29 CFR 1910.1030(d)(3)(ix) is amended to read: Gloves. Gloves shall be worn when it can be reasonably anticipated that the employees may have hand contact with blood, other potentially infectious materials, mucous membranes, and nonintact skin when performing vascular access procedures and when handling or touching contaminated items or surfaces.

(b) 29 CFR 1910.1030(d)(3)(ix)(D) is removed.

(25) Amendments to 29 CFR 1910.1030, "Bloodborne Pathogens", as published in the Federal Register, Volume 57, Number 127, are incorporated by reference.

(26) Corrections to 29 CFR 1910.1043, "Cotton Dust" as published in the Federal Register, Volume 51, Number 128, July 3, 1986, are incorporated by reference.

(27) The amendment to 29 CFR 1910.1044, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.

(28) The amendment to 29 CFR 1910.1045, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.

(29) Amendments and corrections to 29 CFR 1910.1047, "Ethylene Oxide and Appendices A, B, C and D", as published in the Federal Register, Volume 51, Number 132, July 10, 1986 are incorporated by reference.

(a) The amendments to 29 CFR 1910.1047, "Occupational Exposure to Ethylene Oxide", as published in the Federal Register, Volume 53, Number 66, April 6, 1988, are incorporated by reference.

(b) Revisions to 29 CFR 1910.1047, "Occupational Exposure to Ethylene Oxide", as published in Federal Register, Volume 53,

Number 143, July 26, 1988, are incorporated by reference.

(30) 29 CFR 1910.1048, "Formaldehyde", as published in the Federal Register, Volume Number 52, December 4, 1987, is incorporated by reference.

(a) Amendments to 29 CFR 1910.1048, "Occupational Exposure to Formaldehyde", as published in Federal Register, Volume 53, Number 170, September 1, 1988, are incorporated by reference.

(b) Amendments to 29 CFR 1910.1048, "Occupational Exposure to Formaldehyde", as published in the Federal Register, Volume 54, Number 133, July 13, 1989, is incorporated by reference.

(c) Amendments to 29 CFR 1910.1048, "Occupational Exposure to Formaldehyde", as published in the Federal Register, Volume 57, Number 102, May 27, 1992, are incorporated by reference.

(d) Amendments to 29 CFR 1910.1048, "Occupational Exposure to Formaldehyde", as published in the Federal Register, Volume 57, Number 112, June 10, 1992, are incorporated by reference.

(e) Amendments to 29 CFR 1910.1048, "Occupational Exposure to Formaldehyde", as published in the Federal Register, Volume 57, Number 118, June 18, 1992, are incorporated by reference.

(31) Amendments, revisions, and additions to 29 CFR 1910.1101, "Asbestos", as published in Federal Register, Volume 56, Number 171, September 4, 1991, are incorporated by reference.

(32) Amendments to 29 CFR 1910.1050, "Methylenedianiline", as published in the Federal Register, Volume 57, Number 154, August 10, 1992, are incorporated by reference.

(33) Amendments to 29 CFR 1910.1101, "Asbestos", as published in the Federal Register, Volume 57, Number 110, June 8, 1992, are incorporated by reference.

(34) 29 CFR 1910.1200, "Hazard Communication", shall be amended as follows:

(a) Amendments as published in the Federal Register, Volume 52, Number 163, August 24, 1987 are incorporated by reference.

(b) Revision of 29 CFR 1910.1200(i)(3), "Hazard Communication", and an amendment removing the last paragraph in 1910.1200 Appendix D, as published in the Federal Register, Volume 51, Number 189, September 30, 1986, are incorporated by reference.

(c) The revisions to 29 CFR 1910.1200, "Hazard Communication", as published in the Federal Register, Volume 59, Number 27, February 9, 1994, are incorporated by reference.

(35) The addition of 29 CFR 1910.1201, "Retention of DOT Markings, Placards, and Labels", as published in the Federal Register, Volume 59, Number 137, July 19, 1994, is incorporated by reference.

(36) 29 CFR 1910.1450, "Occupational Exposure to Hazardous Chemicals in Laboratories", as published in Federal Register, Volume 55, Number 21, January 31, 1990, are incorporated by reference.

(37) Amendments to 29 CFR 1910.1450, "Occupational Exposure to Hazardous Chemicals in Laboratories", as published in the Federal Register, Volume 57, Number 127, July 1, 1992, are incorporated by reference.

(38) Amendments to 29 CFR 1910.1500, "Standards Organizations", as published in the Federal Register, Volume 57, Number 127, July 1, 1992, are incorporated by reference.]

Section 2. 4,4'-Methylene bis (2-Chloroaniline). (1) Scope and application.

(a) This section applies to any area in which, 4,4'-Methylene bis (2-chloroaniline), Chemical Abstracts Service Registry Number 101144 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to trans-shipment in sealed containers, except for the labeling requirements under subsection (5)(b), (c), and (d) of this section.

(b) This section shall not apply to solid or liquid mixtures containing less than 1.0 (one) percent by weight of 4,4'-Methylene bis (2-chloroaniline).

(2) Requirements for areas containing 4,4'-Methylene bis (2-chloroaniline). A regulated area shall be established by an employer

where 4,4'-Methylene bis (2-chloroaniline) is manufactured, processed, used, repackaged, released, handled, and stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operations involved:

(a) Isolated systems. Employees working with 4,4'-Methylene bis (2-chloroaniline) within an isolated system such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(b) Closed system operation. Within regulated areas where 4,4'-Methylene bis (2-chloroaniline) is stored in sealed container, or contained in a closed system including piping systems, with any sample ports or openings closed while 4,4'-Methylene bis (2-chloroaniline) is contained within:

1. Access shall be restricted to authorized employees only;

2. Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(c) Open vessel system operations. Open vessel system operations as defined in paragraph (b)13 of this subsection are prohibited.

(d) Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system. In operations involving "laboratory type hood," or in locations where 4,4'-Methylene bis (2-chloroaniline) is contained in an otherwise "closed system," but is transferred, charge, or discharged into other normally closed containers, the provisions of this subparagraph shall apply.

1. Access shall be restricted to authorized employees only;

2. Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean make-up air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

3. Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

4. Employees engaged in 4,4'-Methylene bis (2-chloroaniline) handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with 1910.134. A respirator affording higher level or protection may be substituted.

5. Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under subsection (5)(b), (c), and (d) of this section.

6. Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

7. Employees shall be required to shower after the last exit of the day.

8. Drinking fountains are prohibited in the regulated area.

(e) Maintenance and decontamination activities. In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with 4,4'-Methylene bis (2-chloroaniline) could result, each authorized employee entering that area shall:

1. Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with 1910.134;

2. Be decontaminated before removing the protective garments and hood;

3. Be required to shower upon removing the protective garments

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and hood.

(f) Laboratory activities. The requirements of this subparagraph shall apply to research and quality control activities involving the use of 4,4'-Methylene bis (2-chloroaniline).

1. Mechanical pipetting aids shall be used for all pipetting procedures.

2. Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

3. Surfaces on which 4,4'-Methylene bis (2-chloroaniline) is handled shall be protected from contamination.

4. Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are release.

5. All other forms of 4,4'-Methylene bis (2-chloroaniline) shall be inactivated prior to disposal.

6. Employees engaged in animal support activities shall be:

a. Provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and

b. Prior to each exit from a regulated area employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under subsection (5)(b), (c), and (d) of this section.

c. Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit and before engaging in other activities; and

d. Required to shower after the last exit of the day.

8. Employees, other than those engaged in animal support activities, each day shall be:

a. Provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.

b. Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)2, 3, and 4 of this subsection.

c. Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit and before engaging in other activities.

9. Air pressure in laboratory areas and animal rooms where 4,4'-Methylene bis (2-chloroaniline) is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding area. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.

10. There shall be no connection between regulated areas and any other areas through the ventilation system.

11. A current inventory of 4,4'-Methylene bis (2-chloroaniline) shall be maintained.

12. Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification of maintenance operations, by personnel fully qualified to certify correct containment and operation.

(g) Premixed solutions. Where 4,4'-Methylene bis (2-chloroaniline) is present only in a single solution at a temperature not exceeding 120 degrees Celsius, the establishment of a regulated area is not required; however,

1. Only authorized employees shall be permitted to handle such

materials;

2. Each day employees shall be provided with and required to wear a clean change of protective clothing (smocks, coveralls, or long-sleeved shirts and pants), gloves, and other protective garments and equipment necessary to prevent contact with the solution in the process used;

3. Employees shall be required to remove and leave protective clothing and equipment when leaving the work area at the end of the work day or at any time solution is spilled on such clothing or equipment. Used clothing and equipment shall be placed in impervious containers for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e)2, 3, and 4 of this section.

4. Employees shall be required to wash hand and face after removing such clothing and equipment and before engaging in other activities.

5. Employees assigned to work covered by the subparagraph shall be deemed to be working in regulated areas for the purposes of subsection (4)(a), (b), (c)1 and 2, and (d)3 and 4, 5, 6, and 7 of this section;

6. Work areas where solution may be spilled shall be:

a. Covered daily or after any spill with a clean covering;

b. Cleaned thoroughly daily and after any spill.

(3) General regulated area requirements.

(a) Employee identification. A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters shall be retained for a period of twenty (20) years. The rosters and/or summaries shall be provided upon request to authorized representatives of the assistant secretary and the director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the director.

(b) Emergencies. In an emergency, immediate measures including, but not limited to the requirements of subparagraphs 1, 2, 3, 4, and 5 of this paragraph shall be implemented.

1. The potentially affected area shall be evacuated as soon as the emergency has been determined.

2. Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

3. Special medical surveillance by a physician shall be instituted within twenty-four (24) hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with subsection (6)(b) of this section.

4. Where an employee has a known contact with 4,4'-Methylene bis (2-chloroaniline) such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

5. An incident report on the emergency shall be reported as provided in subsection (6)(b) of this section.

(c) Hygiene facilities and practices.

1. Storage or consumption of food, storage or use of containers of beverages, storage or application of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

2. Where employees are required by this section to wash, washing facilities shall be provided in accordance with 1910.141.

3. Where employees are required by this section to shower, facilities shall be provided in accordance with 1910.141(d)(3).

4. Where employees wear protective clothing and equipment, clean change rooms shall be provided, in accordance with 1910.141(e), for the number of such employees required to change clothes.

5. Where toilets are in regulated areas, such toilets shall be in a separate room.

(d) Contamination control.

1. Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean make-up air in equal volume shall replace air removed.

2. Any equipment, material, or other item taken or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

3. Decontamination procedures shall be established and implemented to remove 4,4'-Methylene bis (2-chloroaniline) from the surface of materials, equipment and the decontamination facility.

4. Dry sweeping and dry mopping are prohibited.

(4) Signs, information and training.

(a) Signs.

1. Entrance to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT
Authorized Personnel Only

2. Entrances to regulated areas containing operations covered in subsection (3)(e) of this section shall be posted with signs bearing the legend:

Cancer-Suspect Agent Exposed
In this Area
Impervious Suit Including Gloves,
Boots, and Air-Supplied Hood
Required At All Times
Authorized Personnel Only

3. Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(b) Container contents identification.

1. Containers of 4,4'-Methylene bis (2-chloroaniline) and containers required under subsection (2)(d)5, (f)7b, and (f)7b, and (g)3 of this section which are accessible only to, and handled only by authorized employees, or by other employees trained in accordance with paragraph (e) of this subsection, may have contents identification limited to a generic or proprietary name, or other proprietary identification, or the carcinogen and percent.

2. Containers of 4,4'-Methylene bis (2-chloroaniline) and containers required under subsection (2)(d)5, (f)7b, and (f)7b, and (g)3 of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with subparagraph of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in subsection (1)(a) of this section.

3. Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

4. Containers which have 4,4'-Methylene bis (2-chloroaniline) contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive of affected portions of the body.

(c) Lettering. Lettering on signs and instructions required by paragraph (a) of this subsection shall be a minimum letter height of two (2) inches. Labels on containers required under this section shall not be less than one-half (1/2) the size of the largest lettering on the package, and not less than eight (8) point type in any instance; provided that no such required lettering need be more than one (1) inch in height.

(d) Prohibited statements. No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(e) Training and indoctrination.

1. Each employee prior to being authorized to enter regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

a. The nature of the carcinogenic hazards of 4,4'-Methylene bis (2-chloroaniline), including local and systemic toxicity;

b. The specific nature of the operation involving 4,4'-Methylene bis (2-chloroaniline) which could result in exposure;

c. The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

d. The purpose for and application for decontamination practices and purposes;

e. The purpose for and significance of emergency practices and procedures;

f. The employees specific role in emergency procedures;

g. Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of 4,4'-Methylene bis (2-chloroaniline);

h. The purpose for and application of specific first-aid procedures and practices.

(i) A review of this section at the employees first raining and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of assistant secretary and the director.

(5) Reports.

(a) Operations. Not later than March 1, 1974, the information required in subparagraphs 1, 2, 3, and 4 of this paragraph shall be reported in writing to the nearest OSHA Area director. Any changes in such information shall be similarly reported in writing within fifteen (15) calendar days of such change.

1. A brief description and inplant location of the area(s) regulated and the address of each regulated area;

2. The name(s) and other identifying information as to the presence of 4,4'-Methylene bis (2-chloroaniline) in each regulated area.

3. The number of employees in each regulated area, during normal operations including maintenance activities; and

4. The manner in which 4,4'-Methylene bis (2-chloroaniline) is present in each regulated area; e.g., whether it is manufactured, processed, used, repackaged, release, stored, or otherwise handled.

(b) Incidents. Incidents which result in the release of 4,4'-Methylene bis (2-chloroaniline) into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph.

1. A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within twenty-four (24) hours to the nearest OSHA Area Director.

2. A written report shall be filed with the nearest OSHA Area Director within fifteen (15) calendar days thereafter and shall include:

a. A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

b. A description of the area involved, and the extent of known and possible employee and area contamination; and

c. A report of any medical treatment of affected employees and any medical surveillance program implemented; and

d. An analysis of the circumstances to be taken, with specific completions dates, to avoid further similar release.

(6) Medical surveillance. At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(a) Examinations.

1. Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

2. Authorized employees shall be provided periodic physical examination, not less often than annually, following the preassignment examination.

3. In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids of cytotoxic agents, pregnancy and cigarette smoking.

(b) Records.

1. Employers or employees examined pursuant to this paragraph shall cause to be maintained complete and accurate record of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the director.

2. Records required by this paragraph shall be provided upon request to authorized representatives of the assistant secretary or the director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

3. Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

Section 3. Laboratory Activities. (1) The requirements of this subsection shall apply to research and quality control activities involving the use of chemicals covered by 1910.1003-.1016.

(a) Mechanical pipetting aids shall be used for all pipetting procedures.

(b) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

(c) Surfaces on which chemicals covered by .1103-.1016 are handled shall be protected from contamination.

(d) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.

(e) All other forms of chemicals covered by .1003-.1016 shall be inactivated prior to disposal.

(f) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposal absolute filters.

(g) Employees engaged in animal support activities shall be:

1. Provided with and required to wear, a complete protective clothing change, clean each day, including coveralls, or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and

2. Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under subsection (5)(b), (c), and (d) of this section.

3. Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and

4. Required to shower after the last exit of the day.

(h) Employees, other than those engaged only in animal support activities, each day shall be:

1. Provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub

suit, or fully buttoned laboratory coat;

2. Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified under subsection (5)(b), (c), and (d) of this section.

3. Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.

(i) Air pressure in laboratory areas and animal rooms where chemicals covered by .1003-.1016 are handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.

(j) There shall be no connection between regulated areas and any other areas through the ventilation system.

(k) A current inventory of chemicals covered by .1003-.1016 shall be maintained.

(l) Ventilated apparatus such as laboratory-type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.

Section 4. Table 1 - Implementation Schedule and Glove Requirements. (1)(a) The "Table 1 - Implementation Schedule" in paragraph (b) of this subsection shall apply in lieu of the schedule found in 29 CFR 1019.1025(e)(1)(ii).

(b) "Table 1 - Implementation Schedule": [Incorporation by Reference. (1) The following material is incorporated by reference:

(a) 29 CFR 1910.1000-1500 revised as of July 1, 1994, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration.

(b) The revisions to 29 CFR 1910.1200, "Hazard Communication", as published in the Federal Register, Volume 59, Number 245, December 22, 1994, are incorporated by reference.

(2) 29 CFR 1910.1025, "Occupational Exposure to Lead" shall be amended as follows:

"Table 1 - Implementation Schedule" is amended to read:

TABLE 1 - Implementation Schedule

INDUSTRY ¹	COMPLIANCE DATES		
	200 ug/m ³	100 ug/m ³	50
Primary Lead Production	(2)	June 29, 1984	June 29, 1991
Secondary Lead Production	(2)	June 29, 1984	June 29, 1986
Lead Acid Battery Manufacture	(2)	June 29, 1983	June 29, 1986
Automobile/Manufacture/Solder Grinding	(2)	N/A	June 29, 1988
Electronics, Gray Iron Foundries, Ink Manufacture, Paints and Coatings Manufacture, Wall Paper Manufacture, Can Manufactures, and Printing	(2)	N/A	June 29, 1982
Lead Pigment Manufacture, Nonferrous Foundries, Leaded Steel Manufacture, Lead Chemical Manufacture, Ship Building	(2)	N/A	N/A

and Ship Repair, Battery
Breaking in the Collection
and Processing of Scrap
(excluding collection and
processing of scrap which
is part of a secondary
smelting operation),
Secondary Smelting of
Copper, and Lead Casting

All Other Industries (2) N/A June 11, 1984

¹Includes ancillary activities located on the same worksite.

² On effective date. This continues an obligation from Table Z-2 of 29 CFR 1910.1000 which had been in effect since 1971 but which was deleted upon effectiveness of this section.

(2)(a) The language relating to gloves in paragraph (b) of this subsection shall apply in lieu of 29 CFR 1910.1030(d)(3)(ix);

(b) ~~[(3) 29 CFR 1910.1030(d)(3)(ix) is amended to: Gloves.]~~ Gloves shall be worn when it can be reasonably anticipated that the employees may have hand contact with blood, other potentially infectious materials, mucous membranes, and nonintact skin when performing vascular access procedures and when handling or touching contaminated items or surfaces.

~~[(4) 29 CFR 1910.1030(d)(3)(ix)(D) is removed.]~~

Section 5. Incorporation by Reference. (1) The material in paragraph (a) through (c) of this subsection, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration, revised as of July 1, 1994, is incorporated by reference:

(a) 29 CFR 1910.1000 to 29 CFR 1025(e)(1)(ii), excluding the "Table 1 - Implementation Schedule";

(b) 29 CFR 1910.1025(e)(2) to 29 CFR 1910.1030(d)(3)(viii); and

(c) 29 CFR 1910.1030(d)(3)(x) to 29 CFR 1910.1500.

(2) The "Table 1 - Implementation Schedule" in Section 4(1) of this administrative regulation shall apply in lieu of the schedule found in 29 CFR 1019.1025(e)(1)(ii).

(3) The language relating to gloves in paragraph (b) of this subsection shall apply in lieu of 29 CFR 1019.1030(d)(3)(ix).

(4) The revisions to 29 CFR 1910.1200, "Hazard Communication", as published in the Federal Register, Volume 59, Number 245, December 22, 1994, are incorporated by reference.

(5) This material may be inspected, copied or obtained at Kentucky Labor Cabinet, Division of Education and Training, 1047 U.S. 127 South, Frankfort, Kentucky 40601. Office hours are 8 a.m. - 4:30 p.m. (ET), Monday through Friday. [Public Notice: (1) In accordance with KRS 13A.224(3)(c), this material may be inspected and copied at: Kentucky Labor Cabinet, Division of Education and Training, U.S. 127 South, Frankfort, Kentucky 40601.

(2) Office hours are 8 a.m. - 4:30 p.m. (EST), Monday through Friday.]

BILL RIGGS, Chairman

APPROVED BY AGENCY: November 14, 1995

FILED WITH LRC: November 15, 1995 at 11 a.m.

LABOR CABINET

Department of Workplace Standards
Kentucky Occupational Safety and Health
(As Amended)

803 KAR 2:403. Occupational health and environmental controls. [Adoption of 29 CFR Part 1926.50-.66].

RELATES TO: KRS [Chapter] 338.051, 338.061, 29 CFR 1926.50-.66

STATUTORY AUTHORITY: KRS 338.051(3), 338.061, 29 CFR 1926.50-.66

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health [rules,] administrative regulations[,] and standards. Express authority to incorporate by reference established federal standards and national consensus standards is also given to the board. The following administrative regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of construction. The standards are arranged in numerical order in order to facilitate reference to 29 CFR 1926.

Section 1. Definitions. As used in the material incorporated by reference in Section 2 of this administrative regulation:

(1) "Area director" means Director, Division of Occupational Safety and Health, Kentucky Labor Cabinet;

(2) "Assistant secretary" means Secretary of Labor, Kentucky Labor Cabinet;

(3) "U.S. Department of Labor" means Kentucky Labor Cabinet. [The Occupational Safety and Health Standards Board hereby adopts 29 CFR Part 1926.50-.66, revised as of June 30, 1993, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby incorporated by reference, as amended April 13, 1990, with the following additions, exceptions, and deletions:

(1) The addition to 29 CFR 1926.50, "Medical Services and First Aid", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.

(2) The additions to 29 CFR 1926.51, "Sanitation", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, are incorporated by reference.

(3) The additions and corrections to 29 CFR 1926.53, "Ionizing Radiation", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, are incorporated by reference.

(4) The additions to 29 CFR 1926.55, "Gases, Vapors, Fumes, Dusts, and Mists", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, are incorporated by reference.

(5) The additions to 29 CFR 1926.57, "Ventilation", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, are incorporated by reference.

(6) 29 CFR 1926.59, "Hazard Communication", as published in Federal Register, August 24, 1987, Volume 52, Number 163, is incorporated by reference.

(7) Revisions to 29 CFR 1926.59, "Hazard Communication", as published in Federal Register, February 9, 1994, Volume 59, Number 27, are incorporated by reference.

(8) Amendments to 29 CFR 1926.60, "Methylenedianiline", as published in the Federal Register, Volume 57, Number 154, August 10, 1992, are incorporated by reference.

(9) Amendments to 29 CFR 1926.62, "Lead in Construction; Interim Final Rule", as published in the Federal Register, Volume 58, Number 84, May 4, 1993, are incorporated by reference.

(10) The addition of 29 CFR 1926.61, "Retention of DOT Markings, Placards, and Labels", as published in the Federal Register, Volume 59, Number 137, July 19, 1994, is incorporated by reference.

(11) Amendments to 29 CFR 1926.63, "Cadmium", as published in the Federal Register, Volume 57, Number 178, September 14, 1992, are incorporated by reference.

(12) Redesignation of 29 CFR 1926.63, "Cadmium", as published in the Federal Register, Volume 59, Number 1, January 3, 1994, is incorporated by reference.

(13) Amendments to 29 CFR 1926.63, "Cadmium", as published in the Federal Register, Volume 58, Number 77, April 23, 1993, are incorporated by reference.

(14) 29 CFR 1926.64, "Process Safety Management for Highly

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~~Hazardous Chemicals", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.~~

~~(15) 29 CFR 1926.65, "Hazardous Waste Operations and Emergency Response", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.~~

~~(16) The revisions to 29 CFR 1926.65, "Hazardous Waste Operations and Emergency Response", as published in the Federal Register, Volume 59, Number 161, August 22, 1994, are incorporated by reference.~~

~~(17) 29 CFR 1926.66, "Criteria for Design and Construction of Spray Booths", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.]~~

Section 2. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) 29 CFR Part 1926.50-66, revised as of July 1, 1994, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration.

(b) Revisions to 29 CFR 1926.59, "Hazard Communication", as published in Federal Register, Volume 59, Number 245, December 22, 1994, are incorporated by reference.

(2) This material may be inspected, copied, or obtained at Kentucky Labor Cabinet, Division of Education and Training, 1047 U.S. 127 South, Suite 4, Frankfort, Kentucky 40601. Office hours are 8 a.m. - 4:30 p.m. (ET), Monday through Friday. [Public Notice. (1) In accordance with KRS 13A.224(3)(c), this material may be inspected and copied at: Kentucky Labor Cabinet, Division of Education and Training, U.S. 127 South, Frankfort, Kentucky 40601.

(2) Office hours are 8 a.m. - 4:30 p.m. (EST), Monday through Friday.]

BILL RIGGS, Chairman

APPROVED BY AGENCY: November 14, 1995

FILED WITH LRC: November 15, 1995 at 11 a.m.

LABOR CABINET

Department of Workplace Standards
Kentucky Occupational Safety and Health
(As Amended)

803 KAR 2:500. [Adoption of 29 CFR Part 1915, 1917, 1918 and 1919.] Maritime employment.

RELATES TO: KRS [Chapter] 338.051, 338.061, 29 CFR 1915, 1917, 1918, 1919

STATUTORY AUTHORITY: KRS 338.051(3), 338.061, 29 CFR 1915, 1917, 1918, 1919

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health [rules,] administrative regulations, and standards. Express authority to incorporate by reference established federal standards and national consensus standards is also given to the board. The following administrative regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of Maritime employment.

Section 1. Definitions. As used in the material incorporated by reference in Section 2 of this administrative regulation:

(1) "Administration" means the Kentucky Occupational Safety and Health Program, Frankfort, Kentucky;

(2) "Area director" means Director, Division of Occupational Safety and Health, Kentucky Labor Cabinet;

(3) "Assistant secretary" means Secretary of Labor, Kentucky Labor Cabinet;

(4) "U.S. Department of Labor" means Kentucky Labor Cabinet.

~~[The Occupational Safety and Health Standards Board hereby incorporates Chapter 29, Part 1915 as published in the April 20, 1983, Federal Register, Part 1917 as published in July 5, 1983, Federal Register, and Parts 1918 and 1919 of the Code of Federal Regulations, revised as of July 1, 1981, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby incorporated by reference with the following additions, exceptions, and deletions:~~

~~(1) 29 CFR 1915.1, 1918.1, and 1919.1 shall read as follows: "The provisions of this regulation adopt and extend the applicability of established Federal Maritime Standards contained in 29 CFR 1915, 1916, 1917, 1918, and 1919 to all Maritime employers, Maritime employees, and places of Maritime employment throughout the Commonwealth except those excluded in KRS 338.021."~~

~~(2) The amendments to 29 CFR 1915, "Occupational Safety and Health Standards for Shipyard Employment", as published in the Federal Register, Volume 58, Number 125, July 1, 1993, are incorporated by reference.~~

~~(3) 29 CFR 1915.4(b) and 1918.3(b), "Secretary," means Secretary of Labor, Kentucky Labor Cabinet, Commonwealth of Kentucky, or his authorized representatives.~~

~~(4) The revisions to 29 CFR 1915.7, "Competent Person", addressing "Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment", as published in the Federal Register, Volume 59, Number 141, July 25, 1994, are incorporated by reference.~~

~~(5) The revisions to 29 CFR 1915, Subpart B, "Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment", as published in the Federal Register, Volume 59, Number 141, July 25, 1994, are incorporated by reference.~~

~~(6) 29 CFR 1919.2(D), "Assistant Secretary" is changed to read: "Secretary" means the Secretary of Labor, Kentucky Labor Cabinet, Commonwealth of Kentucky, or his authorized representative.~~

~~(7) 29 CFR 1915.97, "Health and Sanitation," is revised to read as follows: Revisions as published in the Federal Register, Volume 52, Number 163, August 24, 1987.~~

~~(8) 29 CFR 1915.99, "Hazard Communication," as published in the Federal Register, Volume 52, Number 163, August 24, 1987 is incorporated by reference.~~

~~(9) The revisions to 29 CFR 1915.99, "Hazard Communication", as published in the Federal Register, Volume 59, Number 27, February 9, 1994, are incorporated by reference.~~

~~(10) The addition of 29 CFR 1915.100, "Retention of DOT Markings, Placards, and Labels", as published in the Federal Register, Volume 59, Number 137, July 19, 1994, is incorporated by reference.~~

~~(11) Revision to 29 CFR 1915.113(b)(1), "Shackles and Hooks," as published in the Federal Register, Volume 51, Number 188, September 29, 1986 is incorporated by reference.~~

~~(12) Revision to 29 CFR 1915.172(d), "Portable Air Receivers and Other Unfired Pressure Vessels," as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is incorporated by reference.~~

~~(13) The addition of 29 CFR 1915.1001, "Asbestos," as published in the Federal Register, Volume 59, Number 153, August 10, 1994, is incorporated by reference.~~

~~(14) Amendments to 29 CFR 1915.1027, "Cadmium", as published in the Federal Register, Volume 57, Number 178, September 14, 1992, are incorporated by reference.~~

~~(15) Amendments to 29 CFR 1915.1027, "Cadmium", as published in the Federal Register, Volume 58, Number 77, April 23, 1993, are incorporated by reference.~~

~~(16) Amendments to 29 CFR 1915.1027, "Cadmium", as published in the Federal Register, Volume 59, Number 1, January 3, 1994, are incorporated by reference.~~

~~(17) 29 CFR 1917.1(a)(2)(x), "Marine Terminals," as published in the Federal Register, Volume Number 52, December 31, 1987, is~~

incorporated by reference.

(18) 29 CFR 1917.1(a)(2)(ix), "Scope and Applicability," as published in the Federal Register, Volume 52, Number 186, September 25, 1987 is incorporated by reference.

(19) 29 CFR 1917.28, "Hazard Communication," as published in the Federal Register, Volume 52, Number 163, August 24, 1987 is incorporated by reference.

(20) Revisions to 29 CFR 1917.28, "Hazard Communication," as published in the Federal Register, Volume 59, Number 27, February 9, 1994, are incorporated by reference.

(21) The addition of 29 CFR 1917.29, "Retention of DOT Markings, Placards, and Labels," as published in the Federal Register, Volume 59, Number 137, July 19, 1994, are incorporated by reference.

(22) 29 CFR 1917.44(e), "General Rules Applicable to Vehicles," shall be amended as follows: Amendments as published in the Federal Register, Volume 52, Number 186, September 25, 1987 are incorporated by reference.

(23) 29 CFR 1917.72, "Grain Elevators," (reserved) as published in the Federal Register, Volume Number 52, December 31, 1987, is removed.

(24) 29 CFR 1918.90, "Hazard Communication," as published in the Federal Register, Volume 52, Number 163, August 24, 1987 is incorporated by reference.

(25) Revisions to 29 CFR 1918.90, "Hazard Communication," as published in the Federal Register, Volume 59, Number 27, February 9, 1994, are incorporated by reference.

(26) The addition of 29 CFR 1918.100, "Retention of DOT Markings, Placards, and Labels," as published in the Federal Register, Volume 59, Number 137, July 19, 1994, are incorporated by reference.

(27) 29 CFR 1919.2(e) "Administration" is changed to read: "Program" means the Kentucky Occupational Safety and Health Program, Frankfort, Kentucky.

(28) An employer, required under 29 CFR 1915, 1918 or 1919 to report information to the U.S. Department of Labor, or any subsidiary thereof, shall instead report such information to the Kentucky Labor Cabinet, U.S. 127 South, Frankfort, Kentucky 40601.]

Section 2. Incorporation by Reference. (1) The following is incorporated by reference:

(a) Chapter 29, Part 1915, Part 1917, Part 1918 and Part 1919 of the Code of Federal Regulations, revised as of July 1, 1994, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration.

(b) The revisions 29 CFR 1915.1200, "Hazard Communication," as published in the Federal Register, Volume 59, Number 245, December 22, 1994, are incorporated by reference.

(c) The revisions 29 CFR 1917.28, "Hazard Communication," as published in the Federal Register, Volume 59, Number 245, December 22, 1994, are incorporated by reference.

(d) The revisions 29 CFR 1918.90, "Hazard Communication," as published in the Federal Register, Volume 59, Number 245, December 22, 1994, are incorporated by reference.

(2) This material may be inspected, copied, or obtained at Kentucky Labor Cabinet, Division of Education and Training, 1047 U.S. 127 South, Frankfort, Kentucky 40601. Office hours are 8 a.m. - 4:30 p.m. (ET), Monday through Friday. (Public Notice. (1) In accordance with KRS 13A.224(3)(c), this material may be inspected and copied at: Kentucky Labor Cabinet, Division of Education and Training, U.S. 127 South, Frankfort, Kentucky 40601.

(2) Office hours are 8 a.m. - 4:30 p.m. (EST), Monday through Friday.]

BILL RIGGS, Chairman

APPROVED BY AGENCY: November 14, 1995

FILED WITH LRC: November 15, 1995 at 11 a.m.

CABINET FOR HUMAN RESOURCES
Department for Health Services
Division of Health Services
(As Amended)

902 KAR 8:110. Disciplinary appeal process applicable for local health department employees.

RELATES TO: KRS 211.170(1), (2), 212.170(4), 212.870

STATUTORY AUTHORITY: KRS 194.050, 211.1752, 211.1755 [211.090, 212.170, 1994 Ky. Acts ch. 336]

NECESSITY AND FUNCTION: KRS 211.1755 and 211.1752 [211.090, 212.170 and 212.870] requires the cabinet to supervise the personnel functions of local health departments and [~~House Bill 634 provides that the cabinet shall~~] establish policies and procedures for the local health department personnel program. KRS 211.1752 provides for an appeal process for employees who are disciplined, applicants or employees who allege discrimination in personnel actions, and eligibles who question their rating in the examination process. This administrative regulation provides for the specific appeal process. [~~a process whereby employees may appeal specific disciplinary actions.~~]

Section 1. Appeals. (1) An employee with status who is demoted, suspended, or dismissed shall have the right to appeal the action. The appeal shall be in writing and mailed to the department no later than fifteen (15) days after the effective date of the demotion, suspension, or dismissal.

(2) An applicant who has taken an examination may appeal his rating in any part of an examination to assure rating procedures have been applied fairly and equitably. The appeal shall be in writing and mailed to the department no later than thirty (30) days after the date on which notification of the results of the examination was mailed to the applicant.

(3) An eligible whose name has been removed from a register for any of the reasons specified in administrative regulation 902 KAR 8:070, Section 1(8) [(7)] may appeal the action. The appeal shall be mailed to the department within thirty (30) days after the date on which the notification of removal was mailed to the eligible.

(4) An applicant or employee who has reason to believe that he has been discriminated against because of sex, religious, or political opinions or affiliations, race, national origin, disability, or age in any personnel action may appeal within thirty (30) days of the date of the alleged discrimination.

(5) A request for an appeal, provided for under this section, shall be submitted in writing using Form CH-41, "Request for Appeal" (July 1, 1994). Form CH-41, "Request for Appeal", dated July 1, 1994 may be obtained, reviewed, and copied at the Department for Health Services, Division of Local Health, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, during the office hours of 8 a.m. and 4:30 p.m. [incorporated by reference in administrative regulation 902 KAR 8:100, Section 2(6).]

(6) All appeals shall be conducted in accordance with procedures as set forth in Section 2 of this administrative regulation.

Section 2. Hearing Process. (1) The department shall schedule an administrative hearing upon an appeal to be held [~~formal hearing before the Local Health Department Employment Personnel Council or a hearing officer designated by the department~~] within sixty (60) days of [following] receipt of the appeal. Notice of the hearing and conduct of the proceedings shall be in accordance with the requirements of KRS Chapter 13B. [request.]

(2) The hearing shall be conducted by the Local Health Department Employment Personnel Council or a designated hearing officer. [~~may be continued at the request of the employee or the appointing authority.~~]

[(3) At the hearing the employee and the appointing authority

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~~shall have the right to present witnesses, to be represented by counsel, and to give evidence.~~

~~(4) If a hearing officer is designated to hear the appeal, the hearing officer shall make findings of fact, conclusions of law, and recommend a final order to the Local Health Department Employment Personnel Council at its next meeting. The Local Health Department Employment Personnel Council may adopt the report as submitted, amend the findings and recommendations based on evidence contained, or remand the appeal to the hearing officer for further action as appropriate or rehear the appeal.~~

~~(5) The Local Health Department Employment Personnel Council shall allow the employee or employee's attorney and the appointing authority to file exceptions to the hearing officer's report or grant oral arguments before the Local Health Department Employment Personnel Council.~~

~~(3) (6) The Local Health Department Employment Personnel Council shall, within the time allowed by KRS Chapter 13B [a reasonable period of time after the hearing], make findings of fact, conclusions of law, and based on the record issue [and recommendations, recommend] a final order. If a hearing officer is designated to hear the appeal, the hearing officer shall make findings of fact, conclusions of law, and recommend a final order to the Local Health Department Employment Personnel Council at its next meeting. The Local Health Department Employment Personnel Council may adopt the report as submitted, amend the findings and recommendations based on evidence contained, or remand the appeal to the hearing officer for further action as appropriate or rehear the appeal. [to the Commissioner of the Department for Health Services. The Commissioner of the Department for Health Services shall make a final decision based on the recommendations of the Local Health Department Employment Personnel Council. The department shall promptly notify the employee and the appointing authority of the decision.] The decision of the Local Health Department Employment Personnel Council [commissioner] shall be considered a final order and binding upon the employee and appointing authority.~~

RICE C. LEACH, M.D., Commissioner

MASTEN CHILDERS II, Secretary

APPROVED BY AGENCY: November 14, 1995

FILED WITH LRC: November 15, 1995 at 11 a.m.

CABINET FOR HUMAN RESOURCES Department for Social Services (As Amended)

905 KAR 7:250. Kentucky Educational Collaborative for State Agency Children.

RELATES TO: KRS Chapters 158, 161, 605, 610, 630, 635, 640, 645

STATUTORY AUTHORITY: KRS 158.135, 194.050, 605.110

NECESSITY AND FUNCTION: KRS 605.110 requires that children maintained in a facility or program operated by the Cabinet for Human Resources shall so far as possible maintain a common school education. This administrative regulation sets forth policies for complying with KRS 158.135 and 605.110 in Department for Social Services (DSS), Division of Youth Services (DYS), residential, day treatment programs, and group homes; other programs operated, contracted, or financed through the Cabinet for Human Resources serving committed youth, private child caring agencies serving committed children and children, other than foster children, who are in placements financed through the Cabinet for Human Resources.

Section 1. Definitions. (1) "Cabinet for Human Resources programs" means both state-operated and state-contracted or financed programs.

(2) "Department" means the Department for Social Services (DSS), Cabinet for Human Resources.

(3) "Educational administrative staff" means a principal, assistant principal, supervisor, coordinator, director, pupil personnel worker or guidance counselor employed or contracted by the Kentucky Educational Collaborative for State Agency Children to provide educational services.

(4) "Head teacher" means the lead teacher, principal, or lead educator designated by the local district or by the Kentucky Educational Collaborative for State Agency Children (KECSAC) to be responsible for the operation of the daily education program. The program director may also be the head teacher in some facilities, if they have appropriate educational certification.

(5) "Individual education program (IEP)" means the instructional program required for state agency children identified as having educational disabilities as governed by 707 KAR 1:210.

(6) "Individual plan of instruction (IPI)" means the instructional plan required for state agency children not identified as having educational disabilities.

(7) "Individual treatment plan (ITP)" means a social and behavioral intervention plan, including the plan for educational instruction, that is developed for each state agency child being served by a treatment institution or facility.

(8) "Instructional calendar" means the yearly schedule of educational events, including instructional, recreational, and teacher professional development days, holidays and noninstructional days.

(9) "KDE" means the Kentucky Department of Education.

(10) "KECSAC" means the Kentucky Educational Collaborative for State Agency Children.

(11) "KERA" means Kentucky Education Reform Act.

(12) "Local school district" means the school district where state agency children are provided educational services.

(13) "On-site state agency school program" means a school program operated on the campus of a state residential facility or day treatment program. Other private facilities may apply to KECSAC for status as an on-site state agency school program.

(14) "Program director" means the administrator at a state-operated or contracted institution or day treatment facility or administrator of a private child care agency that is responsible for the safety and security of youth and staff and the operation of the treatment facility.

(15) "Private child care agency" means a private, not state-operated program, which provides care or treatment for committed children on a per child contractual or financed basis.

(16) "SAEC" means State Agency Education Council that functions as the school based decision making body for state agency children at on-site state agency school programs.

(17) "School" means the site where the educational program for state agency children is provided.

(18) "State agency children" means those children of school age committed to or in the custody of the Cabinet for Human Resources and placed in a Cabinet for Human Resources operated or contracted institution, facility or day treatment program, or placed or financed through the Cabinet for Human Resources in a private facility pursuant to child care agreements other than those for foster care; and those children of school age in home and community based services provided as an alternative to intermediate care facility services for mentally retarded as governed by KRS 158.135(1)(a).

(19) "State agency children's fund" means appropriations to support KRS 158.135 previously known as out-of-district funds.

(20) "Treatment" means the total array of services utilized to produce a positive change in children served by the treatment facility.

Section 2. Governance. (1) An advisory board for the Kentucky Educational Collaborative for State Agency Children (KECSAC) composed of twelve (12) members appointed by the Governor shall provide recommendations in policy development. The advisory board

shall meet at a minimum biannually.

(2) Contracting procedures.

(a) The department shall contract with a university training resource center for the establishment of the KECSAC. The KECSAC shall be responsible for the oversight or administration of state and federal education funding and the provision of educational services to state agency children. The KECSAC shall be financed by the state agency children's fund. The KECSAC shall have knowledge and experience in the following:

1. Kentucky Education Reform Act (KERA), and Kentucky's system of schools;

2. State and federal statutes pertaining to youth with educational disabilities, e.g. Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act;

3. Kentucky Unified Juvenile Code and the operation of agency programs for juvenile offenders, status offenders and dependent children; and

4. Research regarding the education of at-risk, incarcerated and difficult to motivate youth.

(b) KECSAC shall cooperatively plan programs and state agency children's fund budgets with the department, KDE, State Agency Education Councils (SAEC) and local school districts providing programs to state agency children. Local school districts shall be notified of projected funding levels by KECSAC by December 1 [February], for the following school year.

(c) The KECSAC application to the department shall contain educational goals and objectives for the biennium for which funding is requested. The goals and objectives shall be consistent with KERA mandates, and the mandates of the Individuals with Disabilities Education Act. The educational goals and objectives shall be compatible with and complementary to the treatment goals for state agency children.

(d) The KECSAC with the cooperation of the department and KDE shall develop written procedures for the operation of the statewide education system for state agency children.

(3) Staffing.

(a) Teachers and other educational staff shall be employed or contracted with through the local school district where the treatment facility is located.

1. If the local school district is not able or willing to provide the educational personnel for the state agency children's treatment facility, the KECSAC:

a. Shall be notified in writing no later than January 1 prior to the start of the next school year of the school district's intent not to provide an extended school year program as specified in Section 4 of this administrative regulation;

b. May contract with another school district for educational staff; or

c. Contract to employ teachers or educational staff.

2. When filling a teacher vacancy in a state-operated or contract-ed facility the local school district or KECSAC shall provide the state agency program director an opportunity to interview prospective new teachers for the on-site state agency school program. The state agency program director shall provide the local school district with interview results regarding the applicants suitability for teaching in the on-site state agency school program.

(b) Educational administrative staff, supervisors and teachers employed or contracted by the KECSAC shall meet Kentucky education certification requirements and shall be annually evaluated. Educational staff employed by school districts shall be evaluated in accordance with local school district policy. The KECSAC shall develop procedures for evaluating staff employed directly by the KECSAC.

(c) Each on-site state agency school program shall designate a head teacher.

(d) Education staff directly employed by the KECSAC shall be compensated at rates at least commensurate with public school

employees with comparable qualifications, experience and assignments in the school district where the treatment facility is located. Statewide KECSAC positions shall be compensated at rates comparable to the average of education positions with similar responsibilities, credentials and experience providing education to state agency children.

(e) On-site state agency school program shall have sufficient teachers available with appropriate certification to serve youth identified with educational disabilities as specified in 707 KAR

1:230. [children programs shall have a minimum of one (1) certified special education teacher on staff by the 1995-96 school year. The employment of special education certified teachers shall reach at least one half (1/2) of the total instructional teachers (excluding Chapter 1 teachers) employed in each state agency program by the school year 1996-97. If the on-site state agency school program has children appropriately identified as having educational disabilities the teacher's certification shall be appropriate for the children served. Exceptions shall be made only with the agreement of the agency treatment facility, the local school district, the Division of Exceptional Children's Services in KDE and KECSAC.]

(f) Other specific services identified in an IEP by the admission and release committee as needed for a youth with educational disabilities may be accessed by KECSAC contracting for appropriate services. The KECSAC shall comply with the administrative regulations relating to youth with disabilities as provided in 707 KAR Chapter 1.

(4) State Agency Education Council (SAEC). Pursuant to KERA requirements related to school-based decision making councils, state agency education programs may, upon a two-thirds (2/3) majority vote of the site's teachers, establish a state agency education council through an agreement with the KECSAC and the local school district.

(5) Policy application. Interagency agreements shall be developed between each local school district and residential agency regarding their mutual responsibility for education and care of state agency children. If a conflict arises between the local agencies regarding the development or fulfillment of the interagency agreement by either party, it shall be resolved by the KECSAC.

(6) Student eligibility. If a specific activity (e.g., football, debate, etc.) is not provided to youth in a state or private contracted agency program, the youth shall not lose eligibility to participate based on the requirements in 702 KAR 7:070. Eligibility shall be figured on a month-to-month basis (e.g., nine (9) months in a DSS facility without a formal football program leaves nine (9) months of eligibility in a local school district). The eligibility period shall not exceed one (1) additional year. Other eligibility criteria however, shall be met by the youth.

Section 3. Finance. (1) The amount of funds generated by state agency children under the Support Education Excellence in Kentucky (SEEK) Program as specified in KRS 157.360 for the guaranteed SEEK base and adjustments shall be sent to the school district providing education for state agency children to be used pursuant to contracts negotiated with the KECSAC.

(2) Distribution of state agency children's funds shall be as follows:

(a) State agency children's funds shall be used to fund the contract for the KECSAC.

(b) State agency children's funds shall be used to provide the local school district portion of the calculated base SEEK funding per child for children in residential placements.

(c) State agency children's funds may be used for educational services which benefit state agency programs in a collective manner.

(d) State agency children's funds may be used as matching funds if the match shall increase the amount of funds available to educate state agency children.

(e) After paragraphs (a), (b), (c) and (d) of this subsection have been funded the remainder of the state agency children's fund

appropriation shall be divided by the total number of state agency children to be educated. The resulting per pupil amount shall be allocated for each state agency child. A state agency child identified with a disability shall have a weighted allocation in accordance with the SEEK add-on for exceptional children as governed by 702 KAR 3:270.

(f) If the state agency children's fund is appropriated with separate funds designated for state-operated and private child care programs the funds shall be averaged separately.

(3) The KECSAC shall contract with local school districts where state agency programs are located. If a local district does not provide an extended school year program as specified in Section 4 of this administrative regulation, the KECSAC shall provide for educational services for that period. The program shall be financed with monies from the state agency children's fund. ~~If KECSAC provides educational services to state agency children, the KDE shall annually deduct the SEEK base and adjustments for children in day treatment programs, or the SEEK base plus adjustments less the local portion for children in residential and group homes from the school district that chose not to provide services.~~ This amount shall be used by the KECSAC to provide educational services to state agency children.

(4) The KECSAC shall be considered the same as a school district for the generation, application, distribution and accountability of state and federal funds, other than SEEK, available to educate on-site state agency school children.

(5) An annual contract or memorandum of agreement shall be negotiated between the KECSAC and each school district providing education to state agency children. Funds shall be audited annually. An itemized budget shall be part of the contract. State agency children's funds shall be based upon average daily membership (ADM). Each state agency children's program shall be assigned a biennium maximum rated capacity by the Cabinet for Human Resources which shall provide the basis for the generation of funds, identified in KRS 605.110, for the projected education budget.

(6) The State Agency Children's Fund as specified in KRS 158.135 shall be sent to the local school district from KDE upon approval the KECSAC and the Cabinet for Human Resources. Budgeting procedures utilized for the school year 1993-94 shall be utilized as part of the 1994-96 biennial plan for allocation of funds. By the 1996-1998 biennium, the KECSAC shall design and phase in an equitable system to distribute these funds.

(7) The KECSAC as part of the contract with each local school district shall ensure the development of a plan for professional development of certified staff. If the local school district has chosen not to provide the educational services to state agency children, the KECSAC with the State Agency Education Council, if established, shall develop and present to the KDE a plan for professional development.

(8) The KECSAC may submit to the KDE a master technology plan for on-site state agency children's programs. The KECSAC shall receive a direct allocation of technology funds which shall be matched by state agency children's funds.

(9) Pursuant to KRS 157.190, 157.110, and 160.330 the KECSAC staff shall, as part of the biennial budget plan, make a request to the Commissioner of KDE for the textbook needs of state agency children. The State Agency Educational Councils, if established, shall provide the KECSAC with projected textbook needs for the children in their specific state agency program.

(10) The KECSAC shall obtain information from the Kentucky Department of Education and the Workforce Development Cabinet regarding all discretionary and entitlement state, federal and miscellaneous funding opportunities available to local school districts and file applications or reports necessary to procure and use funds for the education of state agency children.

(11) If the Cabinet for Human Resources is opening or contracting for a new program or expanding an existing program for treatment

services, the Cabinet for Human Resources shall notify KDE and KECSAC prior to the biennial budget submission regarding the projected number of youth to be educated in the new or expanded program. The education budget for the new program shall be based on rated capacity for the first year.

(12) The KECSAC shall submit an application for adult education services for youth age sixteen (16) years and above who are committed to the Cabinet for Human Resources and shall use funds received to provide adult basic education services to eligible youth. These funds shall not be used concurrently during the six (6) hour base school day funded by SEEK and state agency children's funds.

(13) If youth age sixteen (16) years through twenty (20) enter with or receive a GED while attending a state agency program as permitted by an agreement with adult education that youth may continue in the state agency program for further KERA mandated academic and vocational training and if so continue to generate SEEK funds if still working toward a high school diploma.

(14) By June 30, 1995 and annually thereafter, the Cabinet for Human Resources, Departments for Social Services and Mental Health and Mental Retardation and Medicaid, the Kentucky Department of Education, the Workforce Cabinet and other appropriate agencies shall develop an interagency agreement defining services and financial responsibilities of each state and local agency providing educational services for state agency children. The agreement shall include procedures for resolving interagency disputes.

Section 4. Operations. (1) School options for state agency children with an IEP shall be planned, when not restricted by treatment needs, using the least restrictive environment ~~[alternative continuum plan]~~ based on specific child needs. Additional days beyond the school year may take place either at the local public school or on the state agency program site. If the state agency child is not restricted to the treatment site for security purposes, the continuum from least restrictive to most restrictive alternatives are as follows:

(a) A program for state agency children may send all of its children to be educated in the local public school where children in the local public school district are assigned or where their IEP indicates placement.

(b) A program for state agency children may send some of its children to be educated in the local public school as in paragraph (a) of this subsection and have on-site state agency school option for other children.

(c) A program for state agency children may have an on-site state agency school for all children due to reasons necessary for the conditions of placement in the state agency program.

(2) Assessments.

(a) KECSAC shall develop procedures for the assessment of state agency children in the cognitive, social, academic and vocational areas and utilize health data obtained in the state agency program in order to determine educational objectives for the individual education and treatment plans. Educational goals and objectives shall be consistent with goals specified in each youth's individual treatment plan.

(b) If the youth is suspected to have an educational disability as governed by 707 KAR 1:180 and 1:190 an assessment shall be administered, following required due process procedures.

(c) School psychologists may be employed or contracted by the KECSAC for purposes of identifying educational, psychological or behavioral problems.

(3) In school districts providing educational services, the KECSAC staff and local school district staff shall coordinate the completion of required individual education program ~~[plan]~~ pursuant to 707 KAR 1:180 and 1:190.

(4) Instructional services.

(a) The teacher pupil ratio for on-site state agency school programs serving state agency children shall average ~~[be]~~ no more

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than ten (10) students to one (1) teacher without a classroom aide and fifteen (15) students to one (1) teacher with a classroom aide. Classrooms only serving students with educational disabilities shall comply with teacher pupil ratios as specified in 707 KAR 1:230, Section 5. ~~[and [or] comply with 707 KAR 1:230 relating to students with educational disabilities.]~~

(b) An Individual plan of instruction shall be developed for state agency children with goals and objectives that relate to the education goals set out in KRS 158.6451. The individual plan of instruction shall be developed in coordination with the ITP. If a youth is determined to have an educational disability the IEP requirements as governed by 707 KAR Chapter 1 ~~[4:180]~~ shall apply.

(c) The number of school days required under KRS 158.070 shall be provided to all state agency children. An extended school calendar of up to 230 with 210 instructional days shall be provided when it is specified in the IEP and ITP that the student meets requirements for an extended school year (ESY) or the student meets district requirements for extended school services (ESS). ~~[A 230 day school calendar year shall be in operation unless specified otherwise in the youth's IEP and ITP. The head teacher in consultation with the local school district and program director shall submit a 230 day school calendar to the KECSAC with the annual contract for services. The calendar shall specify instructional, professional development, holiday and vacation days for the school year beginning July 1 of the contract year.]~~

(d) State agency children who are fourteen (14) years of age or older who do not have an identified educational disability with an IEP and who do not read at a sixth grade level as measured by a standardized achievement test, shall be provided developmental reading, listening and writing instruction.

(5) Accountability.

(a) State agency children shall have the same assessments administered as other public school youth in A-5 and A-6 schools as specified in 703 KAR 4:080. The average daily attendance data for day treatment programs and the results of the assessments shall be included in the accountability index of the last A-1 school the youth attended prior to admittance to a state agency program or the A-1 school the youth would have attended if the youth had remained in that local school district.

(b) State agency children shall develop portfolios consistent with the content requirements of the state's assessment program. A youth's portfolio shall be sent to the receiving school as part of the educational records when youth transition from the state agency program.

(c) An accountability system shall be designed by the KECSAC for state agency school programs.

(d) State agency children's school programs shall be in compliance with accreditation standards of the American Correctional Association and the Correctional Educational Association, if appropriate and if consistent with the KECSAC mission and school goals set out in KRS 158.6451.

(6) Transition.

(a) The KECSAC shall develop transition procedures for state agency children moving from the state agency education program to the next instructional or vocational setting. The transition procedures shall address responsible staff, timelines, format of information to be transmitted, support systems necessary and follow-up schedules.

(b) The transition planning to post school settings shall comply with the transition plan and service requirements of Individuals with Disabilities Education Act (IDEA) for students with educational disabilities and 707 KAR 1:220.

(c) The KECSAC shall design and implement a system to collect school follow-up data.

(d) The last school or school district a state agency youth attends prior to placement in a state agency program shall be responsible for forwarding the educational records to the state agency program within five (5) school days of receipt of the request. Upon receipt of the

school records, the state agency program shall notify the sending school district office of the pupil personnel director, that the child is now in school attendance and not a drop out.

(e) The head teacher shall insure that the educational records of state agency children be forwarded to the receiving school within five (5) school days following the release of the youth from the treatment facility.

PEGGY WALLACE, Commissioner

MASTEN CHILDERS II, Secretary

APPROVED BY AGENCY: October 3, 1995

FILED WITH LRC: October 5, 1995 at 11 a.m.

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ADMINISTRATIVE REGULATIONS AMENDED AFTER PUBLIC HEARING

CABINET FOR HUMAN RESOURCES
Department for Health Services
Division of Maternal and Child Health
(Amended After Hearing)

902 KAR 19:010. Kentucky Birth Surveillance Registry.

RELATES TO: KRS 211.655, 211.660, 211.670

STATUTORY AUTHORITY: KRS 211.660

NECESSITY AND FUNCTION: KRS 211.655 establishes the Kentucky Birth Surveillance Registry based on the need to provide information on the incidence, prevalence, and trends of congenital anomalies, stillbirths and disabling conditions; provide information as to possible causes; and develop preventive strategies to reduce their incidence and the secondary complications associated with them. This administrative regulation is promulgated to establish uniform procedures for collection of data for the registry.

Section 1. Definitions. (1) "Board" means the Kentucky Health Policy Board.

(2) "Cabinet" means the Cabinet for Human Resources.

(3) "Department" means the Department for Health Services.

(4) "Division" means the Division of Maternal and Child Health, the administrator of the Kentucky Birth Surveillance Registry, located within the Department for Health Services.

(5) "Registry" means the Kentucky Birth Surveillance Registry.

(6) "Hospital" means acute care hospitals licensed under the provisions of KRS Chapter 216B.

(7) "Hospitalization" means the inpatient medical episode identified by a patient's birth, admission date, length of stay and discharge date, and further identified by a provider-assigned patient control number unique to that inpatient episode.

(8) ~~[(7)]~~ "UB-92" means the 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. The UB-92 Training Manual is incorporated by reference to this administrative regulation.

(9) ~~[(9)]~~ "Coding and transmission specifications" means the technical directives concerning technical and technological matters, including codes and data for uniform provider entry into particular character positions of the UB-92 and uniform provider formatting of fields and character positions for purposes of electronic data transmissions issued by the Health Policy Board pursuant to administrative regulation 909 KAR 1:070 or, where not specified by the Health Policy Board, as are delineated in the UB-92 Training Manual.

(10) ~~[(9)]~~ "ICD-9 Code" means the diagnosis code specifications under the International Classification of Diseases, in current usage, required for reporting diagnoses and diseases to all U.S. Public Health Service and Health Care Financing Administration programs.

(11) ~~[(10)]~~ "Record" means the documentation of a hospitalization in the format of a UB-92 regardless of whether constituted as a paper form or on a computer-readable electronic medium.

(12) ~~[(11)]~~ "Medical record" means the patient's actual medical record maintained by the hospital's medical record department.

(13) ~~[(12)]~~ "Agent" means any entity with which the department may contract pursuant to carrying out the duties of the registry and may designate to act on the behalf of the registry to edit or analyze data from hospitals.

Section 2. Data Collection. (1) Hospitalization records. ~~[Beginning January 1, 1996]~~ Hospitals shall document on a UB-92 record each

hospitalization they provide on at least all inpatients up to the age of five (5) years with diagnoses of a congenital birth anomaly or disabling condition as defined by the department and included in Section 8 of this administrative regulation, and from these records shall provide to the registry not less than the data specified in Section 9 of this administrative regulation.

(2) Access to records. KRS 211.660(4) provides the registry or its agent with permission to have access to the medical records of any patient meeting the criteria in subsection (1) of this section.

Section 3. Data Finalization and Submission. (1) Submission of final data. Data shall be deemed final for purposes of submission to the registry 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 registry on grounds that it remains subject to adjudication by a payor.

(b) Data on hospitalizations shall not be submitted to the registry before a patient is discharged or before the record is sufficiently final that it could be submitted to a payor for billing.

(2) Transmission of records.

(a) Data submitted to the registry shall be uniformly completed and formatted according to coding and transmission specifications.

(b) Hospitals that have the capacity shall submit data on computer-readable electronic media.

(c) All hospitals shall provide backup security against accidental erasure or loss of the data until any incomplete or inaccurate records identified by the registry have been corrected and resubmitted.

(d) Any data submitted by mail shall be by certified mail or other traceable carrier (i.e., United Parcel Service).

(e) Any hospital that submits records in the form of paper copies shall either deliver the copies to the registry's reporting agent, or send them in secure packaging by mail postmarked no later than the due date.

Section 4. Data Submission Timetable. Quarterly submissions. Hospitals 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 the effective date of this administrative regulation [January 1, 1996] which during that quarter became final as specified in Section 3(1) of this administrative regulation [subsection (1) of this section], and shall be submitted to the registry not later than forty-five (45) days after the last day of that quarter.

(1) If the 45th day falls on a weekend or holiday, the submission due date shall become the next following working day.

(2) The first required data submission under this administrative regulation shall be no earlier than sixty (60) days following publication of the registry's coding and transmission specifications, including the file layout for electronic submission. ~~[for quarterly data collected after January 1, 1996.]~~

Section 5. Data Corrections. (1) Editing. The following UB-92 data fields from Section 9 of this administrative regulation ~~shall~~ will be edited by the registry upon receipt to ensure completeness and validity of the data for further processing: patient name, insured's name.

(2) Time permitted for corrections. The registry shall allow hospitals thirty (30) days in which to submit corrected copies of initially submitted data the registry identifies as incomplete or invalid as a result of edits.

(a) The thirty (30) days shall begin on the postmarked date of the registry's mailed notice informing the hospital that corrections are required.

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(b) Hospitals shall submit corrected data by either electronic transmission or postmarked mailing within the thirty (30) days.

Section 6. Working Contacts. (1) Beginning January 1, 1996 and annually thereafter, each hospital which is required by this administrative regulation to submit data shall report by letter to the registry 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 registry or its agent. A hospital's designated contact and backup may not be the chief executive officer unless no other person(s) employed by the hospital has the required 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 registry.

Section 7. Required Reporting Conditions. The data which are submitted from the hospital to the registry shall be at least for those patients, from birth to five (5) years of age, for whom any reported diagnoses includes the following ICD-9 codes:

(1) All congenital anomalies codes - 740-759. (Examples: microcephaly 742.1; macrocephaly 742.4; upper GI anomalies 750; lower GI anomalies 751; gastroschisis 756.7; chromosome anomalies 758.)

(2) Dwarfism not elsewhere classified - 259.4.

(3) Metabolic/storage disorders - 270-279*. *Excluding codes 274, 276 and 278.

(4) Hereditary hemolytic anemia - 282.

(5) Neurologic disorders of brain and cord - 334-335.

(6) Cerebral palsy - 343.

(7) Omphalocele - 553.1.

(8) Teratogens (noxious influences) (include all 760.7 subcategories, current .70-.79) - 760.7.

(9) Hemolytic disease of the newborn - 773.

(10) Infant of diabetic mother - 775.0.

(11) Seizures - 779.0; 780.3.

(12) Failure to thrive - 783.4.

(13) Small for gestational age - 764.0.

Section 8. Required Data Elements. UB-92 data. Hospitals shall ensure that each copy of UB-92 data submitted to the registry contains at least the following data elements as provided on the UB-92 form. Asterisks identify elements that shall not be blank and shall conform to coding and transmission specifications.

UB-92 Field # Element Name

*5	Federal Tax Number
*12	Patient Name
13	Patient Address
*14	Birth Date
*15	Sex
*17	Admission/Start of Care Date
*23	Medical Record #
*58	Insured's Name
59	Patient Relationship
60	Certificate/SSN/Health Insurance Claim/ID Number
*67	Principal Diagnosis Code
68-75	Other Diagnosis Codes (Up to 8)
*82	Attending Physician Unique Identification Number or Alternate Number.

Section 9. Incorporations by Reference. (1) As defined in Section 1 of this administrative regulation, the current UB-92 Training Manual **is herein incorporated by reference.**

(2) This item may be inspected or copied at the Kentucky Birth

Surveillance Registry, Division of Maternal and Child Health, Department for Health Services, at 275 East Main Street, Frankfort, Kentucky 40621.

RICE C. LEACH, M.D., Commissioner

JOHN H. MORSE, Secretary

APPROVED BY AGENCY: January 5, 1996

FILED WITH LRC: January 5, 1996 at 11 a.m.

PROPOSED AMENDMENTS RECEIVED THROUGH NOON, JANUARY 12, 1996

**GENERAL GOVERNMENT CABINET
Kentucky Board of Medical Licensure
(Amendment)**

201 KAR 9:041. Fee schedule.

RELATES TO: KRS 311.565(20)

STATUTORY AUTHORITY: KRS 311.565(20)

NECESSITY AND FUNCTION: KRS 311.565 empowers the State Board of Medical Licensure to exercise all the administrative functions of the state in the prevention of empiricism and in the administrative regulation of the practice of medicine and osteopathy and authorizes the board to establish requirements and standards relating thereto. The purpose of this administrative regulation is to establish a schedule of fees for services rendered by the board.

Section 1. Fee Schedule. (1) Fee for sitting the state medical examination administered by the board:

- (a) Examination fee - \$375.
- (b) Examination application fee - \$50.
- (2) Fee for initial issuance of regular license - \$225.
- (3) Fee for initial issuance of limited license - \$75.
- (4) Fee for annual registration or renewal of regular license - \$100.
- (5) Fee for annual registration or renewal of limited license - \$65.
- (6) Penalty for late annual registration or renewal:
 - (a) March 1 - April 1 - \$50.
 - (b) After April 1 - \$100.
- (7) Fee for reregistration of inactive license - \$150 [90].
- (8) Endorsement of licensee to licensing agency of another jurisdiction - \$50.
- (9) Certification of licensee's examination grades to licensing agency of another jurisdiction - \$10.
- (10) Fee for temporary permit (credited to fee for regular license if subsequently issued) - \$50.
- (11) Fee for emergency permit - \$25.
- (12) Fee for duplicate license certificate - \$10.
- (13) Fee for copy of "Kentucky Medical Directory" - \$15.
- (14) Fee for one (1) year subscription to Newsletter (fee waived for licensees) - \$10.
- (15) Fee for license application - \$25.
- (16) Fee for sitting for competency examination administered by board - \$275.
- (17) Fee for initial issuance of regular license for graduates of Kentucky medical schools who remain in this state for postgraduate training - \$150.

ROYCE E. DAWSON, President

APPROVED BY AGENCY: October 17, 1995

FILED WITH LRC: January 12, 1996 at 9 a.m.

PUBLIC HEARING: A public hearing on the proposed amendment, 201 KAR 9:041, to current administrative statutes and regulation will be held on the 27th day of February, 1996, at 1:30 p.m., eastern time, at the offices of the Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222. Those interested in attending this hearing shall notify C. William Schmidt, Executive Director, Kentucky Board of Medical Licensure, in writing, by February 22, 1996, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on this proposed administrative regulation. A transcript of the hearing will not be made

unless a written request for a transcript is made. If you do not wish to attend this hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the hearing or written comments to: C. William Schmidt, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222.

REGULATORY IMPACT ANALYSIS

Contact person: C. William Schmidt

(1) Type and number of entities affected: All physicians who are licensed to practice medicine in the Commonwealth of Kentucky.

(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: Comments not available due to first public hearing being cancelled. Hearing cancelled due to public lack of interest.

(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: Comments not available due to first public hearing being cancelled. Hearing cancelled due to public lack of interest.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Paperwork and staff workload will increase slightly.

2. Second and subsequent years: Paperwork and staff workload will increase slightly.

(3) Effects on the promulgating administrative body: Paperwork and staff workload will increase.

(a) Direct and indirect costs or savings: Increased workload would require additional staff, financed by this increase in fees.

1. First year: Increased workload would require additional staff, financed by this increase in fees.

2. Continuing costs or savings: Increased workload would require additional staff, financed by this increase in fees.

3. Additional factors increasing or decreasing costs: None anticipated.

(b) Reporting and paperwork requirements: Anticipate paperwork and reporting requirements to increase slightly.

(4) Assessment of anticipated effect on state and local revenues: No changes anticipated.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Comments not available due to first public hearing being cancelled. Hearing cancelled due to lack of public interest.

(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 throughout the state of Kentucky.

(b) Kentucky: Yes

(7) Assessment of alternative methods; reasons why alternatives were rejected: Comments not available due to first public hearing being cancelled. Hearing cancelled due to lack of public interest.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: Comments not available due to first public hearing being cancelled. Hearing cancelled due to public lack of interest.

(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:

(a) Necessity of proposed regulation if in conflict: Board is not aware of any statute, regulation, or government policy which is in conflict or is duplicated by this proposed regulation.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(10) Any additional information or comments: The board feels that this regulation will assure the public of continued competency of Kentucky physicians.

(11) TIERING: Is tiering applied? No. Increase in fees shall pertain to all licensees of the board. There is no valid reason to impose varying requirements.

**GENERAL GOVERNMENT CABINET
Kentucky Board of Medical Licensure
(Amendment)**

201 KAR 9:175. Physician assistants; certification and supervision.

RELATES TO: KRS 311.565

STATUTORY AUTHORITY: KRS 311.565(22)

NECESSITY AND FUNCTION: It is the purpose of this administrative regulation to promote the efficient and effective utilization of the skills of physicians by allowing them to delegate health care tasks to qualified physician assistants and in so doing, promote, sustain and enhance the health and welfare of the people of the Commonwealth.

Section 1. Definitions. As used in this administrative regulation:

(1) "Physician assistant" means a person who successfully completes an approved program and an approved examination, and who is certified by the board to assist a registered physician in the provision of medical care under the physician's supervision. The physician assistant is not an independent practitioner of the healing arts but only an adjunct to the supervising physician;

(2) "Anesthesia (or anesthesiology) assistant" means a physician assistant who assists in the provision of general or regional anesthesia;

(3) "Board" means the Kentucky Board of Medical Licensure;

(4) "Supervising physician" means a physician currently licensed to practice medicine in the Commonwealth who has been approved by the board to supervise physician assistants for whom the supervising physician takes responsibility;

(5) "Advisory committee" means the committee appointed by the board to advise the board on all matters related to physician assistants;

(6) "Approved program" means a program for the education and training of physician assistants which meets standards acceptable to the board;

(7) "Supervision" means oversight ~~[control]~~ and direction of the services of physician assistants by their supervising physicians;

(8) "Approved examination" means an examination to test the knowledge and skills of physician assistants which meets standards acceptable to the board;

(9) "Certificate" means the board's official documentary authorization allowing a physician assistant to practice in the Commonwealth for the time specified; and

(10) "Trainee" means a person who is currently enrolled in an approved program for the training of physician assistants.

Section 2. Certification of Physician Assistants. (1) To be certified by the board as a physician assistant, a person must:

- (a) Submit a completed application with the required fee;
- (b) Be of good character and reputation;
- (c) Be a graduate of an approved program; and
- (d) Have passed an examination approved by the board within three (3) attempts.

(2) If grounds for denial of certification do not exist, a temporary certificate may be issued by the board's executive director to a physician assistant after graduation from an approved program and prior to taking the first available approved examination after graduation. This temporary certificate shall enable the holder to practice as a certified physician assistant pursuant to 201 KAR 9:175 only under the direct supervision of a supervising physician at the same practice location. The holder of this temporary certificate shall take the first available approved examination after graduation. If the holder receives a passing score on this examination, the temporary certificate shall be effective until the board approves the holder for permanent certification. If the holder receives a failing score, or fails to take the first available approved examination after graduation, the temporary certificate shall automatically expire. This temporary certificate shall not be renewed or reissued subsequent to expiration or cancellation. The executive director may also issue a temporary certificate to an applicant who otherwise meets all requirements of 201 KAR 9:175, Section 2(1). The temporary certificate shall remain in effect until the board approves the holder for permanent certification. This temporary certificate shall allow the applicant to practice as a physician assistant pursuant to 201 KAR 9:175, Section 6. However, under no circumstances shall this temporary certificate remain in effect for longer than six (6) months and the temporary certificate shall not be renewable. Any temporary certificate may be cancelled at any time, without a hearing, for reasons deemed sufficient to the executive director, and who shall cancel it immediately upon direction by the board or the board's physician assistant advisory committee or upon the board's denial of the holder's application for permanent certification. When cancelling a temporary certificate, the executive director shall promptly notify, by certified United States mail, the holder of the temporary certificate, at the last known address as reflected by the files of the board, and the temporary certificate shall become terminated and of no further force and effect upon receipt of the notice.

(3) Physician assistants duly authorized to practice in other states and in good standing may apply for certification by endorsement from the state of their original credentialing ~~[certification]~~ if the endorsing state has standards substantially equivalent to those of the Commonwealth.

(4) Certification shall be renewed on or before July 1, 1989, and thereafter biennially according to the procedure established by the executive director. In conjunction with the renewal of his/her certification, the physician assistant shall provide evidence of having completed in the previous two (2) years a minimum of 100 hours of continuing education accepted by the National Commission on Certification of Physician Assistants or the American Medical Association. In addition, all physician assistants shall renew ~~[recertify]~~ every six (6) years as required by the NCCPA, unless they are not eligible because they hold physician assistant certification approved by the board pursuant to 201 KAR 9:175, Section 6.

(5) In conjunction with the renewal process the physician assistant shall provide evidence of having completed in the previous two (2) years an education course on the human immunodeficiency virus and acquired immunodeficiency syndrome which meets the requirements of the Cabinet for Human Resources as described in KRS 214.610.

Section 3. Approved Examination. The following examinations are approved by the board:

- (1) The examination of the National Commission on Certification of Physician Assistants;
- (2) The official competency ~~[certification]~~ examination of any state

if the board determines the examination to be an adequate measure of physician assistant competency; or

(3) Any other formally administered examination if the board determines, upon review of proof provided by the applicant, that the examination is substantially equivalent to the examination of the National Commission on Certification of Physician Assistants.

Section 4. Approved Programs. (1) The following programs are approved by the board:

(a) Physician assistant programs that are accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or Committee on Allied Health Education and Accreditation of the American Medical Association (CAHEA), [and that provide interdisciplinary training in at least the following areas: family medicine, internal medicine, surgery, pediatrics, psychiatry, and obstetrics/gynecology; or]

(b) Any other training program if the board determines, upon review of proof submitted by the applicant, that the training received was substantially equivalent to that received in a program as described in paragraph (a) of this subsection.

(2) Programs specifically designed to train the individual to assist in the provision of general or regional anesthesia shall have been accredited by CAAHEP or CAHEA.

(3) Trainees enrolled in approved programs shall be under the supervision of the program which, is responsible for their services. Trainees shall be bound by the same practice limitations imposed upon physician assistants generally, but will not be considered to be practicing without authorization while enrolled in the program.

Section 5. Physician Assistant Scope of Practice. (1) A physician assistant may perform any medical services that are within the scope of training received in an approved program and which are also within the scope of the supervising physician's practice. Physician assistants may perform those duties and responsibilities that are delegated by their supervising physicians. Physician assistants shall be considered the agents of their supervising physician in the performance of all practice related activities including but not limited to the performance of or ordering of diagnostic, therapeutic and other medical services. [as designated by the specialty code in the most current revision of the Kentucky Medical Directory.] The physician assistant shall not make a definitive diagnosis or prescribe or employ any treatment modality that has not been delegated by [independent of] the supervising physician. A physician assistant may, without specific approval, initiate evaluation and treatment in emergency situations.

(2) A physician assistant shall not administer or monitor general or regional anesthesia without satisfying the applicable requirements of Section 6 of this administrative regulation. However, a physician assistant may render local, infiltrative anesthesia pursuant to subsection (1) of this section.

(3) A physician assistant may render services in the offices or clinics of the supervising physician, or in hospitals and other licensed health care facilities. However, physician assistants shall not render services in these facilities without the express written permission of the respective facility's governing body. The facility may restrict the physician assistant's scope of practice within the facility as the facility deems appropriate.

(4) Neither the physician assistant nor the supervising physician shall require any individual or entity to perform any act relative to the provision of services by the physician assistant that the individual or entity is specifically forbidden to perform pursuant to law.

Section 6. Physician Assistants Practicing as Anesthesia (or Anesthesiology) Assistants. (1) Any physician assistant practicing as an anesthesia (or anesthesiology) assistant in Kentucky prior to July 15, 1986 may continue to practice if:

(a) The physician assistant has complied with all the practice requirements and conditions of Sections 2, 3, 4(2), and 5 of this

administrative regulation;

(b) The physician assistant is a graduate of a program specifically designed to train the individual to administer general or regional anesthesia which is accredited by CAHEA;

(c) The physician assistant is only employed by a supervising physician who has postgraduate training in anesthesiology from an anesthesiology program accredited by the Accreditation Council for Graduate Medical Education (ACGME); and

(d) Notwithstanding Section 9 of this administrative regulation, the physician assistant shall not administer or monitor general or regional anesthesia unless the supervising physician is physically present in the operating room during induction, and thereafter physically present in the operating suite and not concurrently performing any other anesthesia procedure which would prevent the supervising physician's immediate physical presence in the operating room where the anesthesia procedure is being performed.

(2) Any physician assistant not already practicing as an anesthesia (or anesthesiology) assistant in Kentucky prior to July 15, 1986 must meet the following requirements:

(a) The physician assistant shall be a graduate of an approved program as defined in Section 4(1)(a) of this administrative regulation which is of four (4) years duration, and, in addition to this training, be a graduate of a two (2) year program specifically designed to train the individual to assist in the provision of general and regional anesthesia, which consists of specialized academic and clinical training in anesthesia, and which is accredited by CAAHEP or CAHEA;

(b) The physician assistant shall have complied with all of the practice requirements and conditions of Sections 2, 3, 4, and 5 of this administrative regulation;

(c) The physician assistant shall only be employed by a supervising physician who is a board certified anesthesiologist; and

(d) Notwithstanding Section 9 of this administrative regulation, the physician assistant shall not administer or monitor general or regional anesthesia unless the supervising physician, who must be a board certified anesthesiologist, is physically present in the operating room during induction and emergence, and thereafter physically present in the operating suite and not concurrently performing any other clinical procedure.

Section 7. Approval of Supervising Physicians. (1) To seek approval by the board as a supervising physician, a physician must:

(a) Be currently licensed in good standing and primarily practicing in the Commonwealth;

(b) Submit a completed application with the required fee.

(2) In addition to other information the board's executive director may deem appropriate, the supervising physician shall, briefly, on the face of the application:

(a) Describe the nature of the practice;

(b) Describe the responsibilities the physician wishes the physician assistant to assume;

(c) Describe the means by which the physician will maintain a line of communication with the physician assistant when they are not in the same location; and

(d) Denote the name, address and area of practice of one (1) or more alternate physicians who agree in writing to accept the responsibility of supervising the physician assistant in the supervising physician's absence.

(3) A physician shall not supervise a physician assistant without being approved by the board. The board may impose restrictions on the scope of practice of a particular physician assistant or on the methods of supervision employed by the supervising physician. Physicians must obtain specific approval for each physician assistant they wish to supervise and the board will not approve any physician to supervise more than two (2) physician assistants at any one (1) time.

Section 8. Duties of Supervising Physicians. A supervising

physician shall:

(1) Restrict the services of the physician assistant to those services within the limitations of the physician assistant's scope of practice as set forth in Section 5 of this administrative regulation and, as applicable, Section 6 of this administrative regulation, and as may be specifically limited by the board;

(2) Prohibit physician assistants from prescribing or dispensing controlled substances or other drugs;

(3) Inform all patients with whom the physician assistant comes in contact of the status of the physician assistant;

(4) Post a notice in all offices or clinics where the physician assistant may practice stating that a physician assistant practices on the premises;

(5) Require physician assistants to wear a name tag or other identification clearly stating that the physician assistant is a "physician assistant [~~certified~~]";

(6) Prohibit the physician assistant from independently billing any patient or other payer for services rendered by the physician assistant;

(7) Negotiate with the medical staff or governing body of any hospital, long-term care facility or institution to establish [~~and limit~~] the scope of practice of the physician assistant;

(8) Not require a physician assistant to perform services or other acts that the physician assistant feels incapable of carrying out safely and properly;

(9) Reevaluate [~~Criticize~~] every two (2) years the physician assistant's reliability, accountability, and fund of medical knowledge. Recommend the approval or disapproval of the [~~other~~] physician assistant's certification to the committee. This reevaluation [~~critical survey~~] process shall be performed by the supervising physician biennially on the date of the physician assistant's original certification in the Commonwealth of Kentucky;

(10) Submit, in conjunction with the physician assistant's renewal of certification, a statement evidencing the physician assistant's completion of a minimum of 100 hours of continuing education as set forth in Section 2(4) of this administrative regulation;

(11) Maintain adequate, active and continuous supervision of the physician assistant's activities to assure the physician assistant is performing as directed and complying with these administrative regulations. The supervising physician shall timely sign all records of services rendered by the physician assistant as certification that the physician assistant carried out the services as delegated;

(12) Notify the board within three (3) business days if the supervising physician ceases to employ or supervise the physician assistant; and

(13) Notify the board within twenty (20) days if the supervising physician believes in good faith that the physician assistant violated any disciplinary rule set forth in this administrative regulation.

Section 9. Supervision and Satellite Clinics. (1) The supervising physician need not be physically present at all times when the physician assistant is providing services in the physician's office or clinic if the physician assistant has a reliable means of having direct communication with the supervising physician at all times. Except as may be provided by this administrative regulation or the board, the supervising physician need not be present in a hospital or other licensed health care facility while the physician assistant is providing services if the physician assistant has a reliable means of direct communication with the supervising physician at all times, and the facility has given specific approval for the provision of the services by the physician assistant without the presence of the supervising physician.

(2) Any supervising physician utilizing the services of a physician assistant in an office or clinic separate from the physician's primary office shall submit to the board a specific written request delineating the services to be provided by the physician assistant, the distance between the primary office, the setting in which the physician

assistant will practice, and the mechanism by which the physician assistant shall have access, at all times, to direct communication with the supervising physician. The board may approve or disapprove the requests and may approve a request with specified limitations. A physician assistant shall not practice in this setting without first having two (2) continuous years of experience in a nonsatellite setting.

Section 10. Discipline of Physician Assistants. The board may revoke, suspend, deny, decline to renew, limit or restrict the certificate of a physician assistant, or may reprimand or place a physician assistant on probation for no more than five (5) years under conditions the board deems appropriate, upon proof that the physician assistant has:

(1) Knowingly made or presented, or caused to be made or presented, any false, fraudulent or forged statement, writing, certificate, diploma or other document in connection with an application for certification;

(2) Practiced, or aided or abetted in the practice, of fraud, forgery, deception, collusion or conspiracy in connection with an examination for certification;

(3) Been convicted, by any court within or without the Commonwealth of Kentucky, of an act which is, or would be, a felony under the laws of the Commonwealth of Kentucky, or of the United States, or of a misdemeanor crime involving moral turpitude;

(4) Become addicted to or an abuser of alcohol, drugs or any illegal substance;

(5) Developed a physical or mental disability or other condition which renders a danger in continued practice to patients, the public or other health care personnel;

(6) Knowingly made, or caused to be made, or aided or abetted in the making of, a false statement in any document executed in connection with the practice of the profession;

(7) Practiced as a physician assistant outside the practice of the designated supervising physician;

(8) Aided, assisted, or abetted the unlawful practice of medicine or osteopathy or any other healing art, including the unlawful practice of physician assistants;

(9) Willfully violated a confidential communication;

(10) Had a physician assistant credential [~~certificate~~] by another state, territory, or foreign nation revoked, suspended, restricted, limited or subjected to other disciplinary action;

(11) Performed the services of a physician assistant in an unprofessional, incompetent, grossly negligent or chronically negligent manner;

(12) Exceeded the authority delegated by the supervising physician;

(13) Exceeded the scope of practice duly established by the governing authority of any hospital or other licensed health care facility;

(14) Been removed, suspended, expelled or placed on probation by any health care facility or professional society for unprofessional conduct, incompetence, negligence or violation of any provision of this administrative regulation;

(15) Violated any applicable provision of administrative regulations regarding physician assistant practice;

(16) Violated any term of probation or other discipline imposed by the board;

(17) Failed to complete the required number of hours of approved continuing education; or

(18) Performed any act as a physician assistant without having a designated supervising physician.

Section 11. Discipline of Supervising Physicians. Failure of a physician to obtain approval as a supervising physician, or failure of a supervising physician to observe applicable responsibilities established by administrative regulations promulgated by the board regarding physician assistants, shall be unprofessional conduct

subject to disciplinary action pursuant to the board's rules regarding physician discipline. In addition to other discipline, the board may revoke, suspend, restrict, or place on probation the supervising physician's right to supervise a physician assistant.

Section 12. Physician Assistant Advisory Committee. (1) The board shall establish a physician assistant advisory committee consisting of nine (9) members, four (4) of whom shall be physician assistants from (as practicable) different regions of the Commonwealth, two (2) supervising physicians, one (1) resident of the Commonwealth who is not associated with or financially interested in the health care business, one (1) advanced registered nurse practitioner who shall be selected from a list of three (3) nominees submitted by the Kentucky Board of Nursing and who shall be licensed in good standing in the Commonwealth, and one (1) member of the board. The members of the committee shall hold office for terms of three (3) years and until their successors are appointed and qualified. The terms of all members of the committee shall expire on August 31st of the last year of their respective terms.

(2) The committee shall hold meetings at least semiannually, and more often as necessary, to review and make recommendations to the board regarding:

(a) Applications of physician assistants and supervising physicians;

(b) Statutes and administrative regulations; and

(c) Any other matter relating to the practice of physician assistants.

(3) The committee shall review all grievances relating to physician assistants. The board's investigational powers relating to physicians shall apply equally to physician assistants. Upon review of any grievance, the committee shall make a recommendation to the appropriate inquiry panel. Disciplinary proceedings against physician assistants shall be conducted in the same manner as proceedings against physicians and physician assistants shall have the same right to judicial review enjoyed by physicians. The board may temporarily suspend or restrict a physician assistant's certification during the pendency of a proceeding and may order a physician assistant to undergo physical or mental examination in accordance with the procedures set forth in KRS 311.592 and 311.599, respectively.

Section 13. Emergency Permits. (1) Upon satisfactory completion of all forms, a physician assistant credentialed [certified] in good standing in another state or Canadian province may obtain an emergency permit to practice as a physician assistant in the Commonwealth for a period not to exceed thirty (30) days when in the executive director's opinion, based on verifiable information, the physician assistant satisfies the requirements for regular certification pursuant to 201 KAR 9:175, Section 2, and an actual medical emergency exists. A medical emergency shall be considered to exist if, in the executive director's opinion, a real and substantial threat to public health or the health of an individual exists which cannot be cured except upon the issuance of the emergency permit. The emergency permit may not be renewed or reissued and shall be immediately cancelled if the medical emergency ceases to exist prior to the passage of thirty (30) days from issuance. An emergency permit may be cancelled by the executive director without a prior hearing when in the executive director's opinion, based upon reasonable cause, the continuance of the permit would not be in the best interest of the Commonwealth. An emergency permit does not enable a physician assistant to practice beyond the geographical area, the scope of practice encompassed by the medical emergency, or without the supervision of a supervising physician.

(2) Upon satisfactory completion of all forms, a physician assistant certified in good standing to practice and a physician assistant in the Commonwealth of Kentucky may obtain an emergency permit to practice under an additional supervising physician for a period not to exceed thirty (30) days when in the executive director's

opinion, based on verifiable information, the physician assistant satisfies the requirements for regular certification pursuant to 201 KAR 9:175, Section 2, and an actual medical emergency exists. A medical emergency shall be considered to exist if, in the executive director's opinion, a real and substantial threat to public health or the health of an individual exists which cannot be cured except upon the issuance of the emergency permit. The emergency permit may not be renewed or reissued and shall be immediately cancelled if the medical emergency ceases to exist prior to the passage of thirty (30) days from issuance. An emergency permit may be cancelled by the executive director without a prior hearing when in the executive director's opinion, based upon reasonable cause, the continuance of the permit would not be in the best interest of the Commonwealth. An emergency permit does not enable a physician assistant to practice beyond the geographical area, the scope of practice encompassed by the medical emergency, or without the supervision of a supervising physician.

ROYCE E. DAWSON, President

APPROVED BY AGENCY: October 17, 1995

FILED WITH LRC: January 12, 1996 at 9 a.m.

PUBLIC HEARING: A public hearing on the proposed amendment, 201 KAR 9:175, to current administrative statutes and regulation will be held on the 27th day of February, 1996, at 2:30 p.m., eastern time, at the offices of the Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222. Those interested in attending this hearing shall notify C. William Schmidt, Executive Director, Kentucky Board of Medical Licensure, in writing, by February 22, 1996, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on this proposed administrative regulation. A transcript of the hearing will not be made unless a written request for a transcript is made. If you do not wish to attend this hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the hearing or written comments to: C. William Schmidt, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222.

REGULATORY IMPACT ANALYSIS

Contact person: C. William Schmidt

(1) Type and number of entities affected: All physician assistants who are certified to practice in the Commonwealth of 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: Comments not available due to first public hearing being cancelled. Hearing cancelled due to public lack of interest.

(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: Comments not available due to first public hearing being cancelled. Hearing cancelled due to public lack of interest.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the: Comments not available due to first public hearing being cancelled. Hearing cancelled due to public lack of interest.

1. First year following implementation: Paperwork and staff workload will increase slightly.

2. Second and subsequent years: Paperwork and staff workload will increase slightly.

(3) Effects on the promulgating administrative body: Paperwork

and staff workload will increase.

(a) Direct and indirect costs or savings: None

1. First year: Increased workload would require additional staff, financed by this increase in fees.

2. Continuing costs or savings: Increased workload would require additional staff, financed by this increase in fees.

3. Additional factors increasing or decreasing costs: None anticipated.

(b) Reporting and paperwork requirements: Anticipate paperwork and reporting requirements to increase slightly.

(4) Assessment of anticipated effect on state and local revenues: Alternative considered was to leave the regulation as is and it is in need of change to conform with other regulations in this chapter. The board feels that the public and profession need assurances of continued competency.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Comments not available due to first public hearing being cancelled. Hearing cancelled due to lack of public interest.

(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 throughout the state of Kentucky.

(b) Kentucky: Yes

(7) Assessment of alternative methods; reasons why alternatives were rejected: Comments not available due to first public hearing being cancelled. Hearing cancelled due to lack of public interest.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: Comments not available due to first public hearing being cancelled. Hearing cancelled due to public lack of interest.

(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:

(a) Necessity of proposed regulation if in conflict: Board is not aware of any statute, regulation, or government policy which is in conflict or is duplicated by this proposed regulation.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(10) Any additional information or comments: The board feels that this regulation will assure the public of continued competency of Kentucky physician assistants.

(11) TIERING: Is tiering applied? No. This regulation shall pertain to all physician assistants certified by the board. There is no valid reason to impose varying requirements.

**GENERAL GOVERNMENT CABINET
Kentucky Board of Nursing
(Amendment)**

201 KAR 20:070. Licensure by examination.

RELATES TO: KRS 314.041(1), 314.051(1)

STATUTORY AUTHORITY: KRS 314.131(1)

NECESSITY AND FUNCTION: To assure that applicants for licensure by examination meet minimum standards set forth by the board as necessary for safe practice. To provide some security in the examination process.

Section 1. Eligibility for Licensure by Examination. To be eligible for licensure by examination, applicants shall:

(1) Hold a high school diploma or equivalent.

(2) Have completed an approved program of practical nursing for licensed practical nurse licensure or an approved program of registered nursing for registered nurse licensure.

(3) For graduates of Kentucky programs of nursing, have the nursing program submit verification that the applicant has completed the program of nursing and has successfully completed all requirements for a degree, diploma or certificate therefrom, on a form prescribed by the board. For graduates of programs of nursing outside Kentucky, submit an official transcript of nursing program.

(4) Submit a properly executed application for licensure; current application for licensure fee; and one (1) passport type photograph (two (2) x three (3) inches) taken within the past six (6) months with the photographs signed and dated by the applicant on the front under the facial features and by the nurse administrator of U.S. nursing program (if graduated therefrom) on the back of the photographs. Snapshots are not acceptable.

(5) Submit certified copies of court records of any misdemeanor or felony convictions with a letter of explanation.

(6) Notify the board in writing as soon as any new address is established after submitting the application.

(7) Submit a copy of a marriage certificate or court order to change name after the original application is filed.

(8) Abide by and cooperate with security procedures established by the board, when taking the examination.

(9) Apply to take and pass the national council licensure examination or its equivalent.

(10) Pay all necessary fees for application for licensure as stated in this section and, if applicable, Sections 2 and 4 of this administrative regulation.

(11) Meet the requirement of 902 KAR 2:150.

(12) An application for licensure is valid for a period of one (1) year from date the applicant is declared eligible to take the examination.

Section 2. Graduates of Foreign Nursing Schools. (1) To be eligible for application for licensure by examination, graduates of foreign nursing schools shall submit evidence of the following:

(a) Certificate showing successful completion of commission on graduates of foreign nursing schools examinations (registered nurse applicants only). This requirement shall not apply to the following:

1. An applicant who is licensed as a registered nurse in a United States jurisdiction;

2. An applicant who has received a graduate degree in nursing from a university or college in the United States; or

3. A graduate of a program of nursing in Canada.

(b) If licensed in another United States jurisdiction or country, verification of licensure as a nurse with a statement from the licensing authority that the license is in good standing and has not been revoked, suspended, probated, or otherwise disciplined in that country and that no such action is currently pending.

(c) Legal permanent or temporary residency in the United States according to the laws and regulations of the U.S. Department of Justice, Immigration and Naturalization Services and the U.S. Department of Labor.

(2) Applicants for licensure by examination shall meet requirements as stated in Section 1 of this administrative regulation.

(3) Credentials in a foreign language shall be translated at the applicant's expense by an official translation agency or approved college or university.

Section 3. Licensing Examination Standards. (1) The applicant shall pass the national council licensure examination or an examination acceptable to the board.

(2) An applicant who has taken any examination other than the state board test pool examination or national council licensure examination subsequent to 1953 shall provide evidence to the board

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that such examination met the following standards of equivalency:

- (a) Accepted psychometric procedures are used in the development of the examination;
- (b) The examination is available to the board in the English language;
- (c) The examination test plan blueprint is available for board review and identifies, to the satisfaction of the board, test content and content weightings;
- (d) Test items are available for board review and demonstrate to the satisfaction of the board the testing of competency necessary for safe practice;
- (e) At least one (1) of the reliability estimations for the examination is 0.80 or higher;
- (f) The examination is revised after each administration to insure currency and security of content;
- (g) The examination is given under strict security measures;

Section 4. Retaking the Examination. (1) Examination candidates who fail to achieve a passing result may retake the examination after meeting the requirements as stated in Section 1 of this administrative regulation and, if applicable, Section 2 of this administrative regulation, and after submission of:

- (a) The retake application; and
- (b) The applicable fee.

(2) The examination may be retaken no more often than once every three (3) months from the date the last examination was taken by the applicant.

Section 5. Release of Examination Scores. The board shall not release examination numerical results to any individual or agency without written authorization from the applicant or licensee except as follows:

- (1) The candidate;
- (2) Other state boards of nursing;
- (3) National Council of State Boards of Nursing Inc.

MELDA S. LOGAN, President

APPROVED BY AGENCY: December 15, 1995

FILED WITH LRC: January 10, 1996 at 1 p.m.

PUBLIC HEARING: A public hearing on this regulation shall be held on February 26, 1996, at 9 a.m. (EST) in the office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by February 21, 1996, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on this proposed administrative regulation. A transcript of the hearing will not be made unless a written request for a transcript is made. If you do not wish to attend this hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the hearing or written comments to the contact person.

CONTACT PERSON: Nathan Goldman, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, (502) 329-7000.

REGULATORY IMPACT ANALYSIS

Contact person: Nathan Goldman

- (1) Type and number of entities affected: RN and LPN applicants. The number varies from year to year.
- (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: N/A

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Simpler reporting requirements.

2. Second and subsequent years: Same

(3) Effects on the promulgating administrative body:

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

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: The amendment would cut down on paperwork requirements for graduates of Kentucky schools.

(4) Assessment of anticipated effect on state and local revenues: N/A

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: N/A

(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: N/A

(b) Kentucky: N/A

(7) Assessment of alternative methods; reasons why alternatives were rejected: The method chosen was the simplest and the most effective.

(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: 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: N/A

(11) TIERING: Is tiering applied? N/A

TOURISM CABINET

Department of Fish and Wildlife Resources (Amendment)

301 KAR 1:016. Use of public lands and waters at department-owned lakes. [~~Private camps; boat docks, etc.~~]

RELATES TO: KRS 150.025, 150.090, 150.620, 150.625, 150.640

STATUTORY AUTHORITY: KRS ~~[13A.350]~~ 150.025

NECESSITY AND FUNCTION: This administrative regulation governs [sets forth the conditions that govern the construction of] private boat docks on department-owned waters, [~~It provides for~~] the use of lake water for domestic purposes and [~~sets forth the~~] permitted and prohibited activities on department-owned and controlled land surrounding department-owned waters. [~~It is necessary so that the department may have control over the activities on its lands and waters.~~] This amendment is necessary to place a term of five (5) years on boat dock permits, specify procedures for applying for and cancelling boat dock permits, limit dock size, delete the limits on the number of boats permanently moored at docks, and bring the wording and formatting requirements into compliance with KRS Chapter 13A.

~~[allow mowing and cutting on departmental lands.]~~

Section 1. Definitions. (1) "Department property" means lands owned, leased or otherwise controlled by the department, and surrounding public fishing lakes.

(2) "Adjacent property owner" means the owner of real property that shares a common boundary with department property.

(3) "Boat dock" means a privately owned floating or fixed structure in a lake owned, leased or otherwise controlled by the department.

(4) "Enclosed superstructure" means a roofed structure with solid, glass, screen or similar walls, but does not include dock boxes and similar storage containers less than four (4) feet high.

(5) "Normal pool" means a water level equal to the elevation of the lake's principal spillway. ~~[Each owner or lessee of any private camp which is established on property immediately adjacent to any department-owned lake may, upon written consent of the Department of Fish and Wildlife Resources, construct and place in the waters of the lake one (1) boat dock (one (1) dock for each individual or separate real lot). Each boat dock placed in the waters of the lake must conform to the following specifications:~~

~~(1) Float or dock must measure no larger than fourteen (14) feet in length and six (6) feet in width.~~

~~(2) No enclosed superstructure may be built upon any float or dock.~~

~~(3) A canopy constructed of wood, metal or fiberglass is permitted.~~

~~(4) Any superstructure built or placed upon any float or dock must have prior approval of the Department of Fish and Wildlife Resources.]~~

Section 2. Boat Dock Permits. (1) Adjacent property owners may construct boat docks on department property if their property:

(a) Shares at least a fifty (50) foot boundary with department property; and

(b) Is located at one (1) of the following lakes: Beaver, Boltz, Bullock Pen, Carpenter, Elmer Davis, Guist Creek, Kincaid, Kingfisher, or Malone.

(2) Boat dock permits:

(a) Shall cost twenty-five (25) dollars.

(b) Shall be valid for the year of issue and five (5) additional calendar years.

(c) Shall entitle the holder to construct one (1) boat dock meeting the specifications described in Section 4 of this administrative regulation.

(d) May be renewed by:

1. Paying the appropriate fee; and

2. Submitting an affidavit that unauthorized additions or modifications have not been made to the dock or walkway.

(3) A person who owns multiple contiguous properties adjacent to department property:

(a) Shall not be issued more boat dock permits than the number of dwellings on those properties.

(b) Shall be entitled to one (1) boat dock permit if there are no dwellings on his contiguous properties.

(4) Existing boat dock permits shall expire on December 31, 1996.

(5) Holders of existing boat dock permits shall:

(a) Reapply before December 31, 1996; and

(b) Bring their docks into compliance with the specifications of this administrative regulation, except that docks built before the effective date of this administrative regulation may:

1. Exceed the single dimension limit specified in Section 4 of this administrative regulation by two (2) feet; or

2. Exceed the square footage limit specified in Section 4 of this administrative regulation by thirty-two (32) square feet.

Section 3. Constructing Boat Docks. (1) Persons wishing to construct a boat dock shall:

(a) Submit a boat dock application on forms provided by the department, accompanied by:

1. The permit fee; and

2. Proof that the applicant's property is adjacent to department lands.

(b) Not begin construction until they are issued a construction permit from the department. This permit shall be in addition to other required building permits.

(c) Inform the department when:

1. Construction of new docks is complete; or

2. Existing docks have been brought into compliance.

(d) Allow inspection of the dock by department employees.

(2) The department shall issue a boat dock permit and tag to boat dock owners whose docks successfully complete a final inspection for compliance with the provisions of this administrative regulation.

(3) The dock owner shall affix the tag issued with the permit to the edge of the dock facing the lake.

(4) The boat dock application form is incorporated by reference. It may be inspected and copied at the Division of Fisheries, Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky 40601, (502) 564-3596, between 8 a.m. and 4:30 p.m. Eastern Time on business days.

Section 4. Boat Dock and Walkway Specifications. (1) Persons shall not construct boat docks that:

(a) Measure more than sixteen (16) feet in any dimension;

(b) Have a surface area of more than 128 square feet.

(c) Have enclosed superstructures;

(d) Have unenclosed superstructures or other features not specified in the boat dock permit.

~~(e) (5) The Use of metal drums or other flotation devices [is prohibited as well as any flotation device] that will sink when punctured. [At such time when the docks currently using metal drums for flotation are in need of replacement, as provided in subsection six (6) of this section, these drums shall be replaced with acceptable flotation devices.]~~

~~(6) Boat docks must be kept in a state of good repair. If the owner of the dock fails to keep his dock in good repair, he will be notified by the department in writing to place the dock in a proper state of maintenance as to safety and appearance. If, within sixty (60) days of written notification, substantial work toward repair of the boat dock has not been accomplished, the department shall revoke the owner's boat dock permit and the dock shall be removed from the lake by the owner.~~

~~Section 2. Only one (1) boat may be tied or moored to an individual float or dock located on a state-owned lake on a permanent basis. More than one (1) boat may be tied or moored to an individual float or dock for a period of time not in excess of twenty-four (24) hours.]~~

(2) Walkways connecting the bank and the dock:

(a) Shall be perpendicular to the shoreline.

(b) Shall be anchored to department property at the shoreline using either:

1. A concrete pad no larger than ten (10) square feet; or

2. Two (2) metal posts at each side of the walkway.

(c) Shall not be wider than four (4) feet.

(d) Shall be the shorter of:

1. A length sufficient to reach a water depth of two (2) feet when the lake is at normal pool; or

2. Twenty (20) feet in length.

(e) Shall not be used for boat mooring.

Section 5. Revocation of Permits. (1) The department may cancel a boat dock permit if the permit holder:

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(a) Makes additions or modifications to the dock or walkway without written permission from the department; or

(b) Fails to:

1. Renew the boat dock permit within sixty (60) days of expiration;

or

2. Maintain the dock or walkway in a structurally sound condition.

(2) After notification in writing by the department that a permit has been canceled, a person shall remove from department property within sixty (60) days:

1. The dock;

2. The walkway; and

3. The structures used to anchor the walkway.

Section 6. Use of Water. (1) Adjacent property owners shall not
~~(3. Each owner or lessee of any private camp or group of private camps that are established on property immediately adjacent to any department-owned lake may, upon written consent of the Department of Fish and Wildlife Resources, take water from the [above] lake without the written consent of the department. [e for domestic use only at the camp site. Plumbing and sanitary facilities must meet specifications prescribed by the Bureau of Health Services, Department for Human Resources.]~~

(2) The department shall not grant permission to take water from lakes other than:

(a) For the residential use of adjacent property owners; or

(b) For temporary emergency use in times of drought.

Section 7. Cutting Weeds or Grass. Adjacent property owners may
~~[4. It is permitted to] cut weeds or grass, or [and] clear underbrush [which is] less than two (2) inches in diameter, from department property which joins their property. [the department-owned lands around any said lakes by the adjacent land owner.]~~

Section 8. Structures or Equipment on Department Property. (1) Persons shall not place
~~[5. The construction or placement of] roads, ramps, buildings, steps, fences, gardens, or [any] structure on department property. [or equipment on the lands owned or controlled by the Department of Fish and Wildlife Resources which surround the lake included in this administrative regulation is prohibited. No mechanical equipment of any type may be placed or operated on these lands unless specifically authorized by the department after careful investigation indicates that this would be in the best interest of the lake concerned.]~~

Section 6. All officers and agents of the Department of Fish and Wildlife Resources shall have full authority to enforce the provisions of this administrative regulation. Failure to comply with the rules and specifications set forth in this regulation shall constitute grounds for revocation of the rights and privileges of any person to admittance to and to the use of these public waters.]

(2) Without written permission from the department, persons shall not:

(a) Place objects or structures at the water's edge to stabilize banks; or

(b) Place or use mechanical equipment on department property.

(3) The department shall not issue permits for mechanical equipment or bank stabilization unless in the best interest of the lake, the public, and other adjacent property owners.

Section 9. Waivers and Appeals. (1) Persons with docks, walkways, structures or mechanical equipment that were in place before the effective date of, but do not meet the standards contained in, this administrative regulation may apply to the department for a waiver.

(2) In deciding whether to grant or deny a waiver, the department shall consider:

(a) Whether the dock, structure or mechanical equipment:

1. Is in substantial compliance with this administrative regulation;

2. Poses a potential safety hazard;

3. Is in sound structural or mechanical condition;

(b) The geological or other physical features of the lake and the specific location; and

(c) The applicant's history of compliance with previous administrative regulations governing boat docks and structures on department property.

(3) Persons whose waiver requests are denied may request a hearing.

(a) The department shall appoint hearing officers and conduct hearings in accordance with the provisions of KRS Chapter 13B.

(b) The hearing officer shall make his recommendations to the Department of Fish and Wildlife Commission.

(c) The commission shall make its decision by majority vote.

(d) Appeals of the commission's decision shall be in accordance with the provisions of KRS Chapter 13B.

(6) Persons who have not been granted permits or waivers as specified in this administrative regulation shall remove docks, structures or mechanical equipment from department property before July 1, 1997.

C. THOMAS BENNETT, Commissioner

ANN R. LATTA, Secretary

MIKE BOATWRIGHT, Chairman

APPROVED BY AGENCY: December 1, 1995

FILED WITH LRC: December 28, 1995, at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on February 29, 1996, 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 February 24, 1996, 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: Peter W. Pfeiffer, Director, Division of Fisheries, 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: John Wilson

(1) Type and number of entities affected: There are approximately 500 current boat dock permit holders, an estimated 100 unpermitted and illegal dock owners who will be affected by this administrative regulation. There are also approximately 50 new applications annually for boat dock permits.

(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 administrative regulation will have no impact on 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: No public comments received. This administrative regulation will have no impact on the cost of doing business.

(c) Compliance, reporting, and paperwork requirements, including

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factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Current permit holders are required to reapply for new permits during the first year after this administrative regulation is adopted. Docks which do not meet the standards of this administrative regulation must be brought into compliance and properly permitted.

2. Second and subsequent years: All permits must be renewed every five years.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: There will be minor costs associated with re-issuing permits and inspecting boat docks for compliance.

2. Continuing costs or savings: There will be minor costs associated with reapplication and inspections.

3. Additional factors increasing or decreasing costs: None have been identified.

(b) Reporting and paperwork requirements: Because of the five-year renewal process, there will be a slight increase in paper work and reporting requirements.

(4) Assessment of anticipated effect on state and local revenues: This administrative regulation should have no impact on state or local revenues.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Game and Fish Fund.

(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; this administrative regulation should produce no economic impacts in the geographical areas where it is implemented.

(b) Kentucky: No public comments received; this administrative regulation should produce no economic impacts in Kentucky.

(7) Assessment of alternative methods; reasons why alternatives were rejected: The alternative of continuing the present system of permitting docks was rejected because there is no provision for follow-up inspections or renewal of permits. The alternative of not regulating boat docks was rejected because of the potential of abuse of public resources. The alternative of not requiring boat dock permits was rejected because the department needs to control these structures to assure that they do not become hazards or interfere with the use of these lakes by the public.

(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 administrative regulation will have a positive impact on public safety by regulating the size of boat docks on small lakes so these structures do not become a hazard to navigation.

(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 regulation of the size of boat docks on small lakes, these structures could become hazards to navigation and negatively impact public safety. Also, these structures, if unregulated, could interfere with other recreational uses of these bodies of water, to the detriment of public recreation.

(9) Identify and statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None have been identified.

(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 owners of existing boat docks and other structures on department property were given special consideration. In other respects, 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 DEVELOPMENT CABINET Department of Fish and Wildlife Resources (Amendment)

301 KAR 2:251. Hunting and trapping seasons and limits for furbearers and small game.

RELATES TO: KRS 150.010, 150.170, 150.175, 150.340, 150.360, 150.365, 150.370, 150.390, 150.400, 150.410, 150.990

STATUTORY AUTHORITY: KRS 13A.350, 150.015, 150.021, 150.170, 150.175

NECESSITY AND FUNCTION: To insure the permanent and continued supply of small game and furbearer species by protecting them from overharvest. This amendment is necessary to specify separate opening dates for quail and rabbit hunting in western Kentucky. ~~[establish an early raccoon and opossum hunting season, to incorporate the provisions of, and repeal, 301 KAR 2:110, to allow trappers to place water cots closer than ten (10) feet apart, and to repeal 301 KAR 2:010 and 301 KAR 2:020.]~~

Section 1. Definitions. (1) "Conibear-type trap" means a commercially manufactured spring-loaded trap designed to kill the animal upon capture.

(2) "Dry land set" means a trap not set to drown an animal upon capture.

(3) "Foot-hold trap" means a commercially manufactured spring-loaded trap with smooth, metallic jaws which close upon an animal's foot.

(4) "Furbearers" means mink, muskrat, beaver, raccoon, opossum, gray fox, red fox, weasels or striped skunk.

(5) "Hunter" means a person hunting small game or furbearers with gun, gun and dog, bow and arrow, dog, or by falconry.

(6) "Modern gun deer season" means the five (5) or ten (10) day period beginning on the second Saturday of November during which hunters may take deer with breech-loading firearms.

(7) "Nonlocking snare" means a wire, cable or string loop without a device to keep the loop from loosening.

(8) "Padded trap" means a commercially manufactured foot-hold trap with metal jaws padded with a soft, nonmetallic substance.

(9) "Small game" means squirrels, rabbits, quail or grouse.

(10) "Squirrels" means gray squirrels and fox squirrels in any combination.

(11) "Water set" means a trap set to drown an animal upon capture.

Section 2. Hunting and Trapping Seasons. (1) Squirrels: the third Saturday in August through December 31. The season shall be closed during the modern gun deer season.

(2) Rabbits and quail: November 1 through January 31 except:
(a) The day after the modern gun deer season closes through January 31 in the first and second wildlife districts as stipulated in 301 KAR 4:010.

(b) The season shall be closed during the modern gun deer season in the third through ninth wildlife districts as stipulated in 301 KAR 4:010.

(3) Grouse: the day after the modern gun deer season closes through the last day in February in Adair, Bath, Bell, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Clinton, Cumberland, Elliott,

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Estill, Fleming, Floyd, Garrard, Greenup, Harlan, Harrison, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Russell, Wayne, Whitley, and Wolfe Counties.

(4) Raccoon and opossum hunting: November 1 through noon on the day after the modern gun deer season.

(a) Persons shall not trap during this period.

(b) During the modern gun deer season, raccoon and opossum hunters shall not:

1. Hunt during daylight hours; or
2. Carry other than .22 caliber rimfire firearms.

(5) Furbearers, hunting and trapping: from noon the day after the modern gun deer season through noon, February 1.

(6) Extended beaver season: the month of February.

(7) Small game and furbearers taken by falconry: September 1 through February 15.

(8) There shall not be a closed season on:

(a) Chasing red and gray foxes and rabbits during daylight hours for sport and not to kill.

(b) Chasing raccoons or opossums for sport and not to kill.

(9) Bobcats shall be taken only according to the provisions of 301 KAR 2:240.

Section 3. Small Game Bag and Possession Limits.

	Daily	Possession
Squirrels	6	12
Rabbits	4	8
Quail	8	16
Grouse	4	8

Section 4. Furbearer Hunter Limits. (1) There shall not be a limit on furbearers except raccoons.

(2) A hunter shall not take more than one (1) raccoon within a twenty-four (24) hour period from noon to noon.

Section 5. Limits by Falconry. Falconers hunting within the falconry season but outside the dates specified in Section 2(1) through (6) of this administrative regulation: no more than two (2) of any small game or furbearer species, singly or in the aggregate per day.

Section 6. Shooting Hours. (1) Small game or furbearers, except opossum and raccoon: daylight hours only.

(2) Raccoon and opossum: day or night, except night hunting only during the modern gun deer season.

Section 7. Use of Calls. Hunters may use hand- or mouth-operated calls or attracting devices.

Section 8. Hunters shall not possess buckshot or shotgun slugs.

Section 9. Raccoon and Opossum Hunting Restrictions. (1) Hunters shall not use lights from a boat to take raccoon or opossum.

(2) Except as specified in subsection (3) of this section, persons chasing raccoon or opossum from noon, February 1 through October 31 shall not use or carry:

- (a) Firearms;
- (b) Slingshots;
- (c) Tree climbers;
- (d) Squealers; or

(e) Other devices that are capable of killing, injuring or forcing raccoons or opossums from trees or dens.

(3) Persons participating in department-approved raccoon dog trials sanctioned by the following organizations may use squealers:

- (a) The American Coon Hunters Association.
- (b) The American Kennel Club/American Coon Hunters Association.
- (c) The National Kennel Club.
- (d) The Professional Kennel Club.
- (e) The United Coon Hunters Association.
- (f) The United Kennel Club.

Section 10. Trapping. (1) There shall not be daily or possession limits on furbearers taken by trapping.

(2) Traps used for dry-land sets shall be:

- (a) Deadfalls;
- (b) Wire cage or box traps;
- (c) Number two (2) or smaller foot-hold traps;
- (d) Padded traps with a jaw spread of six (6) inches or less;
- (e) Number 220 or smaller Conibear-type traps; or
- (f) Nonlocking snares;
- (g) Set at least ten (10) feet apart.

(3) Any trap may be used as a water set except during the extended beaver season.

(4) Traps shall not be set in trails or paths commonly used by humans or domestic animals.

(5) Trappers may use lights from boats or vehicles.

Section 11. During the extended beaver season:

(1) Trappers shall not use dry land sets;

(2) Trappers shall use:

- (a) Number three (3) or larger foot-hold traps;
- (b) Padded traps having a jaw spread of at least five and one-half (5-1/2) inches;
- (c) Conibear-type traps with a jaw spread of at least eight (8) inches; or
- (d) Snares.

C. THOMAS BENNETT, Commissioner

ANN R. LATTI, Secretary

MIKE BOATWRIGHT, Chairman

APPROVED BY AGENCY: December 1, 1995

FILED WITH LRC: January 11, 1996 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on February 29, 1996, 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 February 24, 1996, 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: John Wilson, 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: John Wilson

(1) Type and number of entities affected: Approximately 251,000 small game hunters and 700 trappers participate in the seasons proposed by 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 administrative regulation, which continues long-standing hunting and trapping seasons, will have no impacts on 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: No public comments received. This administrative regulation will have no impact on 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: This administrative regulation imposes no new paperwork or reporting requirements.

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: This administrative regulation imposes no new direct or indirect costs.

2. Continuing costs or savings: Same as first year.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: This administrative regulation imposes no new reporting or paperwork requirements.

(4) Assessment of anticipated effect on state and local revenues: This administrative regulation will not impact state and local revenues.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Fish and Game Fund.

(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 provisions of this administrative regulation apply statewide.

(b) Kentucky: Small game hunters annually spend over \$50 million for equipment, transportation, food and lodging in Kentucky. This administrative regulation, by allowing for the continuance of hunting seasons, assures the perpetuation of this economic benefit.

(7) Assessment of alternative methods; reasons why alternatives were rejected: The only available alternative is closure of hunting seasons. This alternative was rejected because small game and furbearer populations are at levels which can sustain hunter or trapper harvest and provide recreational and economic benefits to the Commonwealth.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: Hunting and trapping seasons help limit the population growth of some species, which could pose both environmental and public health problems if allowed to grow unchecked.

(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 hunting or trapping, populations of some animals, particularly furbearers, could grow to levels that would pose threats to agricultural crops, increase the incidence wildlife diseases, or cause damage to ecosystems.

(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 in setting different seasons dates for various species, taking into account both biological concerns and hunter preference.

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 department or any division therein. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association. These administrative regulations are in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Department of Corrections the following policies and procedures are incorporated by reference on January 11, 1996 [~~November 14, 1995~~] and hereafter should be referred to as Department of Corrections 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.

- 1.1 Legal Assistance for Corrections Staff
- 1.2 News Media
- 01-04-01 The operation of Contracted Adult Correctional Facilities
- 1.6 Extraordinary Occurrence Reports
- 1.9 Institutional Duty Officer
- 1.11 Population Counts and Reporting Procedures
- 1.12 Operation of Motor Vehicles by Department of Corrections Employees
- 2.1 Inmate Canteen
- 2.2 Warden's Fund
- 2.10 Surplus Property
- 3.12 Institutional Staff Housing
- 4.2 Staff Training and Development
- 4.3 Firearms and Chemical Agents Training
- 6.1 Open Records Law
- 7.2 Asbestos Abatement
- 8.1 Occupational Exposure to Bloodborne Pathogens
- 8.4 Emergency Preparedness
- 9.1 Use of Force
- 9.4 Transportation of Inmates to Funerals or Bedside Visits
[~~(Amended 11/14/95)~~]
- 9.5 Execution
- 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

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13.6	Sex Offender Treatment Program		Services [(Amended 11/14/95)]
13.7	Involuntary Psychotropic Medication Policy	27-06-01	Availability of Supervision Services
13.9	Dental Services	27-06-02	Equal Access to Services [(Amended 11/14/95)]
14.2	Personal Hygiene Items	27-07-01	Cooperation with Law Enforcement Agencies [(Amended 11/14/95)]
14.3	Marriage of Inmates		
14.4	Legal Services Program	27-08-01	Use of Force
14.6	Inmate Grievance Procedures	27-09-01	Kentucky Community Resources Directory [(Amended 11/14/95)]
15.1	Hair and Grooming Standards		
15.2	Offenses and Penalties	27-10-01	Advanced Supervision
15.3	Meritorious Good Time	27-11-01	Intensive Supervision
15-05-01	Restoration of Forfeited Good Time [(Amended 11/14/95)]	27-12-01	Supervision: Case Classification
15.6	Adjustment Procedures and Programs	27-12-02	Risk/Needs Assessment
15.7	Inmate Account Restriction	27-12-03	Initial Interview
16.1	Inmate Visits	27-12-04	Conditions of Regular Supervision/Request for Modification [(Amended 11/14/95)]
16.2	Inmate Correspondence	27-12-05	Releasee's Report
16.3	Telephone Calls	27-12-06	Grievance Procedures for Offenders
16.4	Inmate Packages	27-12-07	Employment, Education/Vocational Referral
17-01-01	Inmate Personal Property [(Amended 11/14/95)]	27-12-08	Supervision Plan
17.2	Assessment Center Operations	27-12-09	Casebook
17.3	Controlled Intake of Inmates	27-12-10	Guidelines for Monitoring Supervision Fee
18.1	Classification of the Inmate	27-12-11	Guidelines for Monitoring Financial Obligations Ordered by the Releasing Authority
18.5	Custody and Security Guidelines		
18.6	Classification Document	27-12-12	Other Financial Obligations (Not Ordered by Releasing Authority)
18.7	Transfers		
18.9	Out-of-state Transfers	27-12-13	Community Service Work
18-10-01	Parole Progress Reports	27-12-14	Client Travel Restrictions
18.11	Kentucky Correctional Psychiatric Center Transfer Procedures	27-13-01	Drug and Alcohol Testing of Offenders
18.12	Referral Procedure for Inmates Adjudicated Guilty But Mentally Ill	27-13-02	Alcohol Detection
18.13	Population Categories	27-14-01	Interstate Compact Transfers
18.15	Protective Custody	27-14-02	Interstate Compact Out-of-state Probation and Parole Violation
18.17	Interstate Agreement on Transfers	27-15-01	Supervision Report; Violations, Unusual Incidents
18.18	International Transfer of Inmates	27-16-01	Search; Seizure; Chain of Custody; Disposal of Evidence
19.1	Government Services Projects	27-17-01	Absconder Procedures
19.2	Community Services Projects	27-18-01	Probation and Parole Issuance of Detainer/Warrant
19.3	Inmate Wage Program	27-19-01	Preliminary Revocation Hearing
20.1	Educational Programs and Educational Good Time	27-20-01	Division of Probation and Parole Controlled Intake Program
21.1	Staffing Pattern for the First Incarceration Shock Treatment Program (FIST)	27-20-02	Prisoner Intake Notification
21.2	Phase I: Program Selection Assessment Criteria	27-20-03	Prisoner Status Change
21.3	Program Schedule - Phase II and Phase III	27-21-01	Apprehension and Transportation of Probation and Parole Violators
21.4	Platoon Size and Composition	27-22-01	Fugitive Unit - Apprehensions
21.5	Physical Conditions Program Component	27-22-02	Fugitive Unit - Transportation of Fugitives
21.6	Group and Individual Counseling	27-23-01	In-state Transfer
21.7	Drug and Alcohol Abuse Counseling and Treatment	27-24-01	Closing Supervision Report
21.8	Work Programs Component	27-24-02	Reinstatement of Clients to Active Supervision
21.9	Education and Life Management	27-25-01	Application for Final Discharge from Parole
21.10	Auxiliary Services	27-26-01	Assistance to Former Clients and Dischargees
21.11	Offenses and Penalties	27-27-01	Restoration of Civil Rights
22.1	Privilege Trips	27-28-01	Firearms/Explosives: Application for Relief from Disability
23.1	Religion	27-29-01	Parole Review Dates Modification
25.1	Gratuities	28-01-01	Probation and Parole Investigation Reports (Introduction, Definitions, Confidentiality, Timing, and General Comments)
25.2	Public Official Notification of Release of an Inmate		
25.3	Prerelease Program		
25.4	Inmate Furloughs	28-01-02	Probation and Parole Investigation Reports (Administrative Responsibilities)
25.6	Community Center Program		
25.7	Expedient Release <u>(Amended January 11, 1996)</u>	28-01-03	Probation and Parole Investigation Reports (Presentence/Postsentence Investigation Interview Procedure)
25.8	Extended Furloughs		
25.10	Administrative Release of Inmates	28-01-04	Probation and Parole Investigation Reports (Presentence/Postsentence Verification, Composition, Case Material and Submission Schedules)
25.11	Victim Notification [(Amended 11/14/95)]		
27-01-01	Probation and Parole Procedures [(Amended 11/14/95)]		
27-02-01	Duties of Probation and Parole Officers [(Amended 11/14/95)]	28-01-05	Probation and Parole Investigation Reports (Computation of Jail Custody Credit)
27-03-01	Workload Formula Supervisor/Staff Ratio	28-01-06	Probation and Parole Investigation Reports (Misdemeanant Presentence Investigation Reports for the
27-05-01	Testimony, Court Demeanor and Availability of Legal		

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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: January 11, 1996

FILED WITH LRC: January 12, 1996 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for February 23, 1996 at 9 a.m., in the Auditorium of the State Office Building. Those interested in attending this hearing shall notify in writing: Tamela Biggs, Kentucky Department of Corrections, Office of General Counsel, 2nd Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Tamela Biggs

(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 6:040. Kentucky State Penitentiary.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the commissioner to promulgate 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.

Section 1. (1)(a) Kentucky State Penitentiary policies and procedures, January 11, 1996 [~~November 14, 1995~~] are incorporated by reference.

(b) They may be inspected, copied, or obtained at the Office of the General Counsel, Department of Corrections, State Office Building, 501 High Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(2) Kentucky State Penitentiary policies and procedures include:

KSP 000000-06	Administrative Regulations
KSP 01-02-01	Public Information and Media Communications
KSP 020000-15	Legal Assistance
KSP 02-01-01	Inmate Commissary Program
KSP 02-08-01	Inventory Records and Control
KSP 02-11-01	Requisition and Purchase of Supplies and Equipment
KSP 02-12-01	Inmate Personal Funds
KSP 05-02-01	Management Information System
KSP 06-01-01	Inmate Records
KSP 09-08-01	Searches and Preservation of Evidence
KSP 10-02-01	Special Management Units: Assignment, Classification Review and Release
KSP 10-02-05	Special Security Unit
KSP 10-04-01	Special Needs Inmates [Amended 11/14/95]
KSP 100000-03	Disposition of Unauthorized Property
KSP 100000-08	Behavioral Counseling Record
KSP 100000-20	Legal Services Program
KSP 100000-21	Photocopies for Nonindigent Inmates with Special Court Deadlines
KSP 11-03-01	Therapeutic Diets
KSP 11-06-01	Food Service Inspections
KSP 120000-11	Religious Services - Staffing
KSP 120000-18	Religious Services - Religious Programming
KSP 120000-20	Marriage of Inmates
KSP 13-01-01	Pharmacy Procedures [Amended 11/14/95]
KSP 13-02-01	Hospital Services

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KSP 13-02-02	Sick Call
KSP 13-02-03	Health Evaluations
KSP 13-02-04	Emergency Medical Procedure
KSP 13-02-05	Consultations
KSP 13-02-08	Medical Records
KSP 13-02-09	Psychiatric and Psychological Services
KSP 13-02-11	Psychological and Psychiatric Treatment Upon Release ((Amended 11/14/95))
KSP 13-02-12	Dental Services for Special Management Units
KSP 13-02-13	Optometric Services
KSP 130000-10	Execution Plan
KSP 14-03-01	Marriage of Inmates
KSP 14-06-01	Inmate Grievance Procedure
KSP 15-01-01	Inmate Grooming and Dress Code <u>(Amended 1/11/96)</u>
KSP 15-03-01	Award of Meritorious Good Time
KSP 15-06-01	Due Process/Disciplinary Procedures
KSP 15-10-01	Discharge of Inmates by Shock Probation
KSP 16-01-01	Visiting Program <u>(Amended 1/11/96)</u>
KSP 16-02-01	Inmate Correspondence
KSP 16-03-02	Inmate Telephone Access
KSP 16-04-01	Inmate Packages
KSP 17-01-01	Inmate Personal Property
KSP 17-01-03	Procedures for Providing Clothing, Linens and Other Personal Items
KSP 17-01-04	Property Room, Clothing Storage and Property Inventory Control
KSP 18-01-01	General Guidelines and Functions of the Classification Document
KSP 18-01-02	Functions of the Classification Committee
KSP 18-06-01	Classification Document
KSP 18-10-01	Parole Progress Report
KSP 18-11-01	Transfers to Kentucky Correctional Psychiatric Center (KCPC) ((Amended 11/14/95) (Renumbered from 110000-15))
KSP 18-15-01	Protective Custody Unit
KSP 19-04-01	Inmate Work Programs: Safety Inspections of Inmate Work Locations
KSP 19-04-02	Unit Classification Committee: Inmate Work Assignments
KSP 19-05-01	Correctional Industries
KSP 20-04-01	Educational Programs
KSP 22-04-01	Arts and Crafts Program
KSP 25-04-01	Inmate Furloughs
KSP 25-08-01	Extended Furloughs

JACK C. LEWIS, Commissioner

APPROVED BY AGENCY: January 11, 1996

FILED WITH LRC: January 11, 1996 at 1 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for February 23, 1996 at 9 a.m., in the State Office Building Auditorium. Those interested in attending this hearing shall notify in writing: Jack Damron, Department of Corrections, 2nd Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Contact person: Jack Damron

(1) Type and number of entities affected: 316 employees of the correctional institutions, 817 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.

PUBLIC PROTECTION AND REGULATION CABINET

Kentucky Racing Commission

(Amendment)

810 KAR 1:015. Claiming races.

RELATES TO: KRS 230.210 to 230.360

STATUTORY AUTHORITY: KRS Chapter 13A

NECESSITY AND FUNCTION: To regulate conditions under which thoroughbred racing shall be conducted in Kentucky. The function of this administrative regulation relates to the claiming of horses.

Section 1. (1) In claiming races any horse shall be subject to claim for its entered price by any licensed owner in good standing, or by the holder of a certificate of eligibility to claim. The procedure for obtaining a certificate of eligibility to claim shall be as follows:

(a) Applicant shall, fifteen (15) days prior to entering a claim, submit an application for owners original license, which shall be accompanied by a financial statement; a finger print card; the name of a licensed trainer or person eligible to be licensed as trainer, who

will assume care and responsibility for the horse claimed; and the requisite fee for owners license.

(b) The certificate of eligibility shall be valid for the remainder of the calendar year.

(2) A claim may be made by an authorized agent, but an agent may claim only for the account of those for whom he is licensed as agent. The name of the authorized agent, as well as the name of the owner for whom the claim is being made, shall appear on the claim slip.

(3) No person shall claim his own horse or cause his own horse to be claimed, directly or indirectly, for his own account. No claimed horse shall remain in the same stable or under the care or management of the owner or trainer from whom claimed.

(4) No person shall claim more than one (1) horse from any one (1) race. No authorized agent, although representing several owners, shall submit more than one (1) claim for any race. When a stable consists of horses owned by more than one (1) person and trained by the same trainer, not more than one (1) claim may be entered on behalf of the stable in any one (1) race.

(5) A claimed horse shall not run for thirty (30) days after being claimed in a race in which the determining eligibility price is less than ~~twenty-five (25) percent more than~~ the price for which the horse was claimed. The day claimed shall not count but the following calendar day shall be the first day, and the horse shall be entitled to enter whenever necessary so that it may start on the 31st calendar day following the claim. This subsection shall not apply to starter handicaps, in which the weight to be carried is assigned by the handicapper.

(6) No horse claimed in a claiming race shall be sold or transferred, wholly or in part, to anyone within thirty (30) days after the day it was claimed, except in another claiming race. No horse shall race elsewhere until after the close of the meeting at which it was claimed, except that the stewards may grant permission for a claimed horse to enter and start at an overlapping or conflicting meeting within the boundaries of the Commonwealth of Kentucky.

(7) Each claim shall be made in writing and on a form and in an envelope supplied by the association. Both form and envelope shall be filled out completely, and shall be accurate in every detail.

(8) Claims shall be deposited in the claim box at least fifteen (15) minutes before post time of the race from which the claim is being made. No money or its equivalent shall be put in the claim box. For a claim to be valid the claimant shall have at the time of filing the claim a credit balance in his account with the horseman's bookkeeper of not less than the amount of the claim, plus the Kentucky sales tax.

(9) The stewards, or their designated representative, shall open the claim envelopes for each race as soon as the horses leave the paddock en route to the post. They shall thereafter check with the horseman's bookkeeper to ascertain whether the proper credit balance has been established with the association.

(10) If more than one (1) valid claim is filed for the same horse, title to the horse shall be determined by lot under the supervision of the stewards or their designated representative.

(11) Any horse that has been claimed shall, after the race has been run, be delivered to the claimant, who shall present written authorization for the claim from the racing secretary. Horses which are sent to the detention area for post race testing shall be delivered at that point; others shall be delivered in the paddock. No person shall refuse to deliver to the person legally entitled thereto a horse claimed out of a claiming race, and furthermore the horse in question shall be disqualified from further racing until delivery is made.

(12) Claims are irrevocable. Title to a claimed horse shall be vested in the successful claimant from the time the horse is a starter. The successful claimant shall then become the owner of the horse whether it be alive or dead, sound or unsound, or injured during the race, or after it. A claimed horse shall run in the interest of and for the account of the owner from whom claimed.

(13) No person shall offer to enter or enter into, an agreement to

claim or not to claim or attempt to prevent another person from claiming any horse in a claiming race. No person shall attempt by intimidation to prevent anyone from running a horse in any claiming race. No owner or trainer shall make an agreement with another owner or trainer for the protection of each other's horses in a claiming race.

(14) Claims which are not made in keeping with this administrative regulation shall be void. The stewards may at any time in their discretion require any person filing a claim to make affidavit in writing that he is claiming in accordance with this administrative regulation. The stewards shall be the judges of the validity of the claim.

(15) Any person holding a lien of any kind against a horse entered in a claiming race shall record the lien with the racing secretary or horseman's bookkeeper at least thirty (30) minutes before post time for that race. If none is so recorded, it shall be presumed that none exists.

(16) The engagements of a claimed horse pass automatically with the horse to the claimant.

(17) Notwithstanding any designation of sex or age appearing on the racing program or in any racing publication, the claimant of a horse shall be solely responsible for determining the age or sex of the horse claimed.

WAYNE G. LYSTER, III, Chairman

APPROVED BY AGENCY: December 21, 1995

FILED WITH LRC: December 21, 1995 at 4 p.m.

PUBLIC HEARING: A public hearing will be held on February 21, 1996, at 9 a.m. at the offices of the Kentucky Racing Commission located at the Kentucky Horse Park, 4063 Iron Works Pike, Building B, Lexington, Kentucky 40511. Those interested in attending the hearing should contact in writing: Bernard J. Hettel, Executive Director, Kentucky Racing Commission, 4063 Iron Works Pike, Building B, Lexington, Kentucky 40511.

REGULATORY IMPACT ANALYSIS

Contact Person: Bernard J. Hettel

(1) Type and number of entities affected: There are approximately 700 horses claimed each year. This change would potentially affect each owner and trainer of each horse claimed.

(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 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. This change would theoretically lower costs of doing business by allowing a claimed horse to run immediately in a class in which it is competitive.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: There are no changes from the existing procedures.

2. Second and subsequent years: There are no changes.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: There are no changes that affect the Racing Commission.

2. Continuing costs or savings: There are none.

3. Additional factors increasing or decreasing costs: There are none.

(b) Reporting and paperwork requirements: The paperwork requirements remain the same.

(4) Assessment of anticipated effect on state and local revenues: This change will not affect state or local revenues.

(5) Source of revenue to be used for implementation and

enforcement of administrative regulation: Existing budget already covers costs of administration.

(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 regulation affects the entire state the same.

(b) Kentucky: Comments from owners and trainers were favorable on a statewide basis.

(7) Assessment of alternative methods; reasons why alternatives were rejected: The commission, its staff, horsemen's groups, and owners and trainers discussed alternatives over several months. The method selected satisfies most concerns and retains the integrity of the intent of the claiming rule.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: There are none.

(b) State whether a detrimental effect on environment and public health would result if not implemented: There would be 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: There are 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:

(11) Tiering: Is tiering applied? (Explain why tiering was or was not used.) Tiering was not applied. It was not applied to the former regulation to make all claiming races subject to the same conditions. This same consistency applies to the new regulation.

CABINET FOR HUMAN RESOURCES

Department for Social Insurance

Division of Management and Development

(Amendment)

904 KAR 3:041. Food Stamp Employment and Training Program.

RELATES TO: KRS 194.050, 7 CFR 273.7

STATUTORY AUTHORITY: KRS 194.050

NECESSITY AND FUNCTION: The Cabinet for Human Resources is required to administer a Food Stamp Employment and Training (ET) Program. KRS 194.050 provides that the secretary shall, by administrative regulation, develop policies and operate programs concerned with the welfare of the citizens of the Commonwealth. This administrative regulation sets forth the technical eligibility requirements used by the cabinet in the administration of the Food Stamp ET Program. This administrative regulation corrects a deficiency found by the Interim Joint Committee on Health and Welfare by deleting an age factor to the priority status criteria listed in Section 3(2) of this administrative regulation.

Section 1. Definitions. (1) "Conciliation" means a fifteen (15) day period that is used to determine why noncompliance with ET requirements occurred.

(2) "Exempt" means an individual who is excused by the agency from participation in the employment and training program.

(3) "Primary wage earner (PWE)" means the household member providing the most earned income in the prior two (2) months.

(4) "Voluntary quit" means the self-termination of employment by a household member on a voluntary basis.

Section 2. Work Registration. (1) Except those meeting exempt criteria in subsection (4) of this section, all household members shall be required to register for work:

(a) At the initial application for food stamps; and

(b) Every twelve (12) months following the initial application.

(2) Work registration shall be completed by:

(a) The member required to register; or

(b) The person making application for the household.

(3) Unless otherwise exempt, persons who are excluded household members of the food stamp case, shall be required to register for work during periods of disqualification. These individuals are:

(a) Ineligible aliens;

(b) Individuals disqualified for refusing to provide or apply for a Social Security number; and

(c) Individuals disqualified for intentional program violation.

(4) The following shall be exempt from work registration requirements:

(a) A person younger than sixteen (16) years of age or a person sixty (60) years of age or older;

(b) A person age sixteen (16) or seventeen (17) who is not a head of a household or who is attending school, or enrolled in an employment training program on at least a half-time basis;

(c) A person with a physical or mental disability;

(d) A household member subject to and complying with any work requirement in the AFDC Program;

(e) A parent or other household member who is responsible for the care of:

1. A dependent child under age six (6); or

2. An incapacitated person;

(f) A person who receives unemployment compensation or a person who has applied for, but has not yet begun to receive, unemployment compensation if that person was required to register for work with the Department for Employment Services as part of the unemployment compensation application process;

(g) A regular participant in a substance abuse or alcohol treatment and rehabilitation program;

(h) A person who is employed or self-employed and:

1. Working a minimum of thirty (30) hours weekly; or

2. Receiving weekly earnings at least equal to the federal minimum wage multiplied by thirty (30) hours;

(i) A migrant or seasonal farm worker who:

1. Meets the criteria in paragraph (h) of this subsection; and

2. Is under contract or similar agreement with an employer or crew chief to begin employment within thirty (30) days; or

(j) A student enrolled at least half time in any recognized school, training program, or institution of higher education, provided that those meeting student status have met the eligibility conditions in 904 KAR 3:025, Section 3.

(5) A household member who loses exemption status due to a change in circumstances that are subject to the reporting requirements of the Food Stamp Program shall work register:

(a) When the change is reported, if the change is:

1. A change in the source of income or in the amount of gross monthly income totaling more than twenty-five (25) dollars, unless the amount change is in an Aid to Families with Dependent Children (AFDC) grant;

2. Any change in household composition, including the addition or loss of a household member;

3. A change in residence and the resulting change in shelter costs;

4. The acquisition of a nonexempt licensed vehicle or loss of a vehicle exemption for a who has a physical disability household member;

5. A change in total resources that reach or exceed the allowable maximum; or

(b) At the household's next recertification if the change in

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circumstance involves a change not subject to reporting requirements in paragraph (a) of this subsection.

(6) All nonexempt household members shall be subject to the following work requirements:

- (a) Keep the initial assessment interview;
- (b) Provide requested verification by mail or in person;
- (c) Participate in an ET program if assigned;
- (d) Respond to any request for additional information regarding employment status or availability for work;
- (e) Report to an employer if referred by the ET worker or designee provided that the potential employment is not unsuitable as designated in Section 7 of this administrative regulation; and
- (f) Accept a bona fide offer of suitable employment at a wage not less than state or federal minimum wage.

(7) Household members who are exempt or those completing the work registration requirements may volunteer to participate in the ET program.

(8) The ET worker shall explain to the food stamp applicant:

- (a) The work requirements for each nonexempt household member;
 - (b) The rights and responsibilities of the work registered household members; and
 - (c) The consequences of failing to comply.
- (9) Each household member required to register shall be notified in writing of the requirements in subsection (6) of this section.

Section 3. Employment and Training Participation. (1) Work registrants who reside in a county which offers a Food Stamp Employment and Training Program shall be required to participate in the Food Stamp Employment and Training Program based on priority status.

(2) Priority status shall be determined if the work registrant:

1. ~~Is under age thirty (30) and~~ Has no high school diploma or GED;
 2. ~~Is under age thirty (30) and~~ Has no employment in the last twelve (12) months; or
 3. Is a veteran, regardless of age.
- (3) ET participants shall:
- (a) Be placed in education, skills training or job search activities;
 - (b) Be reimbursed for miscellaneous and dependent care expenses, if otherwise eligible, up to:

1. The child care maximum payments as specified in 904 KAR 2:017 not to exceed \$200 per month per child under two (2) years of age or \$175 per month per child for all other eligible dependent children for child care expenses incurred on or after September 1, 199; and

2. Twenty-five (25) dollars a month for miscellaneous expenses incurred while participating in the ET Program.

(4) Those participants who do not meet the criteria in subsection

(2) of this section shall not be selected to participate in an ET component unless they are adamant about participating.

Section 4. Components. All counties offering the Employment and Training Program shall offer the following services and activities:

(1) Educational components shall be:

- (a) Literacy programs;
- (b) Adult basic education (ABE);
- (c) General equivalency diploma (GED); and
- (d) Community college.

(2) Skills training components shall be:

- (a) Vocational school;
- (b) On-the-job training; and
- (c) Kentucky Domestic Violence Association (KDVA).

(3) Job search components shall be:

- (a) Job seeking skills training;
- (b) Group job search; and
- (c) Individual job search.

Section 5. Conciliation. (1) When an ET participant fails to comply with ET program requirements, a conciliation period shall be initiated.

(2) Conciliation shall be used to:

- (a) Determine the reason for the noncompliance; and
- (b) Allow the participant the opportunity to resolve the problem in order to continue participation.

(3) Conciliation lasts for fifteen (15) days and in that time the ET worker shall:

- (a) Determine good cause for noncompliance; or
- (b) Encourage the participant to resume ET activity; or
- (c) Recommend disqualification for failure to comply with program requirements.

(4) If the participant resumes ET activity, no further action is required toward applying a sanction.

(5) If conciliation is unsuccessful and the participant does not provide good cause or refuses to comply, a disqualification shall be imposed.

Section 6. Determining Good Cause. (1) Good cause shall be determined in instances where the work registrant has failed to comply with:

- (a) Work registration requirements as specified in Section 1 of this administrative regulation;
- (b) Employment and training requirements as specified in Section 3 of this administrative regulation; or
- (c) Voluntary quit requirements as specified in Section 9 of this administrative regulation.

(2) Good cause for failing to meet work registration and employment and training requirements shall include circumstances beyond the control of the registrant including:

- (a) Illness;
- (b) Illness of another household member requiring the presence of the registrant;
- (c) A household emergency;
- (d) Unavailability of transportation; and
- (e) Inadequate child care for children who have reached age six (6) but are under age twelve (12).

Section 7. Sanctions in the ET Program. (1) Disqualifications shall be imposed as follows:

(a) If the nonprimary wage earner (non-PWE) fails to comply with ET, the individual shall be ineligible to receive food stamp benefits for two (2) months;

(b) If the primary wage earner (PWE) fails to comply with ET requirements, the entire household shall be ineligible to receive food stamp benefits for two (2) months.

(2) If a disqualification is imposed, the disqualified member shall make reapplication for food stamps or request that the member be added to an active food stamp case to initiate a cure for noncompliance.

(3) Ineligibility as outlined in subsections (1) and (2) of this section continues until the ineligible member:

- (a) Leaves the household;
- (b) Becomes exempt from work registration;
- (c) Complies with the work registration requirements; or
- (d) The two (2) month disqualification period expires, whichever occurs first.

(4) If an ineligible household member joins a new household and:

- (a) Is the primary wage earner, the entire new household then becomes ineligible for the remainder of the disqualification period; or
- (b) Is not the primary wage earner, only he remains ineligible for the remainder of the disqualification period.

Section 8. Unsuitable Employment. Employment shall be considered unsuitable by the agency if:

- (1) The wage offered is less than the highest of the following:
- (a) The applicable federal minimum wage;

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- (b) The applicable state minimum wage; or
- (c) Eighty (80) percent of the federal minimum wage if neither the federal nor state minimum wage is applicable.

(2) The employment offered is on a piece-rate basis and the average hourly yield the employee can reasonably expect to earn is less than the applicable hourly wage specified in subsection (1) of this section.

(3) The household member, as a condition of employment or continuing employment, is required to join, resign from, or refrain from joining any legitimate labor organization.

(4) The work offered is at a site subject to a strike or lockout at the time of the offer, unless the strike has been enjoined under 29 USC 178 and 45 USC 152.

(5) In addition, employment shall be considered unsuitable if the household member involved can demonstrate or the worker otherwise becomes aware that:

- (a) The degree of risk to health and safety is unreasonable;
- (b) The member is physically or mentally unsuited to perform the employment. This shall be documented by medical evidence or by reliable information from other sources;
- (c) The employment offered within the first thirty (30) calendar days of registration is not in the member's major field of experience as demonstrated by the individual or if the worker otherwise becomes aware;
- (d) Daily commuting time exceeds two (2) hours a day, not including transporting a child to and from a child care facility;
- (e) The distance to the place of employment prohibits walking and neither public nor private transportation is available to transport the member to the job site; or
- (f) The working hours or nature of the employment interferes with the member's religious observances, convictions or beliefs.

Section 9. Voluntary Quit. (1) A primary wage earner who voluntarily quits a job of twenty (20) hours or more a week without good cause sixty (60) days or less prior to the date of food stamp application shall not be eligible to participate in the program.

(2) The disqualification period for voluntary quit shall be:

- (a) Ninety (90) days from the date of quit if the individual is an applicant; and
- (b) Ninety (90) days beginning with the first of the month after all normal procedures for taking adverse action have been taken if the individual is in an active food stamp case.

(3) Good cause for leaving employment includes criteria in Section 5 of this administrative regulation and the following:

- (a) Discrimination by the employer based on:
 - 1. Age;
 - 2. Race;
 - 3. Sex;
 - 4. Color;
 - 5. Disability;
 - 6. Religious beliefs;
 - 7. National origin; or
 - 8. Political beliefs;
- (b) Work demands or conditions that render continued employment unreasonable, as in working without being paid on time;
- (c) Acceptance of employment by the head of household, or enrollment of at least half time in any recognized school, training program or institution of higher education, that requires the head of household to leave employment;
- (d) Acceptance of employment by any other household member or enrollment at least half time in any recognized school, training program or institution of higher education in another county or similar political subdivision which requires the head of household to leave employment;
- (e) Resignations of persons under age sixty (60) which are recognized by the employer as retirement;
- (f) Employment which becomes unsuitable by not meeting criteria

in Section 8 of this administrative regulation after the acceptance of the employment;

(g) Acceptance of a bona fide offer of employment of more than twenty (20) hours a week or in which the weekly earnings are equivalent to the federal minimum wage multiplied by twenty (20) hours which, because of circumstances beyond the control of the primary wage earner, subsequently either does not materialize or results in employment of less than twenty (20) hours a week or weekly earnings of less than the federal minimum wage multiplied by twenty (20) hours; and

(h) Leaving a job in connection with patterns of employment in which workers frequently move from one (1) employer to another as in migrant farm labor or construction work.

(4) Good cause for voluntary quit shall be verified if questionable.

Section 10. Curing Sanction for Voluntary Quit. (1) A household may begin participation in the Food Stamp Program following the voluntary quit disqualification period if it applies again and is determined eligible.

(2) Eligibility may be reestablished during a disqualification period and the household shall, if otherwise eligible, be allowed to resume participation if the member who caused the disqualification:

- (a) Secures new employment which is comparable in salary or hours to the job which was quit; or
 - (b) Leaves the household.
- (3) A work registrant who:
- (a) Is required to participate in the:
 - 1. Food Stamp Employment and Training Program; or
 - 2. Aid to Families with Dependent Children (AFDC), Job Opportunities and Basic Skills (JOBS) Program as specified in 904 KAR 2:006 and 904 KAR 2:370; and
 - (b) Fails to participate shall be ineligible to receive food stamp benefits for two (2) months unless:

- 1. Good cause exists;
- 2. The noncompliant individual was participating in a JOBS component which is more stringent than the components of the ET Program; or
- 3. The noncompliant JOBS participant is otherwise exempt from work registration in the ET Program.

(c) An individual who is not sanctioned in the Food Stamp Program as meeting the criteria in paragraph (b)2 of this subsection shall be work registered in the ET Program unless otherwise exempt by subsection (2) of this section.

Section 11. Hearing Process. Work registrants shall have the same opportunity to request a hearing as specified in 904 KAR 3:070.

Section 12. Replacements for employment and training reimbursement checks that are lost or stolen shall be made by completing appropriate forms.

Section 13. Material Incorporated by Reference. (1) Forms necessary for participation in the Food Stamp Employment and Training Program are being incorporated effective January 1, 1994. These forms include:

- (a) ET-101, revised 7/93;
- (b) ET-102, revised 8/93;
- (c) ET-102 Supplement A, revised 12/91;
- (d) J/ET-108, revised 9/91;
- (e) ET-111, revised 7/93;
- (f) ET-112, revised 10/90;
- (g) ET-114, revised 12/91;
- (h) ET-116, revised 12/93.

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

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Section 14. This administrative regulation shall expire on adjournment of the next regular session of the General Assembly.

JOHN L. CLAYTON, Commissioner

STEPHEN L. HENRY, Secretary

APPROVED BY AGENCY: December 27, 1995

FILED WITH LRC: January 4, 1996 at 11 a.m.

PUBLIC HEARING: PUBLIC HEARING: A public hearing on this administrative regulation shall be held on February 21, 1996 at 9 a.m., at the Health Services Auditorium, 1st Floor, CHR Building. Individuals interested in being heard at this hearing shall notify this agency in writing by February 16, 1996, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on this proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: William K. Moore, Deputy Counsel for Administrative Law, Cabinet for Human Resources, 275 East Main Street, 4th Floor West, Frankfort, Kentucky 40621, (502) 564-7900.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Marty Mason, Director

(1) Type and number of entities affected: There is no way for the agency to determine how many entities will be affected by removing the age limit from the priority status criteria. Since the age limit was put into place there has been a slight decrease in the number of individuals served by the Food Stamp Employment and Training Program. It was originally anticipated that a decrease of approximately 50% would occur but we have not seen that large of a decrease. As a result by removing the age limit, we do not anticipate a significant increase.

(2) Direct and indirect cost or savings to those affected: This amendment should have not direct cost 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: No public hearing was requested as a result of the Notice of Intent being published and no public 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 public hearing was requested as a result of the Notice of Intent being published and no public comments were 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: This amendment will not create any additional compliance, reporting or paperwork requirements.

2. Second and subsequent years: See item #1.

(3) Effects on the promulgating administrative body: The removal of age limits on the priority status criteria should result in a slight increase in the number of individuals served by the Food Stamp Employment and Training Program.

(a) Direct and indirect cost or savings: This amendment should have a minimal fiscal impact to the agency in that by removing the age factor there will be some additional individuals who meet the priority status criteria. Additional funding will not be required to make the change in this amendment.

1. First year: See direct and indirect cost or savings.

2. Continuing cost or savings: Same as item # 1.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: This amendment will not result in any additional reporting or paperwork requirements.

(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: 100% federal dollars for administration based on allotted amount awarded to states. Any additional administrative dollars are paid with 50% / 50% matching dollars. Benefits are paid at a 50% / 50% match.

(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 hearing was requested as a result of the Notice of Intent being published and no public comments were received.

(b) Kentucky: No public hearing was requested as a result of the Notice of Intent being published and no public comments were received.

(7) Assessment of alternative methods; reasons why alternatives were rejected: No other alternative methods pursued. This amendment is to correct a deficiency cited by the Interim Joint Committee on Health and Welfare.

(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 amendment corrects a deficiency cited by the Interim Joint Committee on Health and Welfare who were concerned that adding the age limit to the priority status would prevent some individuals from participating in the Employment and Training Program.

(b) State whether a detrimental effect on environment and public health would result if not implemented: Apparently some committee members believe that adding the age limits could be considered discriminatory for individuals over the age of thirty. As a result, we are removing the age limit to prevent such a detrimental effect from occurring.

(c) If detrimental effect would result, explain detrimental effect: No detrimental effect is expected.

(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: None

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? No, federal statutes mandate that eligibility requirements for the Food Stamp Program be implemented in a like manner on a statewide basis, thereby prohibiting tiering.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. The age limit that is being deleted is a state option. There is no federal mandate that requires the limit to either be applied or not be applied.

2. State compliance standards. There is no state requirement for an age limit to be applied.

3. Minimum or uniform standards contained in the federal mandate. None

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate. No

5. Justification for the imposition of the stricter standards, or additional or different responsibilities or requirements. None

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. No
3. State the aspect or service of local government to which this administrative regulation relates. None
4. How does this administrative regulation affect the local government or any service it provides? It does not affect local government or any service it provides.

CABINET FOR HEALTH SERVICES
Department for Medicaid Services
(Amendment)

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

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

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

NECESSITY AND FUNCTION: The Cabinet for Health Services, Department for Medicaid Services ~~[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 hospital inpatient services.

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

- (1) "Acute care hospital" means a hospital appropriately licensed and certified to provide acute care hospital services.
- (2) "Base year" means the cost reporting period upon which a rate is based.
- (3) "Capital costs" means capital related expenses including insurance, taxes, interest, and depreciation related to plant and equipment.
- (4) "Charity care" means care provided for individuals who have no source of payment for the services rendered, including personal or third-party resources.
- (5) "Cost basis" means the total allowable Medicaid inpatient costs incurred by the provider in the base year.
- (6) "Disproportionate share hospitals (DSH)" means hospitals that meet the criteria specified in 42 USC 1396r-4(d) and one (1) of the following criteria:
 - (a) As specified in 42 USC 1396r-4(b); or
 - (b) Hospitals that have Medicaid utilization of one (1) percent or higher.
- (7) "DRI" means Data Resources, Inc.
- (8) "Exceptionally high costs or long lengths of stay" means for newborns, those costs and days of stay in:
 - (a) Nondisproportionate share hospital that are thirty (30) days beyond the date of discharge for the mother, and for all other children under age one (1) after thirty (30) days from the date of admission; or
 - (b) Those costs and days of stay in a disproportionate share hospital that are thirty (30) days beyond the date of discharge for the mother, and for all other children under age six (6) after thirty (30) days from the date of admission.

(9) "Indexing factor" means the amount that the cost of providing a service is expected to increase during the rate year.

(10) "Indigent days" means days in excess of fourteen (14) covered days for Medicaid recipients and all days of service provided to individuals eligible for the Kentucky Hospital Care Program, including outpatient equivalent care days, with eligibility determined in accordance with criteria shown in 907 KAR 1:635.

(11) "Inflation factor" means the amount that the cost of providing a service has increased, or is expected to increase, for a specific period of time.

(12) "Pediatric teaching hospital" means a hospital with a pediatric services program which is used as the primary medical teaching facility for the medical students at the University of Kentucky or the University of Louisville.

(13) "Professional component costs" and "professional costs" means those professional costs resulting from services provided by anesthesiologists, cardiologists, electroencephalographists, pathologists, radiologists, psychiatrists and emergency room physicians.

(14) "State teaching hospital" means a hospital which is owned or operated by a state-supported university with a medical school. As of the date of this administrative regulation, Kentucky's state teaching hospitals are those owned or operated by the University of Kentucky or the University of Louisville.

(15) "Trending factor" means the inflation factor as applied to that period of time between a facility's base fiscal year-end and the beginning of the rate year.

(16) "Type I hospital status" means those in-state disproportionate share hospitals with 100 beds or less that participate in the Medicaid Program.

(17) "Type II hospital status" means those in-state disproportionate share hospitals with 101 beds or more that participate in the Medicaid program, except for those hospitals that meet the criteria to be defined as a Type III or Type IV status hospital.

(18) "Type III hospital status" means those in-state disproportionate share state university teaching hospitals that have requested a Type III status which has been approved by the Department for Medicaid Services.

(19) "Type IV hospital status" means those in-state disproportionate share hospitals participating in the Medicaid program that are state-owned psychiatric hospitals.

(20) "Type V hospital status" means those out-of-state disproportionate share hospitals participating in the Medicaid Program.

(21) "Universal rate year" or "rate year" means the rate year, under the prospective payment system, beginning January 1 for which payment rates are established for all hospitals for a twelve (12) month period regardless of the hospital's fiscal year end.

(22) "Upper payment limit" means the maximum amount the Medicaid Program will pay for an inpatient day of care under specified circumstances; upper payment limits may vary based on factors, such as utilization factors, teaching hospital status, and age of the patient. ~~[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. Material Incorporated by Reference. (1) The policies, methods, and standards to be used by the cabinet in setting payment rates are specified in the cabinet's "Medicaid Reimbursement Manual for Hospital Inpatient Services" dated September, 1995 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 Medicare standards and principles, excluding the Medicare inpatient routine nursing salary differential.

(3) The Medicaid Reimbursement Manual for Hospital Inpatient Services shall be on file in the Office of the Commissioner, Department for Medicaid Services, Cabinet for Health Services Building, 275 East Main Street, Frankfort, Kentucky, 40621 and is available for review during the normal business week, Monday through Friday, from 8 a.m. through 4:30 p.m., excluding state holidays. Each participating in-state hospital provider shall be provided one (1) copy of the manual and appropriate manual updates. Additional copies may be obtained from that office upon payment of the appropriate fee in accordance with 200 KAR 1:020. [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 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 Kentucky Medical Assistance Program Inpatient Hospital Reimbursement Manual may be reviewed during regular working hours of 8 a.m. to 4:30 p.m. eastern time in the Office of the Commissioner, Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky 40621. Copies may also be obtained from that office upon payment of an appropriate fee which shall not exceed approximate cost.]

Section 3. Acute Care Hospital, Rehabilitation Hospital, and Psychiatric Hospital Inpatient Services. The Department for Medicaid Services shall pay for inpatient hospital services provided to eligible recipients of Medicaid 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. [General Description of the Payment System. The following provisions shall be applicable for purposes of setting inpatient hospital payment rates:]

Section 4. Use Of Prospective Rates. (1) Each hospital shall be paid using a prospective payment rate based on allowable Medicaid costs and Medicaid inpatient days.

(a) The prospective rate shall include, both routine and ancillary costs.

(b) Once a base year is selected for setting a rate, that base year shall not change. The prospective rate shall not be subject to retroactive adjustment, except for facilities with a rate based on unaudited data. These facilities shall have their rate appropriately revised for the rate year when an audited cost report for the base year is received from the fiscal intermediary or an independent audit firm under contract with the Department for Medicaid Services.

(c) Total prospective payments shall not exceed the total customary charges in the prospective year.

(2) Overpayments shall be recouped by:

(a) Payment from the provider of the amount of the overpayment; or

(b) The withholding of the overpayment amount from future payments due the provider.

[(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:~~

~~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.]~~

Section 5. Use of a Universal Rate Year. (1) A universal rate year shall be set for all facilities, with the rate year established as January 1 through December 31 of each year. The most recent Medicaid cost report available as of November 1, of each year preceding the rate year, shall be used for rate setting.

(2) Policy changes may affect rates; however, this shall not change the rate year.

(3) Hospitals shall not be required to change their fiscal years to conform with rate years.

[(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 are not required to change their fiscal years.]

Section 6. Trending of Cost Reports. The following policies shall be used for the trending of cost reports:

(1) Allowable Medicaid cost, excluding capital 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 in order to update a facility's Medicaid costs.

(2) The trending factor to be used shall be the inflation factor prepared by Data Resources, Inc. (DRI) for the period being trended.

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

Section 7. Indexing for Inflation. (1) 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 universal rate year.

(2) The indexing factor to be used shall be the inflation factor prepared by DRI for the rate year.

[(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.]

Section 8. Peer Grouping. For rate setting purposes, hospitals shall be grouped with other hospitals in accordance with the following provisions.

(1) The peer groupings shall be based on the number of beds licensed pursuant to KRS Chapter 216B on November 1 preceding the rate year.

(2) The peer groupings shall be: 0-50 beds, 51-100 beds, 101-200 beds, 201-400 beds, and 401 beds or more.

(3) State teaching hospitals owned or operated by the University of Kentucky or the University of Louisville shall not be included in the arrays, but shall be subject to the upper limits for facilities with 401 beds or more. If a designated state teaching hospital is affiliated with the University of Kentucky or the University of Louisville in order to recognize the presence of a teaching component, e.g., pediatric, the facility shall be arrayed with its appropriate peer group.

(4) Psychiatric hospitals shall not be peer grouped, but shall be in a separate array of psychiatric hospitals only.

(5) Rehabilitation hospitals and acute care hospitals providing only rehabilitation services shall not be peer grouped, arrayed, or subject to the operating cost upper limits.

~~[(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 groups, 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.]~~

Section 9. Minimum Occupancy Factors. Allowable Medicaid capital costs shall be reduced if the following minimum occupancy factors are not met:

(1) A sixty (60) percent occupancy factor shall apply to hospitals with 100 or fewer beds; and

(2) A seventy-five (75) percent occupancy factor shall apply to facilities with 101 or more beds.

~~[(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.]~~

Section 10. Reduced Depreciation Allowance. Reduced depreciation allowance policies shall be applicable, as follows:

(1) The allowable amount for depreciation on building and fixtures, excluding major movable equipment shall be sixty-five (65) percent of the reported depreciation amount as shown in the hospital's cost reports.

(2) The use of a reduced depreciation allowance is not applicable with regard to psychiatric hospitals.

~~[(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.]~~

Section 11. Upper Limits and Payment Principles for Services Provided on or after November 29, 1993. The following upper limits and payment principles shall apply to all hospitals. Additional limitations for disproportionate share hospitals are shown in Section 12 of this administrative regulation.

(1) For acute care hospitals with 101 beds and up, an upper limit shall be established on all costs, excluding Medicaid capital cost and professional component cost, at the weighted median per diem cost for hospitals in each peer group.

(2) For acute care hospitals with 100 beds or less, the upper limit on all costs, excluding Medicaid capital cost and professional component cost, shall be established at 110 percent of the weighted median per diem for hospitals in the peer groups.

(3) The following policies shall be used in regard to psychiatric hospitals:

(a) An upper limit shall be established on all costs, excluding Medicaid capital cost and professional component cost, at the weighted median per diem cost for hospitals in the array.

(b) 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.

(c) The projected cost may be adjusted for usual cost of living increases using the DRI index.

(4) After the arrays and upper limits have been established, they shall not be altered due to revisions or corrections of data. The arrays or upper limits may be changed as a result of changes of agency policy.

(5) Professional component costs shall be trended and indexed separately in the same manner as operating costs, except an upper limit shall not be established.

(6) Provider taxes shall be considered an allowable cost with that portion attributable to Medicaid utilization included in the per diem rates.

(7) The following controls shall be applied to the per diem rate increases:

(a) Allowable rate growth from the prior rate year to the new rate year shall be limited to not more than one and one-half (1 1/2) times the DRI inflation amount for the same time period.

(b) Limits shall be applied to the capital and operating cost per diem components only.

(c) Rate growth beyond the allowable amounts shall be considered unallowable for rate setting purposes.

(d) Unallowable costs resulting from the use of control of rate increase limits shall not be included in the base for future rate setting purposes.

(8) For medically necessary hospital inpatient services provided to infants under the age of one (1) with exceptionally high costs or long lengths of stay, 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.

~~[(9) 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.]

Section 12. Disproportionate Share Hospitals. The following upper limits and payment principles shall apply to disproportionate share hospitals.

(1) Acute care hospitals with Medicaid utilization of twenty (20) percent or higher, or 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, shall have an upper limit set at 120 percent of the weighted median per diem cost for that hospital's peer grouping. 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 (6) of this section.

(2) State teaching hospitals owned or operated by the University of Kentucky or the University of Louisville shall have an upper limit set at 126 percent of the weighted median per diem cost for hospitals of 401 beds or more. Designated major affiliated pediatric teaching hospitals shall have an upper limit set at 126 percent of the weighted median per diem cost of its appropriate peer group.

(a) The pediatric teaching hospitals shall also be paid, in addition to the facilities' allowable inpatient operating per diem, an amount which is equal to two (2) percent of the per diem for each one (1) percent of Medicaid occupancy but this amount shall not exceed the prospective reasonably determined uncompensated Medicaid cost to the facility.

(b) Hospitals shall be paid additional amounts for services to children under age six (6), as shown in subsection (6) of this section.

(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.

(4) All other disproportionate share acute care hospitals shall have their upper limit set at the weighted median per diem cost for hospitals of similar size bed groupings. Hospitals shall be paid, as appropriate, additional amounts for services to children under age six (6), as described in subsection (6) of this section.

(5) The disproportionate share hospital payments for the period beginning February 20, 1995 shall be made as follows:

(a) The disproportionate share hospital payments for Type I and Type II hospitals shall include a volume adjustment.

1. 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.

2. Total disproportionate share volume adjustment payments to Type I and Type II hospitals for indigent care services provided during the 1996 fiscal year shall not exceed \$86,500,000; all hospitals' volume adjustment amounts shall be adjusted proportionately, if payments will cause the limit to be exceeded.

3. 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.

(b) The disproportionate share hospital payments for Type III and IV hospitals shall be equal to 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. Type III status shall be granted to a state teaching hospital if the hospital agrees as a part of its request for a Type III status to forego any local or state government 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 during the period of time the hospital is designated as a Type III status hospital.

(c) 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.

(6) Medically necessary hospital inpatient services provided by all in-state disproportionate share hospitals to children under the age of six (6) with exceptionally high costs or long lengths of stay, after thirty (30) days from the date of admission or the mother's discharge, the payment rate shall be set at 110 percent of the per diem payment rate. These payments apply without regard to length of stay or number of admissions of the child.

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

1. Acute care hospitals with Medicaid utilization of twenty (20) percent or higher, and hospitals having twenty-five (25) percent or more nursing days resulting from Medicaid covered deliveries as compared to the total number of paid Medicaid days, shall have an upper limit set at 120 percent of the weighted median per diem cost for hospitals in the array. In addition to the per diem amount computed in this manner, the hospitals shall be paid (as appropriate) additional amounts for services to children under age six (6) (as shown in subsection (9)(b)2 of this section). 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 underserved area, a federally designated health manpower shortage area, or a primary care physician shortage area designated under the rural Kentucky medical scholarship fund, when the hospital has fifty (50) beds or less. Minimum amount: ninety-five (95) dollars per Medicaid day.

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

(iii) Type III. These hospitals shall be described in the same manner as Type I except these hospitals have 101 beds to 200 beds 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

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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.

e. 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 and thereafter 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.

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.

(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 13. In-state Nondisproportionate Share Hospitals. In-state nondisproportionate share hospitals shall be compensated in the manner described in Section 12(5)(a) of this administrative regulation for services provided by the hospital to Medicaid recipients beyond the covered days and to individuals and families with total annual incomes and resources up to 100 percent of the federal poverty level,

except for nonemergency care rendered through a hospital emergency room, in accordance with KRS 205.640.

Section 14. Payments to Participating Out-of-state Hospitals. (1) Participating out-of-state hospitals shall be reimbursed for covered inpatient services rendered to 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) Payment limits shall be set for participating out-of-state hospitals 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 for days of stay which for newborns shall be after thirty (30) days beyond the date of discharge for the mother of the child and for all other children shall be after thirty (30) days after the date of admission in accordance with the following:

(a) For infants under the age of one (1) in any hospital; and

(b) For children under the age of six (6) in disproportionate share hospitals.

(3) Professional costs for all covered days of stay shall be paid at seventy-five (75) percent of the usual and customary charges of the provider.

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. Except as otherwise specified the changes shown in this administrative regulation shall be effective with regard to services provided on or after November 20, 1993.]

Section 15. Appeal Rights. As specified in the Medicaid Reimbursement Manual for Hospital Inpatient Hospital Services, negative actions may be appealed in accordance with 907 KAR 1:671, Sections 12, 13, and 14.

JOHN H. MORSE, Commissioner, Secretary

APPROVED BY AGENCY: January 12, 1996

FILED WITH LRC: January 12, 1996 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on February 21, 1996 at 9 a.m. in the Health Services Auditorium, Health Services Building, 1st Floor, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending

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this hearing shall notify this agency in writing by February 16, 1996, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on this proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: W. K. Moore, Deputy Counsel for Administrative Law, Cabinet for Health Services, 275 East Main Street, 4 West, Frankfort, Kentucky 40621, (502) 564-7900.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Ked Fitzpatrick or Anita Moore

(1) Type and number of entities affected: All participating hospitals.

(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: None

2. Second and subsequent years: None

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Considered budget neutral.

2. Continuing costs or savings: considered budget neutral.

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

(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: There will be no economic impact from this regulation.

(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 provide for greater access to health care services.

(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: Would lead to reduced access to health care services.

(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 ADMINISTRATIVE REGULATIONS RECEIVED THROUGH NOON, JANUARY 12, 1996

KENTUCKY LEGISLATIVE ETHICS COMMISSION
(New Administrative Regulation)

2 KAR 2:040. Updated registration short forms for employers and legislative agents.

RELATES TO: KRS 6.666(6) to (13), 6.807, 6.821, 6.827

STATUTORY AUTHORITY: KRS 6.666(5)

NECESSITY AND FUNCTION: KRS Chapter 807 requires that all employers and legislative agents registered with the Legislative Ethics Commission file periodic updated registration forms. There are reporting periods in which there are no expenditures or expenses to be reported. This administrative regulation establishes the short forms to be used by employers and legislative agents if certain prerequisites are met.

Section 1. The Employer and Legislative Agent Short Forms shall be mailed to the Legislative Ethics Commission at 22 Mill Creek Park, Frankfort, Kentucky 40601.

Section 2. (1) The Employer and Legislative Agent Short Forms are incorporated by reference.

(2) These documents may be inspected, copied, or obtained at the Kentucky Legislative Ethics Commission, 22 Mill Creek Park, Frankfort, Kentucky 40601, 8 a.m. to 4:30 p.m., Monday through Friday.

JUDGE GEORGE BARKER, Chair
EARL S. MACKEY, Executive Director

APPROVED BY AGENCY: January 12, 1996

FILED WITH LRC: January 12, 1996 at 9 a.m.

PUBLIC HEARING: A public hearing will be held at the Legislative Ethics Commission Office at 22 Mill Creek Park, Frankfort, Kentucky 40601, at 10 a.m. on February 28, 1996. Individuals interested in attending this hearing shall notify this agency in writing by February 23, 1996, 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 and prior arrangements for a transcript are 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: Earl S. Mackey, Executive Director, Kentucky Legislative Ethics Commission, 22 Mill Creek Park, Frankfort, Kentucky. 40601

REGULATORY IMPACT ANALYSIS

Contact person: Peggy J. Williams

(1) Type and number of entities affected: The short forms for legislative agents and employers will affect approximately 75% of all legislative agents and their employers. The total number of legislative agents is anticipated to be as large as 600, and the total number of employers is anticipated to be as large as 400. Certain prerequisites must be met in order to make use of the short forms and it is expected that these numbers will vary based on whether it is an even-numbered year when there is a session of the General Assembly or the odd-numbered years which is the interim. The exact numbers cannot be determined in advance.

(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: NA

(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: NA

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: KRS 6.809 requires that each employer of one or more legislative agents shall pay a fee of \$250 for registration which shall be valid through the next 31st day of December of an odd-numbered year, unless previously terminated. This regulation adds no additional costs. After filing of the initial registration statement, updated statements are required to be filed by employers of legislative agents and by legislative agents on or before the 15th day of January, February, March, April, May, and September of even-numbered years and the 15th day of January, May, and September of odd-numbered years. This regulation establishes the forms used by employers and legislative agents who have no expenses or expenditures to report for the filing period. The one-page form will simplify reporting, saving time, paper and copying costs.

2. Second and subsequent years: These short forms will allow for simplified reporting of employer and legislative agent updated registration forms, thereby saving time, paper and copying costs. These savings will vary based on the individual employer and legislative agents' lobbying activities.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Cost to the Legislative Ethics Commission will be approximately one cent per page for printing costs. The original printing of 5,000 pages will cost \$50. The costs will be paid from money already budgeted from general and restricted funds, and fees collected.

2. Continuing costs or savings: The costs should be consistent on an annual basis.

3. Additional factors increasing or decreasing costs: N/A

(b) Reporting and paperwork requirements: KRS Chapter 6 requires that the commission shall make the completed forms available for public inspection, and shall maintain an alphabetical index. Completed forms shall be preserved for two years. The commission shall provide the Legislative Research Commission and every member of the General Assembly with a list of every registered legislative agent and employer on or before the tenth day of the month except during session when a new list is furnished every Friday. This regulation adds no additional requirements.

(4) Assessment of anticipated effect on state and local revenues: N/A

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: General funds budgeted for these administrative costs will be used to cover costs of printing of the short forms.

(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: N/A

(b) Kentucky: N/A

(7) Assessment of alternative methods; reasons why alternatives were rejected: The forms are required by 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: N/A

(b) State whether a detrimental effect on environment and public

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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: 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. Tiering is not applicable as this regulation applies equally to all legislative agents and employers.

FINANCE AND ADMINISTRATION CABINET (New Administrative Regulation)

200 KAR 5:314. Disclosure of contractor's financial records and information to certain governmental entities.

RELATES TO: KRS Chapter 45A

STATUTORY AUTHORITY: KRS 45A.035(2)(g)

NECESSITY AND FUNCTION: This administrative regulation is required due to the recent Supreme Court decision styled *Marina Management Services, Inc., et al. v. Commonwealth and Legislative Program Review and Investigation Committee*, 42 KLS 5 (May 19, 1995). In this opinion, the court held that the financial information of a state contractor could not be disclosed to the Legislative Program Review and Investigation Committee under the Open Records Act. This ruling may affect the ability of certain governmental oversight agencies to obtain access to financial data of state contractors. This proposed administrative regulation would provide for the disclosure of this information to the contracting agency, the Finance and Administration Cabinet, the Auditor of Public Accounts and the Legislative Research Commission regardless of its status under the Open Records Law.

Section 1. All state contracts, as defined in KRS 45A.030(5), shall contain the following language: The contractor, as defined in KRS 45A.030(7), agrees that the contracting agency, the Finance and Administration Cabinet, the Auditor of Public Accounts, and the Legislative Research Commission, or their duly authorized representatives, shall have access to any books, documents, papers, records, or other evidence, which are directly pertinent to this contract for the purpose of financial audit or program review. Furthermore, any books, documents, papers, records, or other evidence provided to the contracting agency, the Finance and Administration Cabinet, the Auditor of Public Accounts, or the Legislative Research Commission which are directly pertinent to the contract shall be subject to public disclosure regardless of the proprietary nature of the information, unless specific information is identified and exempted and agreed to by the Secretary of the Finance and Administration Cabinet as meeting the provisions of KRS 61.878(1)(c) prior to the execution of the contract. The Secretary of the Finance and Administration Cabinet shall not restrict the public release of any information which would otherwise be subject to public release if a state government agency was providing the service.

JOHN P. McCARTY, Secretary

APPROVED BY AGENCY: January 11, 1996

FILED WITH LRC: January 12, 1996 at 11 a.m.

PUBLIC HEARING: A public hearing on this new administrative regulation shall be held on February 29, 1996, at 10 a.m., in Room 386, Capitol Annex Building, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify the agency representative indicated below in writing by February 24, 1996, (five (5) days prior to the hearing) of their intent to attend the hearing. If no notification of intent to attend the hearing is received by that date, the

hearing may be canceled. 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. The transcript will be made at cost, payable by the requesting party. If you do not wish to attend the public hearing, you may submit written comments on the proposed regulation. Send written notification of intent to attend the public hearing or written comments on the proposed regulation to: Patrick R. Hughes, Attorney, Finance and Administration Cabinet, Room 374, Capitol Annex, Frankfort, Kentucky 40601, (502) 564-6660.

REGULATORY IMPACT ANALYSIS

Contact Person: Patrick R. Hughes

(1) Type and number of entities affected: This regulation will affect all contractors who enter into contracts or contract modifications with 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 direct or indirect costs or savings on the cost of living and employment in the geographical area in which the administrative regulation will be implemented are anticipated. No public comments have yet been received and no public hearing has yet taken place regarding this proposed 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. No direct or indirect costs or savings on the cost of doing business in the geographical area in which the administrative regulation will be implemented are anticipated. No public comments have yet been received and no public hearing has yet taken place regarding this proposed regulation.

(c) Compliance, reporting and paperwork requirements of those affected, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Contractors who enter into contracts with the Commonwealth or any of its agents after the effective date of this proposed regulation will be required to provide access to books, documents, papers, records, and other evidence, which is directly pertinent to all state contracts to which the contractor is a party. This requirement will not lead to increased compliance, reporting, or paperwork costs because the contractor would likely, and should, maintain and store the above information regardless of the existence of this proposed new regulation. The only adverse effect on competition would result if a contractor does not want to agree to the disclosure requirements of the regulation. However, when balanced against the need to protect the integrity of public contracts and programs, any reduced competition would be minimal.

2. Second and subsequent years: Same as for first year.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Under KRS 45A.035(2)(g) the Secretary of the Finance and Administration Cabinet is required to promulgate administrative regulations governing the confidentiality of technical data and trade secrets information submitted by actual or prospective bidders or offerors. The proposed new regulation could result in a minimal increase in cost if the Finance and Administration Cabinet conducts a financial audit or demands access to the contract files pursuant to the proposed new regulation. Any potential cost increase would be primarily attributable to an increase in storage requirements and personnel duties. This possible minimal increase in cost also exists for the contracting agency, the Auditor of Public Accounts, and the Legislative Research Commission.

2. Continuing costs or savings: Same as first year.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: The paperwork requirements of the Finance and Administration Cabinet could potentially be increased if a financial audit was conducted or if a demand for access to the contract files was made. This potential increase in paperwork requirements also exists for the contracting agency, the Auditor of Public Accounts, and the Legislative Research Commission.

(4) Assessment of anticipated effect on state and local revenues: No effect on state and local revenues is anticipated.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: The Finance and Administration Cabinet, the contracting agency, the Auditor of Public Accounts, or the Legislative Research Commission will be required to absorb the costs of implementation and enforcement of the proposed administrative regulation.

(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 have yet been received and no public hearing has yet taken place regarding this proposed regulation. However, no economic impact is expected.

(b) Kentucky: No public comments have yet been received and no public hearing has yet taken place regarding this proposed regulation. However, no economic impact is expected.

(7) Assessment of alternative methods; reasons why alternatives were rejected: The alternative of suggesting an amendment to the Open Records Laws was assessed. However, this alternative would present the risk of creating an overly broad exception to the confidentiality provisions of KRS 61.878(1)(c). Since the goal of the regulation is to allow the Finance and Administration Cabinet, the contracting agency, the Auditor of Public Accounts, and the Legislative Research Commission to disclose relevant information to the public regarding public contracts, the best method is to promulgate an administrative regulation limited to public contracts.

(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 effects on public health and environmental welfare are expected in the geographical area in which the regulation will be implemented or in Kentucky.

(b) State whether a detrimental effect on environment and public health would result if not implemented: No detrimental effect on the environment and public health would result if the regulation was not implemented.

(c) If detrimental effect would result, explain detrimental effect: Does not apply.

(9) Identify any statute, rule, administrative regulation or government policy which may be in conflict, overlapping, or duplication: KRS 61.878(1)(c).

(a) Necessity of proposed regulation if in conflict: The proposed regulation, although related, is not in conflict with KRS 61.878(1)(c). In *Marina Management Services, Inc., et al. v. Commonwealth and Legislative Program Review and Investigation Committee*, 42 KLS 5 (May 19, 1995) the court held that the financial information of a state contractor could not be disclosed to the Legislative Program Review and Investigation Committee under the Open Records Act. The proposed regulation requires that public contracts contain language which would allow the Finance and Administration Cabinet, the contracting agency, the Auditor of Public Accounts, and the Legislative Research Commission, or their duly authorized representatives, to have access to any books, documents, papers, records, or other evidence, which are directly pertinent to this contract for the purpose of financial audit or program review. Furthermore, any books, documents, papers, records, or other evidence provided to the contracting agency, the Finance and Administration Cabinet, the Auditor of Public Accounts, or the Legislative Research Commission

which are directly pertinent to the contract shall be subject to public disclosure regardless of the proprietary nature of the information, unless specific information is identified and exempted and agreed to by the Secretary of the Finance and Administration Cabinet as meeting the provisions of KRS 61.878(1)(c) prior to the execution of the contract. The Secretary of the Finance and Administration Cabinet shall not restrict the public release of any information which would otherwise be subject to public release if a state government agency was providing the service. This proposed regulation is necessary to protect the integrity of all public contracts and projects.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Does not apply.

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? Tiering was not applied because the promulgating administrative body believes that it is necessary to protect the integrity of all state contracts and projects.

**FINANCE AND ADMINISTRATION CABINET
Office of the Secretary
(New Administrative Regulation)**

200 KAR 22:100. Comprehensive Employment Manual of the Cabinet for Human Resources, Department for Social Services, Division of Family Services, Jefferson District CPS Ongoing Services and Intake Units for use in the Pilot Personnel Program.

RELATES TO: KRS 18A.430(1)

STATUTORY AUTHORITY: KRS 18A.430(1)(a), (b), (c)

NECESSITY AND FUNCTION: KRS 18A.430(1)(a) provides that each pilot agency participating in the Pilot Personnel Program authorized by KRS 18A.400 to 18A.450 shall develop a comprehensive employment manual establishing conditions of employment for employees in the Pilot Personnel Program. KRS 18A.430(1)(b) requires that the employment manuals be promulgated by administrative regulation. Pursuant to KRS 18A.430(1)(c), the head of the agency in which the pilot program is located shall be responsible for preparing the administrative regulation and submitting it to the Secretary of the Finance and Administration Cabinet for promulgation. This administrative regulation establishes the comprehensive employment manual of the Department for Social Services, Division of Family Services, Jefferson District CPS Ongoing Services and Intake Units for use in the Pilot Personnel Program.

Section 1. Comprehensive Employment Manual. The Cabinet for Human Resources, Department for Social Services, Division of Family Services has been approved to participate in the Pilot Personnel Program authorized by KRS 18A.400 to 18A.450. Therefore, pursuant to KRS 18A.430(1), the conditions of employment for employees in the Department for Social Services, Division of Family Services, Jefferson District CPS Ongoing Services and Intake Units are set out in the "Employee Handbook of the Cabinet for Human Resources, Department for Social Services, Division of Family Services, Jefferson District CPS Ongoing Services and Intake Units for Use in the Pilot Personnel Program."

Section 2. Incorporation by Reference. (1) The "Employee Handbook of the Cabinet for Human Resources, Department for Social Services, Division of Family Services, Jefferson District CPS Ongoing Services and Intake Units for Use in the Pilot Personnel Program" revised August 1995, ("Employee Handbook") is incorporated by reference.

(2) The "Employee Handbook" may be inspected, copied, or obtained from Barbara Carter, Jefferson District Department for Social Services Office, L&N Building - 7 West, 908 West Broadway, Louisville, Kentucky 40203, Monday through Friday, 8 a.m. to 4:30 p.m.

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JOHN P. MCCARTY, Secretary

APPROVED BY AGENCY: January 11, 1996

FILED WITH LRC: January 12, 1996 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on February 28, 1996, at 9 a.m., in the offices of the Finance and Administration Cabinet, Room 386, Capitol Annex, Frankfort, Kentucky 40601. Persons interested in attending this hearing shall notify the agency representative designated below no later than five days prior to the hearing, of their intent to attend the public hearing. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing will be open to the public, and 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 it is requested in writing with the cost of the transcript to be borne by the requesting party. If you do not wish to attend the public hearing, you may still 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: Gail Prewitt, Assistant Director, Governmental Services Center, Academic Services Building, Kentucky State University, Frankfort, Kentucky 40601, (502) 564-8170.

REGULATORY IMPACT ANALYSIS

Contact Person: Gail Prewitt, Assistant Director

(1) Type and number of entities affected: This regulation will affect all employees in the Department for Social Services, Division of Family Services, Jefferson District CPS Ongoing Services and Intake Units who are participating in the Pilot Personnel 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 direct or indirect costs or savings on the cost of living and employment in the geographical area in which the administrative regulation will be implemented are anticipated. No public comments have yet been received and no public hearing has yet taken place regarding this proposed 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. No direct or indirect costs or savings on the cost of doing business in the geographical area in which the administrative regulation will be implemented are anticipated. No public comments have yet been received and no public hearing has yet taken place regarding this proposed regulation.

(c) Compliance, reporting and paperwork requirements of those affected, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Pursuant to KRS 18A.430(1)(a), pilot programs are already required to develop comprehensive employment manuals establishing conditions of employment for employees in each organizational unit. This regulation merely promulgates the employment manual of the Department for Social Services, Division of Family Services, Jefferson District CPS Ongoing Services and Intake Units and will result in no additional compliance, reporting or paperwork requirements.

2. Second and subsequent years: Same as for first year.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Under KRS 18A.430(1)(c), employment manuals developed by the pilot agencies are required to be promulgated as administrative regulations by the Secretary of the Finance and Administration Cabinet. Once the employment manuals are promulgated, the only cost to the Finance and Administration Cabinet or the pilot agencies will be for maintaining a file of the manuals.

2. Continuing costs or savings: Same as first year.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Under KRS 18A.430(1)(c), employment manuals developed by the pilot agencies are required to be promulgated as administrative regulations by the Secretary of the Finance and Administration Cabinet. Once the employment manuals are promulgated, the only cost to the Finance and Administration Cabinet or the pilot agencies will be for maintaining a file of the manuals.

(4) Assessment of anticipated effect on state and local revenues: No effect on state and local revenues is anticipated.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: The Finance and Administration Cabinet and the pilot agencies will be required to absorb the costs of maintaining a file of employment manuals.

(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 have yet been received and no public hearing has yet taken place regarding this proposed regulation. However, no economic impact is expected.

(b) Kentucky: No public comments have yet been received and no public hearing has yet taken place regarding this proposed regulation. However, no economic impact is expected.

(7) Assessment of alternative methods; reasons why alternatives were rejected: No alternative methods were assessed.

(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 effects on public health and environmental welfare are expected in the geographical area in which the regulation will be implemented or in Kentucky.

(b) State whether a detrimental effect on environment and public health would result if not implemented: No detrimental effect on the environment and public health would result if the regulation was not implemented.

(c) If detrimental effect would result, explain detrimental effect: Does not apply.

(9) Identify any statute, rule, administrative regulation or government policy which may be in conflict, overlapping, or duplication: To the best of the knowledge of the Office of the Secretary, there are no statutes, rules, administrative regulations or government policies which are in conflict with, overlap, or duplicate the proposed administrative regulation.

(a) Necessity of proposed regulation if in conflict: Does not apply.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Does not apply.

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? Tiering was not applied. This regulation only applies to employees in the Cabinet for Human Resources, Department for Social Services, Division of Family Services, Jefferson District CPS Ongoing Services and Intake Units who are participating in the Pilot Personnel Program.

FINANCE AND ADMINISTRATION CABINET

Office of the Secretary

(New Administrative Regulation)

200 KAR 22:110. Comprehensive Employment Manual of the Kentucky Revenue Cabinet, Department of Administrative Services, Division of Revenue Operations for use in the Pilot Personnel Program.

RELATES TO: KRS 18A.430(1)

STATUTORY AUTHORITY: KRS 18A.430(1)(a), (b), (c)

NECESSITY AND FUNCTION: KRS 18A.430(1)(a) provides that

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each pilot agency participating in the Pilot Personnel Program authorized by KRS 18A.400 to 18A.450 shall develop a comprehensive employment manual establishing conditions of employment for employees in the Pilot Personnel Program. KRS 18A.430(1)(b) requires that the employment manuals be promulgated by administrative regulation. Pursuant to KRS 18A.430(1)(c), the head of the agency in which the pilot program is located shall be responsible for preparing the administrative regulation and submitting it to the Secretary of the Finance and Administration Cabinet for promulgation. This administrative regulation establishes the comprehensive employment manual of the Kentucky Revenue Cabinet, Department of Administrative Services, Division of Revenue Operations for use in the Pilot Personnel Program.

Section 1. Comprehensive Employment Manual. The Kentucky Revenue Cabinet, Department of Administrative Services, Division of Revenue Operations has been approved to participate in the Pilot Personnel Program authorized by KRS 18A.400 to 18A.450. Therefore, pursuant to KRS 18A.430(1), the conditions of employment for employees in the Kentucky Revenue Cabinet, Department of Administrative Services, Division of Revenue Operations are set out in the "Employee Handbook of the Kentucky Revenue Cabinet, Department of Administrative Services, Division of Revenue Operations for Use in the Pilot Personnel Program".

Section 2. Incorporation by Reference. (1) The "Employee Handbook of the Kentucky Revenue Cabinet, Department of Administrative Services, Division of Revenue Operations for Use in the Pilot Personnel Program" revised August 1995, ("Employee Handbook") is incorporated by reference.

(2) The "Employee Handbook" may be inspected, copied, or obtained from the Project Coordinator for the Pilot Personnel Program, Courtney Carter, Assistant Director, Kentucky Revenue Cabinet, Department of Administrative Services, Division of Revenue Operations, 1266 Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

JOHN P. MCCARTY, Secretary

APPROVED BY AGENCY: January 11, 1996

FILED WITH LRC: January 12, 1996 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on February 28, 1996, at 9:30 a.m., in the offices of the Finance and Administration Cabinet, Room 386, Capitol Annex, Frankfort, Kentucky 40601. Persons interested in attending this hearing shall notify the agency representative designated below no later than five days prior to the hearing, of their intent to attend the public hearing. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing will be open to the public, and 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 it is requested in writing with the cost of the transcript to be borne by the requesting party. If you do not wish to attend the public hearing, you may still 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: Gail Prewitt, Assistant Director, Governmental Services Center, Academic Services Building, Kentucky State University, Frankfort, Kentucky 40601, (502) 564-8170.

REGULATORY IMPACT ANALYSIS

Contact Person: Gail Prewitt, Assistant Director

(1) Type and number of entities affected: This regulation will affect all employees in the Kentucky Revenue Cabinet, Department of Administrative Services, Division of Revenue Operations who are participating in the Pilot Personnel 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 direct or indirect costs or savings on the cost of living and employment in the geographical area in which the administrative regulation will be implemented are anticipated. No public comments have yet been received and no public hearing has yet taken place regarding this proposed 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. No direct or indirect costs or savings on the cost of doing business in the geographical area in which the administrative regulation will be implemented are anticipated. No public comments have yet been received and no public hearing has yet taken place regarding this proposed regulation.

(c) Compliance, reporting and paperwork requirements of those affected, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Pursuant to KRS 18A.430(1)(a), pilot programs are already required to develop comprehensive employment manuals establishing conditions of employment for employees in each organizational unit. This regulation merely promulgates the employment manual of the Kentucky Revenue Cabinet, Department of Administrative Services, Division of Revenue Operations and will result in no additional compliance, reporting or paperwork requirements.

2. Second and subsequent years: Same as for first year.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Under KRS 18A.430(1)(c), employment manuals developed by the pilot agencies are required to be promulgated as administrative regulations by the Secretary of the Finance and Administration Cabinet. Once the employment manuals are promulgated, the only cost to the Finance and Administration Cabinet or the pilot agencies will be for maintaining a file of the manuals.

2. Continuing costs or savings: Same as first year.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Under KRS 18A.430(1)(c), employment manuals developed by the pilot agencies are required to be promulgated as administrative regulations by the Secretary of the Finance and Administration Cabinet. Once the employment manuals are promulgated, the only cost to the Finance and Administration Cabinet or the pilot agencies will be for maintaining a file of the manuals.

(4) Assessment of anticipated effect on state and local revenues: No effect on state and local revenues is anticipated.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: The Finance and Administration Cabinet and the pilot agencies will be required to absorb the costs of maintaining a file of employment manuals.

(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 have yet been received and no public hearing has yet taken place regarding this proposed regulation. However, no economic impact is expected.

(b) Kentucky: No public comments have yet been received and no public hearing has yet taken place regarding this proposed regulation. However, no economic impact is expected.

(7) Assessment of alternative methods; reasons why alternatives were rejected: No alternative methods were assessed.

(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 effects on public health and environmental welfare are expected in

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the geographical area in which the regulation will be implemented or in Kentucky.

(b) State whether a detrimental effect on environment and public health would result if not implemented: No detrimental effect on the environment and public health would result if the regulation was not implemented.

(c) If detrimental effect would result, explain detrimental effect: Does not apply.

(9) Identify any statute, rule, administrative regulation or government policy which may be in conflict, overlapping, or duplication: To the best of the knowledge of the Office of the Secretary, there are no statutes, rules, administrative regulations or government policies which are in conflict with, overlap, or duplicate the proposed administrative regulation.

(a) Necessity of proposed regulation if in conflict: Does not apply.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Does not apply.

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? Tiering was not applied. This regulation only applies to employees in the Kentucky Revenue Cabinet, Department of Administrative Services, Division of Revenue Operations who are participating in the Pilot Personnel Program.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of January 10, 1996

The January meeting of the Administrative Regulation Review Subcommittee was held on Wednesday, January 10, 1996, at 9 a.m. in Room 111 of the Capitol Annex. Representative Jesse Crenshaw, Chairman, called the meeting to order, and the secretary called the roll. The minutes of the December 4, 1995 meeting were approved.

Present were:

Members: Representative Jesse Crenshaw, Chairman, Senators Fred Bradley, Nick Kafoglis, John David Preston; Representatives James Bruce and Jimmy Lee.

LRC Staff: Greg Karambellas, O. Joseph Hood, Patrice Carroll, Susan Eastman, Susan Wunderlich, Peggy Jones, Don Hines.

Guests: Mack Bushart, Board of Elections; Denise Placido, Department for the Blind; Gail Prewitt, Finance and Administration Cabinet; Dave Nicholas, Division of Occupations and Professions; Dena Moore, Kentucky Board of Hairdressers; Tom Bennett, Roy A. Grimes, Tom Young, Libby McManis, Rocky Pritchert, Department of Fish and Wildlife Resources; Alan Hamilton, Rusty Ford, Agriculture Department; John E. Hornback, Gerry Ennis, Hank Wiseman, Ken Hines, Division for Air Quality, Natural Resources and Environmental Protection Cabinet; Greg Copley, Kentucky Business Environmental Assistance Program; Jack Damron, Department of Corrections; Jean Ann Gabbard, Kentucky State Police; Sandra G. Pullen, Transportation Cabinet; Kevin Noland, Kyna Koch, Department of Education; Janet Carrico, Gretchen A. Lampe, Kentucky Education Association; Bill Stearns, Office of Education Accountability; Susan Weston, Kentucky Association of School Councils; Libby Marshall, David Keller, Kentucky School Boards Association; William L. Ralston, Tim Chancellor, Labor Cabinet; Judy Walden, Department of Housing, Buildings and Construction; Robert Nelson, Cabinet for Health Services; Tom Willis, Preston Lewis, Johnnie Grissom, Department of Education; Mary Ann Bueso, Tami D. McGee, KECSAC Teresa Raque, Michael Cheek, Paul Gibson, Cookie Whitehouse, Karen Doyle, Cabinet for Human Resources; Fran Marlette, Wilkinson Street; J. Kevin Kidd, Speaker of the House; Kelly Ranvier Swartz, McBrayer, McGinnis, Leslie & Kirkland.

NOTE: The recording equipment failed at the beginning of this meeting. This Report (which also constitutes the minutes of the Subcommittee meeting) has been compiled from notes made by Subcommittee staff, material submitted by administrative bodies and witnesses appearing before the Subcommittee, and by the amendments offered to the Subcommittee.

The Subcommittee determined that the following administrative regulations, as amended by the promulgating agency and the Subcommittee, complied with statutory requirements:

State Board of Elections: Voting

31 KAR 5:020 (& E). Placement of voting machines. This administrative regulation was amended as follows: (1) The NECESSITY AND FUNCTION paragraph was amended to cite KRS 117.065, requiring the selection of voting locations; and (2) The NECESSITY AND FUNCTION paragraph, and Sections 1 through 4 were amended to comply with: (a) KRS 13A.220(4) format requirements; and (b) KRS 13A.222 drafting requirements.

Finance and Administration Cabinet: Personnel Pilot Programs

200 KAR 22:090 & E. Comprehensive Employment Manual of the Workforce Development Cabinet's Department for the Blind in use in the Pilot Personnel Program. Sections 1 and 2(2) were amended to with the drafting requirements of KRS 13A.222.

Board of Hairdressers and Cosmetologists

201 KAR 12:082. School's course of instruction. This administrative regulation was amended as follows: (1) The RELATES TO and STATUTORY AUTHORITY paragraphs were amended to provide the correct statutory citations; (2) Sections 4, 5, 6, 8, 9, 14(1)(a), 16 and 18 were amended to comply with the: (a) format requirements of KRS 13A.220(4); and (b) drafting requirements of KRS 13A.222; (3) Section 9 was amended to provide that student text books required to be provided students by schools be approved by the Board; (4) Sections 11 and 12 were amended to specify the forms students shall submit to verify educational activities for which credit may be received; and (5) Pursuant to KRS 13A.110, 13A.222, and 13A.2251, a new section, Section 19, was created to incorporate required forms.

Kentucky Board of Licensure and Certification for Dietitians and Nutritionists

201 KAR 33:030. Continuing education requirements for licensees and certificate holders. This administrative regulation was amended as follows: (1) The RELATES TO and NECESSITY AND FUNCTION paragraphs were amended to provide the correct statutory citations; (2) Sections 1(1)(a) and (b), 1(2), 1(3), 1(8), 2(1) through (3), 2(2) through 2(4), 2(7), 3, 4, 5, and 6 were amended to: (a) comply with the: 1. format requirements of KRS 13A.220(4); 2. drafting requirements of KRS 13A.222(4)(b) relating to the expression of a duty and discretionary powers; and 3. use the statutory terms with regard to the various categories of those governed by the board; (3) Section 1(1) was amended to clearly state the categories to which the required number of continuing education hours apply; (4) Section 1(8)(b) was amended to specify in more detail the documents or items to which falsification applies; and (5) Section 6 was amended to clearly state the waiver of continuing education requirements or extension of time available for those who are medically disabled or ill.

Tourism Cabinet: Department of Fish and Wildlife Resources: Licensing

301 KAR 5:001 (& E). Definitions for 301 KAR Chapter 5. Commissioner Tom Bennett, representing the Department of Fish and Wildlife Resources, stated that this administrative regulation needed to be amended to delete definitions no longer required because of a companion amendment to 301 KAR 5:010.

301 KAR 5:010 (& E). Licensing agent selection criteria. This administrative regulation was amended to remove caps on agent licenses. Commissioner Bennett said that it was first agreed to give the first chance to be an agent to small operators who had participated before, but now the caps are not needed.

Natural Resources and Environmental Protection Cabinet: Department for Environmental Protection: Air Quality - General Administrative Procedures

401 KAR 50:031. Inherent physical limitations. In response to a question by Representative Bruce, John Hornbeck and Ken Hines, representing the Department, stated that: (1) this administrative regulation establishes new criteria to determine if a source is "major" under Title V; (2) sources with potential emissions at or above the major source thresholds, but with actual emissions that are consistently less than half that amount: (a) have an inherent physical limitation relating to potential to emit; and (b) will likely be prevented from ever becoming a major source; (3) if adopted, this administrative regulation would reduce the number of sources required to obtain a new permit from approximately 470 to 200; (4) existing permits, examined by the Division to verify applicability under Title V, will be reduced from more than 2,200 to approximately 70; and (5) Title V permits require: (a) a month to a year to complete application for permit or FESOP; (b) that the process be repeated every 5 years for

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most sources; and (c) that sources be involved in continuous monitoring, record keeping and reporting to the Department.

The Subcommittee approved amendments to this administrative regulation filed by the Department with the Regulations Compiler to: (1) make technical amendments to conform to KRS Chapter 13A; and (2) add a definition for Federal "Title V" programs.

Justice Cabinet: Department of Corrections: Office of the Secretary

501 KAR 6:040. Kentucky State Penitentiary. Jack Damron appeared before the Subcommittee representing the Department of Corrections. This administrative regulation was amended to make grammatical changes.

501 KAR 6:060. Northpoint Training Center. This administrative regulation was amended to add citations.

501 KAR 6:090. Frankfort Career Development Center. This administrative regulation was amended to add proper citations and to delete the requirement to use various fire guides.

501 KAR 6:110. Roederer Correctional Complex. This administrative regulation was amended to make grammatical changes.

501 KAR 6:120. Blackburn Correctional Complex. This administrative regulation was amended to make grammatical changes and to add proper citations.

501 KAR 6:130. Western Kentucky Correctional Complex. This administrative regulation was amended to make grammatical changes.

501 KAR 6:140. Bell County Forestry Camp. Mr. Damron stated that

this administrative regulation deals with medical emergencies. It was amended to add a proper citation and a statement to recognize the right to choose living wills and health care surrogates (and for employees not to interfere with those rights).

Department of State Police: Candidate Selection

502 KAR 45:025 (& E). Disqualification. Jean Ann Gabbard, representing the Department of State Police, appeared before the Subcommittee. This administrative regulation was amended to make grammatical changes and in Section 1 to delete paragraphs(12) and (13), as they are redundant.

Department of Highways: Right-of-way

603 KAR 4:035. Logo signs; placement along fully controlled access highways. Subcommittee staff stated that: (1) Section 15(5) of this administrative regulation placed venue for appeals from administrative hearings in the Franklin Circuit Court; (2) no other administrative regulation places venue in any particular circuit court; (3) 92 CJS Section 5(a) provides that venue is a matter to be decided legislatively and not by administrative regulation; and (4) the venue provision should probably be deleted.

In response to a question from Senator Preston, Cabinet personnel stated that there was no statute that required venue for appeals of this particular type of action to be placed in the Franklin Circuit Court.

At the request of the Subcommittee, Section 15(5) relating to venue for appeals was deleted.

Labor Cabinet: Occupational Safety and Health

The following three administrative regulations were amended to: (1) correct the incorporated material; (2) delete the reference to rules and (3) clarify that the definitions in these administrative regulations apply to the material incorporated by reference.

803 KAR 2:320 & E. Air contaminants.

803 KAR 2:403 & E. Occupational health and environmental controls.

803 KAR 2:500 & E. Maritime employment.

Cabinet for Human Resources: Department for Health Services: Local Health Departments

902 KAR 8:060. Classification and compensation plans for local health departments of Kentucky. In response to a question by Representative Bruce, Robert Nelson, representing the Department, stated that: (1) he understood Representative Bruce's concern that local health department compensation not be decreased; and (2) this administrative regulation clarifies policies and procedures relating to classification and compensation plans for local health departments. Section 3(8) of this administrative regulation was amended to conform to KRS 13A.222 drafting requirements.

902 KAR 8:070. Recruitment examination, and certification of eligibles for local health departments of Kentucky. Section 3(9)(b) of this administrative regulation was amended to conform to KRS 13A.222 drafting requirements.

902 KAR 8:110. Disciplinary appeal process applicable for local health department employees. This administrative regulation was amended as follows: (1) A cross-reference to another section was corrected to Section 1(3); and (2) Section 1(5) was amended to state where the "Request for Appeal" form may be obtained.

Department for Social Services: Children's Residential Services

905 KAR 7:250 & E. Kentucky educational collaborative for state agency children. This administrative regulation was amended to require that: (1) local districts be notified of funding levels by December 1 for the following school year pursuant to Section 2(2)(b); (2) notification by January 1 of the school district's intent not to provide an extended school year program as specified in Section 4, pursuant to Section 2(3)(a)1.a.; (3) on-site state agency programs to have sufficient teachers to serve children with disabilities as specified in 707 KAR 1:230, pursuant to Section 2(3)(e); (4) funding for KECSC children not financed through the district be financed through the state agency children's fund, pursuant to Section 3(3); (5) classrooms serving only students with educational disabilities comply with teacher pupil ratios specified in 707 KAR 1:230, Section 5, pursuant to Section 4(4)(a); and (6) unless otherwise designated in the students personal education plan, the appropriate number of school days be provided to all students pursuant to KRS 158.070.

The Subcommittee determined that the following administrative regulations complied with statutory requirements:

Tourism Cabinet: Department of Fish and Wildlife Resources: Game

Commissioner Tom Bennett, representing the Department of Fish and Wildlife Resources, appeared before the Subcommittee. He stated that the following five administrative regulations were amended to comply with federally regulated dates.

301 KAR 2:221E. Waterfowl seasons and limits.

301 KAR 2:222E. Waterfowl hunting requirements.

301 KAR 2:223E. Waterfowl reporting requirements.

301 KAR 2:224E. Waterfowl hunting zones.

301 KAR 2:225 (& E). Dove, wood duck, teal and other migratory game bird hunting.

Department of Agriculture: Livestock Sanitation

302 KAR 20:081. Repeal of 302 KAR 20:080.

302 KAR 20:115 (& E). Vesicular stomatitis.

Justice Cabinet: Department of Corrections: Office of the Secretary

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

Transportation Cabinet: Department of Highways: Traffic

603 KAR 5:230. The extended weight coal or coal by-products haul road system and associated bridge weight limits.

Kentucky Board of Education: Office of District Support: School Administration and Finance

702 KAR 3:245 (& E). School council allocation formula: Kentucky uniform school financial accounting system. Kevin Noland and Tom Willis, Department of Education; Janet Carrico and Gretchen A. Lampe, Kentucky Education Association; Susan Weston, Kentucky Association of School Councils; and Libby Marshall, Kentucky School Board Association; appeared before the Subcommittee.

Mr. Noland stated that: (1) these administrative regulations have been developed over a long period of time; (2) a work group was assembled with representatives from all interested parties to develop the allocation formula; (3) with the exception of Section 7, consensus was reached on this administrative regulations; (4) the disagreement relates to the distribution of funds pursuant to Section 7.

In documents submitted to the Subcommittee, the Kentucky Association of School Councils stated that: (1) Section 7 implements a specific provision of KRS 160.345 which provides, in part, that (a) a school council determines which textbooks, instructional materials and student support services shall be provided; (b) subject to available resources, a local board shall allocate an appropriation to each school that is adequate to meet its needs for instructional materials and school-based student support services, as determined by the school council; (2) this administrative regulation makes the appropriate allocations in the following manner: (a) available resources are determined by the local board; (b) Section 3 permits local boards to subtract everything they need for costs outside of council jurisdiction, leaving only what the local board decides is available for staff, textbooks, instructional materials and student support services; (c) Sections 4 and 5 permit the board to address staffing before it addresses materials and services issues; (d) the board has substantial discretion to manage the district's overall resources in defining the total and in specifying what staff will be funded; (3) the council determines the school's needs for instructional materials and student support services; (4) the board then allocates the available resources to meet the council-defined materials and service needs; (5) Sections 6 and 7 are the relevant provisions of the administrative regulation: (a) Section 6 specifies that each school will receive a minimum allocation of 3.5% of SEEK base times the school's average daily attendance; (b) Section 7 governs what happens if the district has any "available resources" left after providing the minimum; (c) under Section 7, the local board can distribute the remaining money based on the: 1. average daily attendance; or 2. the board's judgment about the relative importance of the needs identified by councils; or 3. a combination of both; (6) although the Kentucky School Board Association believes that Section 7 funds should be spent on items not requested by councils, KRS 160.345(2)(g) prohibits this interpretation; (7) the money in question is: (a) part of the resources local boards have available for materials and services; and (b) required by statute to be allocated to meet the school's needs related to instructional materials and school-based student support services, as determined by school councils; (8) local boards still have great authority to determine the allocation of funds pursuant to this administrative regulation: (a) Section 3 grants local boards full authority to decide what resources are available for allocation to schools; (b) subject to restrictions based on the state's class size limitations, Sections 4 and 5 allow local boards to determine how staffing dollars will be divided among their schools; and (c) to ensure that council work that is aligned with district priorities is funded first, if resources are limited Section 7 permits local boards to choose which needs identified by councils are most important; (9) the funding issue needs to be seen in the overall context of improving student's knowledge and skills; (10) students learn better at schools with a coherent, integrated program, where all resources are marshaled to serve a unified mission; (11) school based decision making requires school-level employees to make the final choices on some specific learning decisions; (12) the selection of instructional materials and student support services is a part of that work and creates a focused,

purposeful school; and (13) while it is completely appropriate for district officials to recommend the items they think will be valuable, the ultimate decision should be made at the school level by the council.

In written comments submitted to the Subcommittee, the Kentucky Education Association stated that: (1) The Kentucky Education Association supports 702 KAR 3:245 and 702 KAR 3:246; (2) these administrative regulations establish a formula for determining the allocation of funds to school councils that is required by KRS 160.345(8); (3) KRS 160.345(2)(f) requires that, after the local council is notified of available funds, the school council determine the number of personnel to be employed in each job classification at the school; (4) Sections 4 and 5 govern the allocation of these funds; (5) KRS 160.345(2)(g) provides that the local board shall make an appropriation to the local school council, based on available resources, adequate to meet the school's need for instructional materials and school-based student support services, as determined by the school council; (6) Section 6 establishes a base amount to be appropriated to the school council to meet the need for instructional materials; (7) while Sections 4, 5, and 6 appropriate money to the school council to meet the instructional materials and student support services needs of the council, there is no guarantee that the amount that is appropriated is adequate; (8) Section 7 was created to guarantee an adequate appropriation and permits: (a) the school council to communicate any additional needs it may have to the local school board, as required by KRS 160.345(2)(g); and (b) the school board to determine if it has sufficient resources necessary to meet the additional needs of the council; and (9) it is obvious from studying the statute that Section 7 funds are not discretionary, and are required to be allocated to school councils pursuant to KRS 160.345(2)(g).

In written comments submitted to the Subcommittee the Kentucky School Board Association (KSBA) stated that: (1) 702 KAR 3:245 and 702 KAR 3:246 exceed statutory authority because they regulate in an area specifically reserved by statute for local board of education policy; (2) KRS 160.345(3)(a) requires that discretionary funds be allocated by policy adopted by the local board; (3) Section 7 has been amended to remove the board of education's ability to allocate these funds; (4) the proposed administrative regulation require that all funds remaining after all allocations have been made to school councils, such as discretionary funds, be distributed to schools based on: (a) an amount per prior year final average daily attendance; or (b) pupil needs identified only by school councils; (5) KRS 160.345(3)(a) specifically reserves to local board policy the allocation of discretionary funds by providing that the policy adopted by the local board to implement school-based decision making shall also address school budget and administration, including discretionary funds; (6) the Department of Education cannot preempt KRS 160.345 by regulating within an area designated to be within the authority of another governing body; (7) there is no requirement under law that remaining funds be allocated only according to needs identified by school councils; (8) KRS 160.345(8) requires the Kentucky Board of Education to adopt a formula for allocating school district funds to each school council; (9) Sections 4, 5, and 6 establish that formula, designating the funds that are to be distributed to each school on a per pupil basis for: (a) certified and classified personnel; (b) instructional materials; and (c) travel and equipment; (10) Section 7 funds are not distributed to each school council; (11) Section 7 funds are leftover funds that remain after the allocations to each school council have been made; (12) the distribution of Section 7 funds provided for by these administrative regulations are not required by law; (13) if this distribution were required, the prior administrative regulation would have violated the statute, because it permitted the distribution of these funds as designated by the local board of education; (14) the proposed method of distributing Section 7 funds is an arbitrary decision by the agency which is unsupportable under any reading of the law; (15) it cannot be argued that the required formula must allocate all district funds; (16) it is clear that all school district funds

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are not required to be within the allocation formula; (17) categorical funds are an example of funds excluded from the formula; (18) 35% of the district's professional development funding is also excluded pursuant to KRS 160.345(8); (19) community interests and the special needs of students must be preserved in school district funding decisions; (20) these administrative regulations will have a negative impact on the school district's ability to serve populations of students whose numbers are small in each school, but who have been served by district level allocations; (21) the exemplary Reading Recovery Program is a costly, but highly successful program; (22) Reading Recovery could not have been initiated by the board of education and superintendent under these administrative regulations unless each school agreed to make room for the program within its allocation or put it on its list for discretionary funds; (23) the preschool programs which were first started as district level initiatives and found to be so successful that the General Assembly funded them statewide could not have been started by a board of education under these administrative regulations; (24) programs may not receive support from a school council if they: (a) are costly; (b) serve only small populations of students, particularly students who have little impact on the school's assessment performance; or (c) make new and challenging demands of faculty may not receive support from a school council; (25) under these administrative regulations a board of education cannot make a commitment to the community about courses or services that the school district will provide; (26) the board of education cannot commit that the Advanced Placement Program, band, or any other instructional program will be offered because the board has no independent means of funding instructional programs; (27) it is not in the interest of public education to remove the board of education so totally from funding decisions; (28) the board of education is: (a) elected by the entire community; (b) responsible for raising taxes; and (c) accountable for the expenditure of those taxes; (29) accountability is virtually nonexistent under these administrative regulations; and (30) as the tax levying authority, boards of education should be able to make some commitments to the community about courses and services that will be provided with school district funds.

In response to questions from Chairman Crenshaw, Education Department personnel stated that as far as they knew, local councils and the school board had never failed to agree on the distribution of money pursuant to section 7.

In response to questions from Chairman Crenshaw, Ms. Marshall stated that she knew of a situation where instructional programs, such as driver's education, were not funded because the school council did not agree with the funding decision.

Chairman Crenshaw stated that decisions about instructional programs were clearly within the purview of the school council.

Senator Preston moved that 702 KAR 3:245 be found deficient for failure to comply with KRS 160.346(3)(a) because: (1) it improperly limited the discretion of local boards of education in distribution of Section 7 funds; and (2) the applicable statute needs to be reviewed and clarified by the General Assembly. Representative Bruce seconded the motion.

Chairman Crenshaw stated that he believed: (1) the Department was well within its statutory authority in the promulgation of this administrative regulation; and (2) it appeared that school councils and local boards of education had never failed to agree on allocation of resources pursuant to Section 7.

Representative Lee stated that he: (1) was voting against the finding of deficiency based upon the: (a) discussions before the subcommittee; and (b) fact that it did not appear there was a real dispute on the actual distribution of the money; (2) would continue to monitor the Department's implementation of the administrative regulation, would recall the administrative regulation, and move to find it deficient if the allocation of funds was not properly handled.

The Subcommittee did not approve the motion to find the administrative regulation deficient.

702 KAR 3:246 (& E). School council allocation formula: KETS

district administrative system chart of accounts. Mr. Noland stated that this administrative regulation was virtually identical to 702 KAR 3:245.

Senator Preston moved to find the administrative regulation deficient for the same reasons stated in his motion to find 702 KAR 3:245 deficient. Representative Bruce seconded the motion.

The Subcommittee did not approve the motion to find 702 KAR 3:246 deficient.

Labor Cabinet: Occupational Safety and Health

803 KAR 2:425E. Adoption of 29 CFR Part 1926.1100-.1148.

Department of Housing, Buildings and Construction: Kentucky Building Code

815 KAR 7:100. The Kentucky Building Code. In response to a question by Representative Bruce, Judith Walden, General Counsel for the Department, stated that: (1) the proposed amendments to this administrative regulation do not place more stringent limitations in the building code; (2) Section 3(3) adds language limiting Section 307.8(3) of the Code which requires that buildings and structures occupied for the storage of less than 10,000 vehicle tires shall comply with the building and fire prevention code; (3) Section 6(4) amends Section 918.5 of the building code and makes provisions for storage buildings with automatic sprinkler systems; and (c) Section 6(7) clarifies Section 923.2 of the code by stating that only day care centers with more than 100 clients are required to have fire protective signaling systems installed.

Standards of Safety

815 KAR 10:046. Repeal of 815 KAR 10:045. In response to a question by Representative Bruce, Judith Walden stated that this administrative regulation is being repealed and its provisions have been transferred to 815 KAR 10:050.

Department for Social Insurance: Public Assistance

904 KAR 2:431. Repeal of 904 KAR 2:430.

Food Stamp Program

904 KAR 3:111. Repeal of 904 KAR 3:110.

The following administrative regulations were deferred to the next Subcommittee meeting, unless otherwise noted, upon agreement by the Subcommittee and the promulgating agency:

Kentucky Spinal Cord and Head Injury Research Board

202 KAR 4:010E. Spinal cord and head injury research program.

Tourism Cabinet: Department of Travel Development: Travel Development

300 KAR 1:010. Procedure for regional marketing and matching funds program.

Petroleum Storage Tank Environmental Assurance Fund Commission

415 KAR 1:114E. Contractor certification.

Kentucky Board of Education: Office of District Support: School Administration and Finance

702 KAR 3:280. School district Medicaid providers.

Cabinet for Human Resources: Department for Medicaid Services: Medicaid Services

907 KAR 1:009E. Physicians' services.

907 KAR 1:010E. Payments for physicians' services.

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

907 KAR 1:060E. Medical transportation.

907 KAR 1:061E. Payments for transportation services.

907 KAR 1:140E. Alternative intermediate services for individuals with mental retardation or developmental disabilities (AIS-MR-DD).

ADMINISTRATIVE REGISTER - 1519

907 KAR 1:505E. Psychiatric residential treatment facility services.

907 KAR 1:510E. Payments for psychiatric residential treatment facility services.

The Subcommittee adjourned at 11:15 p.m. until February 5, 1996 at 10 a.m. in Room 149 of the State Capitol Annex.

ADMINISTRATIVE REGISTER - 1520

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 LABOR AND INDUSTRY Meeting of December 19, 1995

The following administrative regulations were available for consideration by the Interim Joint Committee on Labor and Industry during its meeting of December 19, 1995, having been referred to the Committee on December 7, 1995, pursuant to KRS 13A.290(6): 803 KAR 30:010

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 December 19, 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 December 13, 1995

The following administrative regulations were available for consideration by the Interim Joint Committee on Agriculture and Natural Resources during its meeting of December 13, 1995, having been referred to the Committee on December 7, 1995, pursuant to KRS 13A.290(6):

Natural Resources and Environmental Protection Cabinet: 401 KAR 100:010

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 December

13, 1995 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

INTERIM JOINT COMMITTEE ON SPECIAL SUBCOMMITTEE ON ENERGY Meeting of January 3, 1996

The following administrative regulations were available for consideration by the Special Subcommittee on Energy during its meeting of January 3, 1996, having been referred to the Committee on December 7, 1996, pursuant to KRS 13A.290(6): 807 KAR 5:076.

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 January 3, 1996 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

ADMINISTRATIVE REGISTER - H1

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates H2

The Locator Index lists all administrative regulations published in VOLUME 22 of the Administrative Register from July, 1995 through June, 1996. It also lists the page number on which each administrative regulation is published, the effective date of the administrative regulation after it has completed the review process, and other action which may affect the administrative regulation. NOTE: The administrative regulations listed under VOLUME 21 are those administrative regulations that were originally published in the Volume 21 (last year's) issues of the Administrative Register but had not yet gone into effect when the 1995 bound Volumes were published. _

KRS Index H12

The KRS Index is a cross-reference of statutes to which administrative regulations relate. These statute numbers are derived from the RELATES TO line of each administrative regulation submitted for publication in VOLUME 22 of the Administrative Register.

Subject Index H19

The Subject Index is a general index of administrative regulations published in VOLUME 22 of the Administrative Register, and is mainly broken down by agency.

ADMINISTRATIVE REGISTER - H2

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	22 Ky.R Page No.	Effective Date	Regulation Number	22 Ky.R Page No.	Effective Date
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VOLUME 21

The administrative regulations listed under VOLUME 21 are those administrative regulations that were originally published in the Volume 21 (last year's) issues of the Administrative Register but had not yet gone into effect when the 1995 bound Volumes were published.

EMERGENCY ADMINISTRATIVE REGULATIONS: (Note: Emergency regulations expire 170 days from publication, or 170 days from publication plus number of days of requested extensions, or upon replacement or repeal, whichever occurs first)

32 KAR 1:130E	1865	12-20-94
Expired		7-21-95
32 KAR 1:150E	2646	3-22-95
Expired		10-15-95
200 KAR 22:030E	2648	3-24-95
Replaced		10-13-95
201 KAR 32:010E	2969	4-27-95
Replaced		10-19-95
201 KAR 32:020E	2970	4-27-95
Replaced		10-19-95
201 KAR 32:030E	2972	4-27-95
Replaced		10-19-95
302 KAR 20:076E	2972	5-12-95
Replaced		10-11-95
401 KAR 42:060E	20 Ky.R.	2-15-94
Replaced		11-14-95
401 KAR 42:070E	20 Ky.R.	2-15-94
Replaced		11-14-95
401 KAR 42:080E	20 Ky.R.	2-15-94
Replaced		11-14-95
416 KAR 1:010E	2657	3-24-95
Replaced		8-24-95
500 KAR 11:001E	2430	3-15-95
Replaced		9-7-95
500 KAR 11:030E	2431	3-15-95
Replaced		10-13-95
500 KAR 11:040E	2434	3-15-95
Replaced		10-13-95
500 KAR 11:050E	2436	2-28-95
Replaced		10-13-95
500 KAR 11:060E	2437	2-28-95
Replaced		10-13-95
500 KAR 11:070E	2438	3-15-95
Replaced		9-7-95
500 KAR 11:080E	2439	2-28-95
Replaced		9-7-95
500 KAR 11:090E	2440	2-28-95
Replaced		9-7-95

500 KAR 11:100E	2441	2-28-95
Replaced	9-7-95	
600 KAR 5:010E	2973	5-11-95
Replaced		10-3-95
902 KAR 14:070E	2442	3-1-95
Expired (170 days following publication)		9-18-95
902 KAR 14:080E	2444	3-1-95
Expired		10-18-95
902 KAR 14:090E	2450	3-1-95
Expired		9-18-95
904 KAR 3:050E	2454	2-17-95
Expired (170 days following publication)		9-18-95
904 KAR 3:060E	2458	2-17-95
Expired (170 days following publication)		9-18-95
905 KAR 7:250E	2461	2-17-95
Expired		10-18-95
907 KAR 1:013E	2974	5-12-95
Withdrawn		9-28-95
907 KAR 1:585E	2665	3-21-95
Replaced		10-19-95
909 KAR 1:080E	2667	4-14-95
Replaced		9-20-95
909 KAR 1:090E	2980	5-2-95
Replaced		9-20-95

ORDINARY ADMINISTRATIVE REGULATIONS:

201 KAR 1:064	3088	8-10-95
201 KAR 11:400	3089	(See Volume 22)
201 KAR 30:140		
Amended	2731	8-10-95
501 KAR 6:020		
Amended	3067	8-10-95
501 KAR 6:130		
Amended	3069	8-10-95
704 KAR 20:010		
Repealed	3073	8-3-95
704 KAR 20:020		
Amended	3073	8-3-95
704 KAR 20:021	3100	8-3-95
907 KAR 1:025		
Amended	3079	(See Volume 22)

*Statement of Consideration not filed by deadline (KRS 13A.280)

ADMINISTRATIVE REGISTER - H3

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	22 Ky.R Page No.	Effective Date	Regulation Number	22 Ky.R Page No.	Effective Date
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VOLUME 22

EMERGENCY ADMINISTRATIVE REGULATIONS: (Note: Emergency regulations expire 170 days from publication, or 170 days from publication plus number of days of requested extensions, or upon replacement or repeal, whichever occurs first)

9 KAR 1:021E	214	7-11-95	787 KAR 1:010E	229	6-22-95
Expires		1-18-96	Replaced	452	11-6-95
11 KAR 8:030E	215	7-12-95	787 KAR 1:020E	230	6-22-95
31 KAR 5:020E	882	10-12-95	Replaced	454	11-6-95
32 KAR 1:160E	694	8-30-95	787 KAR 1:030E	230	6-22-95
32 KAR 1:170E	883	10-10-95	Replaced	908	11-6-95
101 KAR 2:100E	217	7-14-95	787 KAR 1:040E	230	6-22-95
101 KAR 3:010E	223	7-14-95	Replaced	456	11-6-95
200 KAR 22:060E	20	6-15-95	787 KAR 1:050E	231	6-22-95
Replaced	415	10-13-95	Replaced	457	11-6-96
200 KAR 22:090E	884	10-13-95	787 KAR 1:060E	231	6-22-95
200 KAR 22:100E	1261	11-30-95	Replaced	908	11-6-95
200 KAR 22:110E	1262	12-11-95	787 KAR 1:070E	232	6-22-95
201 KAR 11:400E	1446	12-22-95	Replaced	909	11-6-95
202 KAR 4:010E	1050	11-6-95	787 KAR 1:080E	232	6-22-95
301 KAR 2:221E	1051	11-3-95	Replaced	461	11-6-95
301 KAR 2:222E	1054	11-3-95	787 KAR 1:090E	233	6-22-95
301 KAR 2:223E	1057	11-3-95	Replaced	909	11-6-95
301 KAR 2:224E	1059	11-3-95	787 KAR 1:100E	234	6-22-95
301 KAR 2:225E	695	8-23-95	Replaced	910	11-6-95
301 KAR 5:001E	697	9-14-95	787 KAR 1:110E	234	6-22-95
301 KAR 5:010E	698	9-14-95	Replaced	466	11-6-95
301 KAR 5:020E	1263	12-11-95	787 KAR 1:120E	237	6-22-95
301 KAR 5:030E	1265	12-11-95	Replaced	470	11-6-95
302 KAR 20:115E	569	7-28-95	787 KAR 1:130E	237	6-22-95
415 KAR 1:114E	700	8-16-95	Expired (ordinary withdrawn)		6-22-95
501 KAR 6:020E	1061	11-15-95	787 KAR 1:140E	237	6-22-95
502 KAR 45:005E	703	8-30-95	Replaced	472	11-6-95
Replaced	1305	1-8-96	787 KAR 1:150E	238	6-22-95
502 KAR 45:015E	704	8-30-95	Replaced	473	11-6-95
Replaced	955	1-8-96	787 KAR 1:160E	239	6-22-95
502 KAR 45:025E	705	8-30-95	Replaced	475	11-6-95
502 KAR 45:035E	706	8-30-95	787 KAR 1:170E	239	6-22-95
Replaced	957	1-8-96	Replaced	476	11-6-95
502 KAR 45:045E	707	8-30-95	787 KAR 1:180E	240	6-22-95
Replaced	1305	1-8-96	Replaced	478	11-6-95
502 KAR 45:055E	708	8-30-95	787 KAR 1:190E	241	6-22-95
Replaced	1305	1-8-96	Replaced	911	11-6-95
502 KAR 45:065E	709	8-30-95	787 KAR 1:200E	241	6-22-95
Replaced	960	1-8-96	Replaced	481	11-6-95
502 KAR 45:075E	710	8-30-95	787 KAR 1:210E	242	6-22-95
Replaced	961	1-8-96	Replaced	482	11-6-95
502 KAR 45:085E	711	8-30-95	787 KAR 1:220E	242	6-22-95
Replaced	1306	1-8-96	Replaced	483	11-6-95
502 KAR 45:145E	570	8-1-95	787 KAR 1:230E	243	6-22-95
Replaced	1306	1-8-96	Replaced	484	11-6-95
502 KAR 45:150E	712	8-30-95	787 KAR 1:240E	243	6-22-95
Replaced	1307	1-8-96	Replaced	911	11-6-95
702 KAR 3:245E	571	8-15-95	787 KAR 1:250E	244	6-22-95
702 KAR 3:246E	573	8-15-95	Replaced	487	11-6-95
702 KAR 3:270E	1267	12-15-95	787 KAR 1:260E	244	6-22-95
702 KAR 7:065E	1269	12-15-95	Replaced	488	11-6-95
704 KAR 20:084E	1271	12-4-95	787 KAR 1:270E	245	6-22-95
780 KAR 2:140E	227	7-5-94	Replaced	911	11-6-95
Replaced	730	10-5-95	787 KAR 1:280E	245	6-22-95
			Replaced	491	11-6-95
			787 KAR 1:290E	245	6-22-95
			Replaced	912	11-6-95
			787 KAR 1:300E	246	6-22-95
			Replaced	493	11-6-95

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LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	22 Ky.R Page No.	Effective Date	Regulation Number	22 Ky.R Page No.	Effective Date
787 KAR 1:310E	246	6-22-95	9 KAR 1:035		
Replaced	495	11-6-95	As Amended	30	7-6-95
787 KAR 2:010E	247	6-22-95	9 KAR 1:040		
Replaced	496	11-6-95	As Amended	273	
787 KAR 2:020E	248	6-22-95	As Amended	583	7-26-95
Replaced	912	11-6-95	11 KAR 4:040		
787 KAR 2:030E	248	6-22-95	Amended	97	
Replaced	912	11-6-95	As Amended	584	9-7-95
788 KAR 2:010E	249	6-22-95	11 KAR 12:060		
Replaced	1082	12-7-95	As Amended	30	7-6-95
803 KAR 2:317E	1273	12-6-95	11 KAR 12:070		
803 KAR 2:320E	252	6-30-95	As Amended	31	7-6-95
803 KAR 2:403E	255	6-30-95	12 KAR 1:115		
803 KAR 2:404E	1275	12-6-95	Amended	1324	
803 KAR 2:412E	1283	12-6-95	15 KAR 1:040	125	
803 KAR 2:425E	257	6-30-95	As Amended	587	9-7-95
803 KAR 2:500E	259	6-30-95	31 KAR 4:100		
804 KAR 4:320E	575	7-25-95	As Amended	274	7-26-95
Replaced	1008	1-8-96	31 KAR 4:110		
815 KAR 8:040E	21	6-6-95	As Amended	274	7-26-95
Replaced	915	11-6-95	31 KAR 5:020		
903 KAR 5:001E	713	8-28-95	Amended	1088	
904 KAR 2:016E	1064	11-15-94	As Amended	1452	
Withdrawn		12-5-95	32 KAR 2:210	814	
Resubmitted	1285	12-5-95	As Amended	1302	1-8-96
904 KAR 2:116E	1447	1-4-96	45 KAR 1:030		
904 KAR 2:460E	576	8-7-95	Amended	1325	
905 KAR 1:360E	1292	11-22-95	45 KAR 1:040		
907 KAR 1:009E	261	6-30-95	Amended	1327	
Withdrawn		9-19-95	45 KAR 1:050		
Resubmitted	885	9-19-95	Amended	1329	
907 KAR 1:010E	262	6-30-95	101 KAR 1:325		
Withdrawn		9-19-95	Amended	1332	
Resubmitted	886	9-19-95	101 KAR 2:100		
907 KAR 1:013E	887	9-28-95	Amended	1089	
907 KAR 1:014E	264	6-30-95	101 KAR 3:010		
Withdrawn		8-10-95	Amended	1094	
907 KAR 1:015E	266	6-30-95	103 KAR 16:190	127	
Withdrawn		8-10-95	Amended	761	
907 KAR 1:060E	267	6-30-95	Withdrawn		10-18-95
907 KAR 1:061E	269	6-30-95	105 KAR 1:210		
907 KAR 1:140E	895	9-27-95	Amended	775	12-7-95
907 KAR 1:505E	1071	11-6-95	105 KAR 1:215		
907 KAR 1:510E	1073	11-6-95	Amended	777	12-7-95
907 KAR 1:675E	1295	12-5-95	106 KAR 1:091		
907 KAR 1:677E	1299	12-5-95	Amended	606	
909 KAR 1:021E	22	6-14-95	As Amended	898	10-11-95
Replaced	934	11-15-95	106 KAR 1:131		
909 KAR 1:055E	23	6-14-95	Amended	609	
Replaced	662	11-15-95	As Amended	900	10-11-95
909 KAR 1:100E	578	8-15-95	200 KAR 2:006		
Replaced	1009	1-8-96	Amended	779	12-7-95
ORDINARY ADMINISTRATIVE REGULATIONS:			200 KAR 5:314	1510	
2 KAR 2:040	1509		200 KAR 15:010		
9 KAR 1:010			Amended	101	
As Amended	273		As Amended	715	9-28-95
As Amended	583	7-26-95	Amended	1334	
9 KAR 1:015			200 KAR 17:050		
As Amended	25	7-6-95	Amended	104	
9 KAR 1:020			As Amended	589	8-24-95
Repealed	214	7-11-95	200 KAR 19:010		
9 KAR 1:030			Recodified as 803 KAR 30:020		7-24-95
As Amended	26	7-6-95	200 KAR 20:010		
			As Amended	32	7-6-95

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LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	22 Ky.R Page No.	Effective Date	Regulation Number	22 Ky.R Page No.	Effective Date
200 KAR 22:020			201 KAR 33:010	999	
As Amended	33	7-6-95	As Amended	1304	1-8-96
200 KAR 22:030	412	10-13-95	201 KAR 33:020	999	
200 KAR 22:040	413	10-13-95	As Amended	1304	1-8-96
200 KAR 22:050	414	10-13-95	201 KAR 33:030	1001	
200 KAR 22:060	415	10-13-95	As Amended	1455	
200 KAR 22:070	417	10-13-95	201 KAR 33:040	1003	
200 KAR 22:080	815	12-7-95	As Amended	1305	1-8-96
200 KAR 22:090	1172		202 KAR 3:040	1395	
As Amended	1452		300 KAR 1:010	635	
200 KAR 22:100	1511		301 KAR 1:015		
200 KAR 22:110	1512		Amended	308	
201 KAR 1:300			As Amended	718	10-11-95
As Amended	275	8-10-95	301 KAR 1:016		
201 KAR 7:040			Amended	1488	
Amended	935		301 KAR 1:085		
As Amended	1302	1-8-96	Amended	309	10-11-95
201 KAR 8:220			301 KAR 1:201		
Amended	107	8-16-95	Amended	312	10-11-95
201 KAR 8:277			301 KAR 2:044		
Amended	108	8-16-95	Repealed	695	8-23-95
201 KAR 9:041			301 KAR 2:225	1174	
Amended	1482		301 KAR 2:251		
201 KAR 9:175			Amended	1491	
Amended	1483		301 KAR 5:001	1176	
201 KAR 11:400			As Amended	1456	
As Amended	717		301 KAR 5:010	1177	
Reprint	852	10-13-95	As Amended	1457	
201 KAR 12:082			301 KAR 6:050	816	
Amended	613		As Amended	1076	11-14-95
As Amended	1452		301 KAR 10:010		
201 KAR 16:050			Repealed	92	7-12-95
Amended	936		302 KAR 15:010		
As Amended	1302	1-8-96	As Amended	33	6-14-95
201 KAR 18:129	1173		302 KAR 20:076	422	10-11-95
201 KAR 20:057			302 KAR 20:081	1179	
Amended	305	9-20-95	302 KAR 20:115	1179	
201 KAR 20:070			302 KAR 31:015		
Amended	1487		As Amended	36	6-14-95
201 KAR 20:162			302 KAR 31:025		
Amended	306	9-20-95	Amended	1339	
201 KAR 20:215			302 KAR 31:040	1397	
Amended	1337		302 KAR 100:010	423	10-11-95
201 KAR 20:240			302 KAR 100:020	424	10-11-95
Amended	109		307 KAR 1:030	133	
Withdrawn		8-16-95	As Amended	591	
Amended	1338		As Amended	719	8-17-95
201 KAR 20:410	418	9-20-95	307 KAR 2:010		
201 KAR 22:070			As Amended	39	7-6-95
Amended	615		307 KAR 3:010		
As Amended	1975	11-15-95	As Amended	40	7-6-95
201 KAR 30:050			307 KAR 4:010	135	
As Amended	277	8-10-95	As Amended	593	
201 KAR 30:120			As Amended	720	8-17-95
As Amended	279	8-10-95	401 KAR 5:030		
201 KAR 31:050	998		Amended	89	
As Amended	1303	1-8-96	As Amended	280	7-12-95
201 KAR 32:010	419		401 KAR 42:005	427	
As Amended	903	10-19-95	Amended	918	11-14-95
201 KAR 32:020	420		401 KAR 42:011		
As Amended	903	10-19-95	Amended	315	11-14-95
201 KAR 32:030	421		401 KAR 42:020		
As Amended	904	10-19-95	Amended	318	
			Amended	920	11-14-95

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Regulation Number	22 Ky.R Page No.	Effective Date	Regulation Number	22 Ky.R Page No.	Effective Date
401 KAR 42:040			501 KAR 2:050		
Amended	321		Amended	342	
Amended	921	11-14-95	As Amended	905	11-6-95
401 KAR 42:060			501 KAR 2:060		
Amended	323		Amended	343	
Amended	921	11-14-95	As Amended	1076	12-7-95
401 KAR 42:070			501 KAR 3:010		
Amended	327		Amended	1346	
Amended	922	11-14-95	501 KAR 3:020		
401 KAR 42:071	432		Amended	1347	
Amended	924	11-14-95	501 KAR 3:050		
401 KAR 42:080			Amended	1349	
Amended	331		501 KAR 3:060		
Amended	924	11-14-95	Amended	1353	
401 KAR 42:090			501 KAR 3:100		
Amended	335	11-14-95	Amended	1354	
401 KAR 42:200			501 KAR 3:140		
Amended	337	11-14-95	Amended	1355	
401 KAR 50:031	817		501 KAR 6:020		
Amended	1315		Amended	616	11-6-95
As Amended	1458		Amended	783	12-7-95
401 KAR 50:065	434	10-11-95	Amended	1357	
401 KAR 59:430			Amended	1493	
Recodified as 401 KAR 60:042		10-18-95	501 KAR 6:030		
401 KAR 59:435			Amended	943	1-8-96
Recodified as 401 KAR 60:043		10-18-95	501 KAR 6:040		
401 KAR 60:042			Amended	945	1-8-96
Recodified from 401 KAR 59:430		10-18-95	Amended	1099	
401 KAR 60:043			Amended	1495	
Recodified from 401 KAR 59:435		10-18-95	501 KAR 6:050		
401 KAR 100:010			Amended	785	12-7-95
Amended	937	12-13-95	501 KAR 6:060		
401 KAR 100:050	137		Amended	1100	
Amended	598	10-11-95	501 KAR 6:080		
415 KAR 1:114			Amended	344	10-13-95
Amended	1343		501 KAR 6:090		
416 KAR 1:010	142	8-24-95	Amended	946	1-8-96
418 KAR 1:010			Amended	1102	
Amended	92	7-12-95	501 KAR 6:110		
418 KAR 1:020			Amended	948	1-8-96
Amended	92	7-12-95	Amended	1104	
418 KAR 1:030			501 KAR 6:120		
Amended	93	7-12-95	As Amended	42	7-6-95
418 KAR 1:040			Amended	950	1-8-96
Amended	94	7-12-95	Amended	1105	
418 KAR 1:070			501 KAR 6:130		
Amended	96	7-12-95	Amended	619	11-6-95
500 KAR 11:001	146	9-7-95	Amended	952	1-8-96
500 KAR 11:030	436	10-13-95	Amended	1107	
500 KAR 11:040	439	10-13-95	501 KAR 6:140		
500 KAR 11:050	441	10-13-95	As Amended	43	7-6-95
500 KAR 11:060	442	10-13-95	Amended	1108	
500 KAR 11:070	147	9-7-95	501 KAR 6:170	443	11-6-95
500 KAR 11:080	148	9-7-95	Amended	953	1-8-96
Reprint	1030	9-7-95	501 KAR 7:010		
500 KAR 11:090	149	9-7-95	Amended	1359	
500 KAR 11:100	150	9-7-95	501 KAR 7:050		
501 KAR 2:020			Amended	1360	
Amended	340		501 KAR 13:010	1402	
As Amended	905	11-6-95	502 KAR 45:005		
501 KAR 2:040			Amended	954	
Amended	341		As Amended	1305	1-8-96
As Amended	905	11-6-95	502 KAR 45:015		
			Amended	955	1-8-96

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502 KAR 45:025			603 KAR 5:230		
Amended	956		Amended	1110	
As Amended	1462		603 KAR 5:301		
502 KAR 45:035			Amended	791	12-7-95
Amended	957	1-8-96	701 KAR 5:110		
502 KAR 45:045			Amended	989	1-8-96
Amended	958		702 KAR 1:140		
As Amended	1305	1-8-96	As Amended	45	7-6-95
502 KAR 45:055			702 KAR 3:245		
Amended	959		Amended	990	
As Amended	1305	1-8-96	702 KAR 3:246	1005	
502 KAR 45:065			702 KAR 3:280	637	
Amended	960	1-8-96	Amended	925	
502 KAR 45:075			702 KAR 3:300	638	11-2-95
Amended	961	1-8-96	702 KAR 7:010		
502 KAR 45:085			Amended	626	11-2-95
Amended	962		702 KAR 7:050		
As Amended	1306	1-8-96	As Amended	45	7-6-95
502 KAR 45:145	1004		702 KAR 7:080		
As Amended	1306	1-8-96	Repealed	151	9-7-95
502 KAR 45:150	1005		702 KAR 7:081	151	9-7-95
As Amended	1307	1-8-96	702 KAR 7:090		
600 KAR 1:120	821	12-7-95	Repealed	152	9-7-95
600 KAR 3:010			702 KAR 7:091	152	9-7-95
Amended	963	1-8-96	704 KAR 3:470	152	9-7-95
600 KAR 4:010			704 KAR 20:055		
Amended	1362		Repealed	153	9-7-95
600 KAR 5:010			704 KAR 20:056	153	9-7-95
Amended	302	10-3-95	704 KAR 20:305		
600 KAR 6:010	1403		As Amended	283	8-3-95
600 KAR 6:020	1405		704 KAR 20:510		
600 KAR 6:030	1406		Amended	992	1-8-96
600 KAR 6:040	1407		704 KAR 20:690	1422	
600 KAR 6:050	1410		735 KAR 1:010		
600 KAR 6:060	1412		As Amended	48	7-6-95
600 KAR 6:070	1414		735 KAR 1:020		
600 KAR 6:080	1419		As Amended	50	7-6-95
601 KAR 1:025			750 KAR 1:010		
Amended	981		Amended	627	
As Amended	1307	1-8-96	As Amended	906	11-2-95
601 KAR 9:074			780 KAR 2:010		
Amended	345	10-3-95	Amended	353	
601 KAR 9:220	824	12-7-95	As Amended	722	10-5-95
601 KAR 12:070	444	10-3-95	780 KAR 2:020		
603 KAR 3:080			Amended	354	
Amended	1367		As Amended	722	10-5-95
603 KAR 4:035			780 KAR 2:021	445	10-5-95
Amended	984		780 KAR 2:030		
Amended	1318		Amended	355	
As Amended	1463		As Amended	723	10-5-95
603 KAR 5:070			780 KAR 2:035	446	
Amended	620		As Amended	724	10-5-95
As Amended	1077	11-1-95	780 KAR 2:040		
603 KAR 5:071			Amended	357	
Amended	624	11-1-95	As Amended	724	10-5-95
603 KAR 5:072			780 KAR 2:045		
Amended	348	10-3-95	Repealed	445	10-5-95
603 KAR 5:075			780 KAR 2:050		
Amended	786	12-7-95	Repealed	445	10-5-95
603 KAR 5:110			780 KAR 2:060		
Amended	350	10-3-95	Amended	358	
603 KAR 5:115			As Amended	725	10-5-95
Amended	789	1-8-96	780 KAR 2:070		
			Repealed	445	10-5-95

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Regulation Number	22 Ky.R Page No.	Effective Date	Regulation Number	22 Ky.R Page No.	Effective Date
780 KAR 2:080			780 KAR 7:036	451	
Repealed	445	10-5-95	As Amended	739	10-5-95
780 KAR 2:090			780 KAR 7:040		
Amended	359		Amended	380	
As Amended	726	10-5-95	As Amended	739	10-5-95
780 KAR 2:100			780 KAR 7:050		
Amended	361		Repealed	739	10-5-95
As Amended	727	10-5-95	780 KAR 7:060		
780 KAR 2:110			Amended	381	
Amended	363	10-5-95	As Amended	739	10-5-95
780 KAR 2:120			780 KAR 7:070		
Amended	364		Amended	382	
As Amended	728	10-5-95	As Amended	740	10-5-95
780 KAR 2:130			780 KAR 8:010		
Amended	365		Repealed	740	10-5-95
As Amended	728	10-5-95	780 KAR 8:011	452	
780 KAR 2:140			As Amended	740	10-5-95
Amended	367		780 KAR 9:010		
As Amended	730	10-5-95	Repealed	825	12-7-95
780 KAR 2:150			780 KAR 9:030		
Repealed	445	10-5-95	Repealed	825	12-7-95
780 KAR 4:010			780 KAR 9:040		
Amended	369		Repealed	825	12-7-95
As Amended	731	10-5-95	780 KAR 9:050		
780 KAR 4:020			Repealed	825	12-7-95
Amended	371		780 KAR 9:060		
As Amended	732	10-5-95	Repealed	825	12-7-95
780 KAR 4:030	447		780 KAR 9:070		
As Amended	733	10-5-95	Repealed	825	12-7-95
780 KAR 4:040	448		780 KAR 9:080		
As Amended	733	10-5-95	Repealed	825	12-7-95
780 KAR 4:050	448		780 KAR 9:090		
As Amended	734	10-5-95	Repealed	825	12-7-95
780 KAR 4:060	449		780 KAR 9:100		
As Amended	734	10-5-95	Repealed	825	12-7-95
780 KAR 5:010			780 KAR 9:110		
Amended	372		Repealed	825	12-7-95
As Amended	734	10-5-95	780 KAR 9:120		
780 KAR 5:020			Repealed	825	12-7-95
Amended	373		780 KAR 9:130		
As Amended	734	10-5-95	Repealed	825	12-7-95
780 KAR 5:030			780 KAR 9:131	825	12-7-95
Amended	374		781 KAR 1:040		
As Amended	735	10-5-95	Amended	111	10-5-95
780 KAR 5:040			785 KAR 1:010	639	11-2-95
Amended	375		785 KAR 1:020	641	11-2-95
As Amended	735	10-5-95	785 KAR 1:030	642	11-2-95
780 KAR 5:050			785 KAR 1:040	643	11-2-95
Amended	375		785 KAR 1:050	646	11-2-95
As Amended	735	10-5-95	785 KAR 1:060	648	11-2-95
780 KAR 7:010			785 KAR 1:070	650	11-2-95
Amended	376		785 KAR 1:080	651	11-2-95
As Amended	735	10-5-95	785 KAR 1:090	652	11-2-95
780 KAR 7:020			785 KAR 1:100	653	
Amended	378		As Amended	1081	12-7-95
As Amended	737	10-5-95	785 KAR 1:110	654	
780 KAR 7:030			As Amended	1081	12-7-95
Amended	379		787 KAR 1:010	452	11-6-95
As Amended	738	10-5-95	787 KAR 1:020	454	11-6-95
780 KAR 7:032	450		787 KAR 1:030	455	
As Amended	738	10-5-95	As Amended	908	11-6-95
780 KAR 7:035			787 KAR 1:040	456	11-6-95
Repealed	739	10-5-95	787 KAR 1:050	457	11-6-95

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As Amended	908	11-6-95	Amended	303	
787 KAR 1:070	460		As Amended	740	9-19-95
As Amended	909	11-6-95	803 KAR 30:010	826	
787 KAR 1:080	461	11-6-95	As Amended	1308	12-19-95
787 KAR 1:090	463		803 KAR 30:020		
As Amended	909	11-6-95	Recodified from 200 KAR 19:010		7-24-95
787 KAR 1:100	465		804 KAR 4:320	1008	1-8-96
As Amended	910	11-6-95	805 KAR 5:150	1181	
787 KAR 1:110	466	11-6-95	806 KAR 6:080		
787 KAR 1:120	470	11-6-95	Reprinted	1204	11-13-84
787 KAR 1:130	471		806 KAR 9:220		
Withdrawn		10-2-95	As Amended	58	7-6-95
787 KAR 1:140	472	11-6-95	Reprinted	675	7-6-95
787 KAR 1:150	473	11-6-95	806 KAR 9:230		
787 KAR 1:160	475	11-6-95	As Amended	286	8-10-95
787 KAR 1:170	476	11-6-95	806 KAR 47:010	154	9-7-95
787 KAR 1:180	478	11-6-95	806 KAR 47:020	155	9-7-95
787 KAR 1:190	479		806 KAR 47:030	157	9-7-95
As Amended	911	11-6-95	807 KAR 5:013	503	9-25-95
787 KAR 1:200	481	11-6-95	807 KAR 5:058		
787 KAR 1:210	482	11-6-95	As Amended	287	7-21-95
787 KAR 1:220	483	11-6-95	807 KAR 5:076		
787 KAR 1:230	484	11-6-95	Amended	994	
787 KAR 1:240	486		As Amended	1312	1-3-96
As Amended	911	11-6-95	810 KAR 1:015		
787 KAR 1:250	487	11-6-95	Amended	1496	
787 KAR 1:260	488	11-6-95	815 KAR 7:100		
787 KAR 1:270	490		Amended	113	9-7-95
As Amended	911	11-6-95	Amended	1153	
787 KAR 1:280	491	11-6-95	815 KAR 8:010		
787 KAR 1:290	492		Amended	792	
As Amended	912	11-6-95	As Amended	1085	12-7-95
787 KAR 1:300	493	11-6-95	815 KAR 8:020		
787 KAR 1:310	495	11-6-95	Amended	794	12-7-95
787 KAR 2:010	496	11-6-95	815 KAR 8:040	505	
787 KAR 2:020	498		As Amended	915	11-6-95
As Amended	912	11-6-95	815 KAR 10:040		
787 KAR 2:030	499		Repealed	506	10-13-95
As Amended	912	11-6-95	815 KAR 10:046	1184	
788 KAR 2:010	501		815 KAR 10:050	506	10-13-95
As Amended	1082	12-7-95	815 KAR 20:020		
803 KAR 2:320			Amended	796	12-7-95
Amended	1142		Amended	1383	
As Amended	1466		815 KAR 20:078		
803 KAR 2:403			Amended	799	12-7-95
Amended	1149		815 KAR 20:090		
As Amended	1473		Amended	1386	
803 KAR 2:500			815 KAR 20:110		
Amended	1151		Amended	116	9-7-95
As Amended	1474		815 KAR 20:120		
803 KAR 25:020			Amended	800	12-7-95
Repealed	52	6-15-95	815 KAR 35:015		
803 KAR 25:021			Amended	117	
As Amended	52	6-15-95	As Amended	594	9-7-95
803 KAR 25:025			815 KAR 35:030		
Repealed	54	6-15-95	Amended	630	
803 KAR 25:026			As Amended	916	11-6-95
As Amended	54	6-15-95	902 KAR 8:060		
803 KAR 25:150	656		Amended	1156	
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Amended	926				
As Amended	1084	12-7-95			

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Amended	1163		Repealed	713	8-28-95
As Amended	1475		903 KAR 5:300		
902 KAR 8:120			Repealed	713	8-28-95
Amended	1164		903 KAR 5:310		
902 KAR 14:070	507	9-20-95	Repealed	713	8-28-95
902 KAR 14:080	510		903 KAR 5:320		
Amended	767	10-19-95	Repealed	713	8-28-95
902 KAR 14:090	517	10-19-95	903 KAR 5:330		
902 KAR 19:010	1185		Repealed	713	8-28-95
Amended	1480		903 KAR 5:340		
902 KAR 20:004			Repealed	713	8-28-95
Repealed	81	6-21-95	903 KAR 5:350		
902 KAR 20:126			Repealed	713	8-28-95
Repealed	87	6-21-95	903 KAR 5:360		
902 KAR 20:270			Repealed	713	8-28-95
Amended	383		903 KAR 5:370		
Amended	927	11-15-95	Repealed	713	8-28-95
902 KAR 55:095			903 KAR 5:380		
As Amended	291	7-26-95	Repealed	713	8-28-95
902 KAR 115:020			903 KAR 5:392		
As Amended	292	7-26-95	Repealed	713	8-28-95
903 KAR 1:010			903 KAR 6:010		
Repealed	713	8-28-95	Repealed	713	8-28-95
903 KAR 5:010			903 KAR 6:020		
Repealed	713	8-28-95	Recodified as 904 KAR 2:118		8-28-95
903 KAR 5:020			903 KAR 6:040		
Repealed	713	8-28-95	Repealed	713	8-28-95
903 KAR 5:030			903 KAR 6:050		
Repealed	713	8-28-95	Repealed	713	8-28-95
903 KAR 5:050			903 KAR 6:060		
Repealed	713	8-28-95	Repealed	713	8-28-95
903 KAR 5:060			903 KAR 6:070		
Repealed	713	8-28-95	Repealed	713	8-28-95
903 KAR 5:070			904 KAR 2:001		
Repealed	713	8-28-95	Amended	807	11-15-95
903 KAR 5:080			904 KAR 2:006		
Repealed	713	8-28-95	Amended	388	
903 KAR 5:090			As Amended	741	9-20-95
Repealed	713	8-28-95	904 KAR 2:046		
903 KAR 5:100			Amended	121	8-16-95
Repealed	713	8-28-95	904 KAR 2:050		
903 KAR 5:110			Amended	122	8-16-95
Repealed	713	8-28-95	904 KAR 2:060		
903 KAR 5:130			Amended	393	9-20-95
Repealed	713	8-28-95	904 KAR 2:118		
903 KAR 5:140			Recodified from 903 KAR 6:020		8-28-95
Repealed	713	8-28-95	904 KAR 2:400		
903 KAR 5:150			As Amended	60	6-21-95
Repealed	713	8-28-95	904 KAR 2:410		
903 KAR 5:160			As Amended	61	6-21-95
Repealed	713	8-28-95	Amended	1389	
903 KAR 5:170			904 KAR 2:431	1188	
Repealed	713	8-28-95	904 KAR 3:010		
903 KAR 5:180			Amended	809	11-15-95
Repealed	713	8-28-95	904 KAR 3:020		
903 KAR 5:220			Amended	395	9-20-95
Repealed	713	8-28-95	904 KAR 3:041		
903 KAR 5:230			Amended	1498	
Repealed	713	8-28-95	904 KAR 3:050		
903 KAR 5:250			Amended	399	9-20-95
Repealed	713	8-28-95	904 KAR 3:060		
903 KAR 5:270			Amended	403	
Repealed	713	8-28-95	As Amended	746	9-20-95

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Amended	407	9-20-95			
904 KAR 3:100	660				
Expired		11-3-95			
904 KAR 3:111	1187				
905 KAR 2:140					
As Amended	65	6-21-95			
905 KAR 7:250	520				
Amended	931				
As Amended	1476				
907 KAR 1:013					
Amended	1502				
907 KAR 1:025					
As Amended	749	9-20-95			
907 KAR 1:370					
Repealed		7-28-93			
907 KAR 1:420					
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907 KAR 1:425					
Repealed	895	9-27-95			
907 KAR 1:512					
Repealed	1071	11-6-95			
907 KAR 1:585					
Amended	632	10-19-95			
907 KAR 1:600					
As Amended	293	6-21-95			
907 KAR 1:605					
As Amended	294	7-26-95			
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	502 KAR	45:015		45 KAR	1:050
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	502 KAR	45:035	65.946	702 KAR	3:300
	502 KAR	45:085	78.510-78.852	105 KAR	1:210
	502 KAR	45:145		105 KAR	1:215
	502 KAR	45:150	Chapter 96A	600 KAR	4:010
16.050	502 KAR	45:005	Chapter 103	200 KAR	15:010
	502 KAR	45:015	117.065	31 KAR	5:020
	502 KAR	45:025	121.140	32 KAR	2:210
	502 KAR	45:035	121A.010	32 KAR	1:160E
	502 KAR	45:045	121A.050	32 KAR	1:160E
	502 KAR	45:055		32 KAR	1:170E
	502 KAR	45:065	131.570	787 KAR	1:110
	502 KAR	45:075	138.655-138.725	601 KAR	9:074
	502 KAR	45:145	141.065	787 KAR	2:030
16.080	502 KAR	45:145	146.080-146.121	416 KAR	1:010
16.505-16.652	105 KAR	1:210	146.200-146.360	401 KAR	100:010
	105 KAR	1:215	146.990	401 KAR	100:010
18A.030	101 KAR	2:100	148.522	300 KAR	1:010
18A.075	101 KAR	1:325	148.525	300 KAR	1:010
18A.0751	101 KAR	1:325	150.010	301 KAR	1:015
18A.110	101 KAR	2:100		301 KAR	1:085
18A.111	101 KAR	1:325		301 KAR	1:201
18A.155	101 KAR	3:010		301 KAR	2:221E
18A.195	101 KAR	2:100		301 KAR	2:222E
18A.430	200 KAR	22:030		301 KAR	2:223E
	200 KAR	22:040		301 KAR	2:224E
	200 KAR	22:050		301 KAR	2:251
	200 KAR	22:060	150.015	301 KAR	2:221E
	200 KAR	22:070		301 KAR	2:222E
	200 KAR	22:080		301 KAR	2:223E
	200 KAR	22:090		301 KAR	2:224E
	200 KAR	22:100		301 KAR	2:225
	200 KAR	22:110		301 KAR	2:251
39.800-39.990	106 KAR	1:091	150.021	301 KAR	2:251
	106 KAR	1:131	150.025	301 KAR	1:016
42.455	603 KAR	5:115		301 KAR	1:085
43.070	45 KAR	1:030		301 KAR	2:225
	45 KAR	1:040	150.090	301 KAR	1:015
	45 KAR	1:050		301 KAR	1:016
44.045	600 KAR	1:120		301 KAR	5:030E
44.060	200 KAR	2:006	150.110	301 KAR	1:085
45.075	45 KAR	1:030	150.170	301 KAR	1:085
	45 KAR	1:040		301 KAR	1:201
	45 KAR	1:050		301 KAR	2:221E
45.101	200 KAR	2:006		301 KAR	2:222E
Chapter 45A	200 KAR	5:314		301 KAR	2:223E
45A.800-45A.835	600 KAR	6:010		301 KAR	2:224E
	600 KAR	6:020		301 KAR	2:225
	600 KAR	6:030		301 KAR	2:251
	600 KAR	6:040		301 KAR	5:030E
	600 KAR	6:050	150.175	301 KAR	1:085
	600 KAR	6:060		301 KAR	2:221E
	600 KAR	6:070		301 KAR	2:222E
	600 KAR	6:080		301 KAR	2:223E
47.011	904 KAR	2:016E		301 KAR	2:224E

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KRS SECTION	REGULATION	KRS SECTION	REGULATION
	301 KAR 2:251	150.640	301 KAR 1:016
	301 KAR 5:030E	150.990	301 KAR 1:015
150.180	301 KAR 1:085		301 KAR 1:085
150.190	301 KAR 1:085		301 KAR 1:201
150.195	301 KAR 5:001		301 KAR 2:221E
	301 KAR 5:010		301 KAR 2:222E
	301 KAR 5:020E		301 KAR 2:223E
	301 KAR 5:030E		301 KAR 2:224E
150.235	301 KAR 2:221E		301 KAR 2:251
	301 KAR 2:222E		301 KAR 5:020E
	301 KAR 2:223E		301 KAR 5:030E
	301 KAR 2:224E	151.182	401 KAR 100:010
	301 KAR 5:030E	151.184	401 KAR 100:010
150.240	301 KAR 2:221E	151.297	401 KAR 100:010
	301 KAR 2:222E	151.990	401 KAR 100:010
	301 KAR 2:223E	Chapter 151B	780 KAR 2:021
	301 KAR 2:224E		780 KAR 7:036
150.300	301 KAR 2:225		780 KAR 8:011
	301 KAR 2:251		780 KAR 9:131
150.305	301 KAR 2:221E	151B.023	785 KAR 1:010
	301 KAR 2:222E		785 KAR 1:020
	301 KAR 2:223E		785 KAR 1:030
	301 KAR 2:224E		785 KAR 1:040
150.320	301 KAR 2:225		785 KAR 1:050
150.330	301 KAR 2:221E		785 KAR 1:060
	301 KAR 2:222E		785 KAR 1:070
	301 KAR 2:223E		785 KAR 1:080
	301 KAR 2:224E		785 KAR 1:090
	301 KAR 2:225		785 KAR 1:100
150.340	301 KAR 2:221E	151B.025	780 KAR 2:010
	301 KAR 2:222E		780 KAR 2:020
	301 KAR 2:223E		780 KAR 2:030
	301 KAR 2:224E		780 KAR 2:035
	301 KAR 2:225		780 KAR 2:040
	301 KAR 2:251		780 KAR 2:060
150.360	301 KAR 2:221E		780 KAR 2:090
	301 KAR 2:222E		780 KAR 2:100
	301 KAR 2:223E		780 KAR 2:110
	301 KAR 2:224E		780 KAR 2:120
	301 KAR 2:225		780 KAR 2:130
	301 KAR 2:251		780 KAR 2:140
150.365	301 KAR 2:251		780 KAR 4:010
150.370	301 KAR 2:251		780 KAR 4:030
150.399	301 KAR 2:251	151B.030	780 KAR 2:010
150.400	301 KAR 2:251		780 KAR 2:020
150.410	301 KAR 2:251	151B.110	780 KAR 2:010
150.470	301 KAR 1:201		780 KAR 2:020
150.520	301 KAR 1:085		780 KAR 2:030
150.525	301 KAR 1:085		780 KAR 2:035
150.600	301 KAR 2:221E		780 KAR 2:040
	301 KAR 2:222E		780 KAR 2:060
	301 KAR 2:223E		780 KAR 2:090
	301 KAR 2:224E		780 KAR 2:100
150.603	301 KAR 2:221E		780 KAR 2:110
	301 KAR 2:222E		780 KAR 2:120
	301 KAR 2:223E		780 KAR 2:130
	301 KAR 2:224E		780 KAR 2:140
	301 KAR 2:225		780 KAR 4:020
150.620	301 KAR 1:015		780 KAR 4:050
	301 KAR 1:016		780 KAR 4:060
150.625	301 KAR 1:015		780 KAR 5:010
	301 KAR 1:016		780 KAR 5:020
150.630	301 KAR 2:221E		780 KAR 5:030
	301 KAR 2:222E		780 KAR 5:040
	301 KAR 2:223E		780 KAR 5:050
	301 KAR 2:224E		780 KAR 7:010

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KRS SECTION	REGULATION	KRS SECTION	REGULATION
	780 KAR 7:020	157.650	701 KAR 5:110
	780 KAR 7:030	157.655	701 KAR 5:110
	780 KAR 7:032	157.660	701 KAR 5:110
	780 KAR 7:060	157.665	701 KAR 5:110
	780 KAR 7:070	Chapter 158	905 KAR 7:250
	785 KAR 1:010	158.060	702 KAR 7:010
	785 KAR 1:020	158.070	702 KAR 7:010
	785 KAR 1:030	160.160	701 KAR 5:110
	785 KAR 1:040	160.345	702 KAR 3:245
	785 KAR 1:050		702 KAR 3:246
	785 KAR 1:060	160.476	702 KAR 3:270E
	785 KAR 1:070	160.477	702 KAR 3:270E
	785 KAR 1:080	Chapter 161	905 KAR 7:250
	785 KAR 1:090	161.011	785 KAR 1:110
	785 KAR 1:100	161.020	704 KAR 20:056
	785 KAR 1:110		704 KAR 20:084E
151B.125	785 KAR 1:010		704 KAR 20:510
	785 KAR 1:020	161.028	704 KAR 20:056
	785 KAR 1:060		704 KAR 20:510
	785 KAR 1:110	161.030	704 KAR 20:056
151B.145	780 KAR 2:010		704 KAR 20:084E
	780 KAR 2:100		704 KAR 20:510
	780 KAR 4:010		704 KAR 20:690
	780 KAR 4:040	161.044	702 KAR 7:091
	780 KAR 7:040	161.180	702 KAR 7:091
	785 KAR 1:030	164.740	11 KAR 4:040
	785 KAR 1:040	164.744	11 KAR 8:030E
	785 KAR 1:060	164.748	11 KAR 4:040
	785 KAR 1:070	164.753	11 KAR 8:030E
	785 KAR 1:080	164A.040	15 KAR 1:040
	785 KAR 1:090	164A.050	15 KAR 1:040
151B.150	780 KAR 2:130	164A.060	15 KAR 1:040
	780 KAR 5:010	164A.065	15 KAR 1:040
	780 KAR 5:020	Chapter 174	600 KAR 4:010
	780 KAR 5:030	174.400-174.435	601 KAR 1:025
	780 KAR 5:040	Chapter 176	600 KAR 4:010
	780 KAR 5:050	Chapter 177	600 KAR 4:010
	780 KAR 7:010	177.0734-177.0738	603 KAR 4:035
	780 KAR 7:020	177.830-177.890	603 KAR 3:080
	780 KAR 7:030	177.977	603 KAR 5:115
	780 KAR 7:032	177.9771	603 KAR 5:115
	780 KAR 7:040		603 KAR 5:230
	780 KAR 7:060	Chapter 183	600 KAR 4:010
	780 KAR 7:070	Chapter 186	601 KAR 9:220
	785 KAR 1:060	186.065	600 KAR 1:120
151B.165	780 KAR 2:140	186.570	601 KAR 12:070
151B.175	780 KAR 2:110	189.221	603 KAR 5:071
151B.190	781 KAR 1:040	189.222	603 KAR 5:070
154.22-010-154.22-070	307 KAR 1:030		603 KAR 5:071
154.28-010-154.28-090	307 KAR 4:010		603 KAR 5:075
Chapter 154A	202 KAR 3:040		603 KAR 5:301
156.035	702 KAR 3:270E	189.230	603 KAR 5:230
156.070	702 KAR 3:270E	189.231	603 KAR 5:072
	702 KAR 3:280	189.265	603 KAR 5:071
	702 KAR 3:300	189.270	603 KAR 5:075
	702 KAR 7:065E		603 KAR 5:110
	702 KAR 7:081	Chapter 190	601 KAR 9:220
	702 KAR 7:091	194.030	787 KAR 1:310
156.670	701 KAR 5:110		787 KAR 2:010
Chapter 157	750 KAR 1:010		788 KAR 2:010
157.3175	704 KAR 20:084E	194.050	904 KAR 2:116E
157.360	702 KAR 3:270E		904 KAR 2:431
157.390	704 KAR 3:470		904 KAR 2:460E
157.410	702 KAR 3:270E		904 KAR 3:010
157.440	702 KAR 3:270E		904 KAR 3:020
157.620	702 KAR 3:270E		904 KAR 3:041

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KRS SECTION	REGULATION	KRS SECTION	REGULATION
	904 KAR 3:070		904 KAR 2:410
	904 KAR 3:111	205.8453	907 KAR 1:675E
195.020	787 KAR 2:020		907 KAR 1:677E
	903 KAR 5:001E	210.370-210.460	908 KAR 2:060
195.040	787 KAR 2:020	211.170	902 KAR 8:060
Chapter 196	501 KAR 6:020		902 KAR 8:070
	501 KAR 6:030		902 KAR 8:110
	501 KAR 6:040		902 KAR 8:120
	501 KAR 6:050	211.500	202 KAR 4:010E
	501 KAR 6:060	211.502	202 KAR 4:010E
	501 KAR 6:080	211.504	202 KAR 4:010E
	501 KAR 6:090	211.655	902 KAR 19:010
	501 KAR 6:110	211.660	902 KAR 19:010
	501 KAR 6:120	211.670	902 KAR 19:010
	501 KAR 6:130	211.905-211.958	902 KAR 14:070
	501 KAR 6:140		902 KAR 14:080
	501 KAR 6:170		902 KAR 14:090
196.439	501 KAR 2:020	212.870	902 KAR 8:060
	501 KAR 2:040		902 KAR 8:070
	501 KAR 2:050		902 KAR 8:110
	501 KAR 2:060		902 KAR 8:120
Chapter 197	501 KAR 6:020	216B.010-216B.130	902 KAR 14:070
	501 KAR 6:030		902 KAR 14:080
	501 KAR 6:040		902 KAR 14:090
	501 KAR 6:050		909 KAR 1:021
	501 KAR 6:060		909 KAR 1:055
	501 KAR 6:080	216B.010-216B.131	902 KAR 20:270
	501 KAR 6:090	216B.455	909 KAR 1:055
	501 KAR 6:110	216B.990	902 KAR 14:070
	501 KAR 6:120		902 KAR 14:080
	501 KAR 6:130		902 KAR 14:090
	501 KAR 6:140		902 KAR 20:270
	501 KAR 6:170		909 KAR 1:055
197.020	501 KAR 2:020	Chapter 217B	302 KAR 31:025
	501 KAR 2:040		302 KAR 31:040
	501 KAR 2:050	222.271	908 KAR 1:320
	501 KAR 2:060	222.460-222.475	908 KAR 1:300
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	815 KAR 10:050	Chapter 224	401 KAR 100:010
198B.650-198B.689	815 KAR 8:010	224.01	401 KAR 42:005
	815 KAR 8:020		401 KAR 42:060
198B.658	815 KAR 8:040		401 KAR 42:070
198B.666	815 KAR 8:040		401 KAR 42:071
199.640-199.670	905 KAR 1:360E		401 KAR 42:080
205.010	904 KAR 2:006		401 KAR 100:050
205.170	904 KAR 2:060	224.10	401 KAR 42:005
205.200	904 KAR 2:006		401 KAR 42:011
	904 KAR 2:016E		401 KAR 42:020
	904 KAR 2:046		401 KAR 42:040
205.210	904 KAR 2:016E		401 KAR 42:060
205.211	904 KAR 2:016E		401 KAR 42:070
205.220	904 KAR 2:050		401 KAR 42:071
205.245	904 KAR 2:046		401 KAR 42:080
205.520	907 KAR 1:009E		401 KAR 42:090
	907 KAR 1:013		401 KAR 42:200
	907 KAR 1:014E		401 KAR 100:050
	907 KAR 1:015E	224.10-100	401 KAR 50:031
	907 KAR 1:060E		401 KAR 50:065
	907 KAR 1:061E	224.20-100	401 KAR 50:065
	907 KAR 1:140E	224.20-110	401 KAR 50:065
	907 KAR 1:505E	224.20-120	401 KAR 50:031
	907 KAR 1:510E	224.40	401 KAR 42:060
	907 KAR 1:585		401 KAR 42:070
205.550	907 KAR 1:010E		401 KAR 42:071
205.575	907 KAR 1:013		401 KAR 42:080
205.710-205.800	904 KAR 2:001	224.43	401 KAR 42:060

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KRS SECTION	REGULATION	KRS SECTION	REGULATION
	401 KAR 42:070		201 KAR 33:030
	401 KAR 42:071	310.050	201 KAR 33:010
	401 KAR 42:080		201 KAR 33:020
	401 KAR 100:050		201 KAR 33:030
224.46	401 KAR 42:060	311.565	201 KAR 9:041
	401 KAR 42:070		201 KAR 9:175
	401 KAR 42:071	313.050	201 KAR 8:200
	401 KAR 42:080	313.060	201 KAR 8:220
	401 KAR 100:050	313.100	201 KAR 8:220
224.60	401 KAR 42:005	313.270	201 KAR 8:277
	401 KAR 42:011	314.011	201 KAR 20:057
	401 KAR 42:020		201 KAR 20:162
	401 KAR 42:040		201 KAR 20:215
	401 KAR 42:060	314.031	201 KAR 20:162
	401 KAR 42:070	314.041	201 KAR 20:070
	401 KAR 42:071		201 KAR 20:240
	401 KAR 42:080	314.042	201 KAR 20:240
	401 KAR 42:090	314.051	201 KAR 20:070
	401 KAR 42:200		201 KAR 20:240
224.60-110	415 KAR 1:114	314.071	201 KAR 20:162
224.60-130	415 KAR 1:114		201 KAR 20:240
224.71-100-224.71-140	416 KAR 1:010	314.073	201 KAR 20:215
Chapter 224A	200 KAR 17:050		201 KAR 20:240
Chapter 227	815 KAR 10:046	314.091	201 KAR 20:162
	815 KAR 10:050	314.131	201 KAR 20:410
	815 KAR 35:015	314.161	201 KAR 20:162
227.450-227.500	815 KAR 35:030		201 KAR 20:240
230.210-230.360	810 KAR 1:015	314.193	201 KAR 20:057
235.010	301 KAR 6:050	314.991	201 KAR 20:162
235.200	301 KAR 6:050	317A.060	201 KAR 12:082
235.280	301 KAR 6:050	317A.090	201 KAR 12:082
235.310	301 KAR 6:050	Chapter 318	815 KAR 20:020
235.320	301 KAR 6:050		815 KAR 20:078
238.500-238.995	500 KAR 11:001		815 KAR 20:090
238.505	500 KAR 11:080		815 KAR 20:110
	500 KAR 11:090		815 KAR 20:120
238.510	500 KAR 11:100	321.211	201 KAR 16:050
238.535	500 KAR 11:070	322.290	201 KAR 18:129
238.540	500 KAR 11:060	322A.060	201 KAR 31:050
238.545	500 KAR 11:030	327.040	201 KAR 22:070
	500 KAR 11:040	327.060	201 KAR 22:070
	500 KAR 11:050	334.060	201 KAR 7:040
243.030	804 KAR 4:320	334.070	201 KAR 7:040
Chapter 257	302 KAR 20:076	334.080	201 KAR 7:040
	302 KAR 20:081	334.090	201 KAR 7:040
257.030	302 KAR 20:115	334.150	201 KAR 7:040
Chapter 262	416 KAR 1:010	335.330	201 KAR 32:010
262.902	302 KAR 100:010		201 KAR 32:020
	302 KAR 100:020		201 KAR 32:030
262.904	302 KAR 100:010	Chapter 338	803 KAR 2:425E
	302 KAR 100:020	338.051	803 KAR 2:317E
262.908	302 KAR 100:010		803 KAR 2:320
	302 KAR 100:020		803 KAR 2:403
Chapter 278	807 KAR 5:013		803 KAR 2:404E
	807 KAR 5:076		803 KAR 2:412E
Chapter 281	603 KAR 5:072		803 KAR 2:500
281.735	603 KAR 5:071	338.061	803 KAR 2:317E
Chapter 304.17A	909 KAR 1:080		803 KAR 2:320
	909 KAR 1:100		803 KAR 2:403
304.17A-130	909 KAR 1:090		803 KAR 2:404E
304.47-050	806 KAR 47:010		803 KAR 2:412E
	806 KAR 47:020		803 KAR 2:500
304.47-080	806 KAR 47:010	Chapter 340	903 KAR 5:001E
	806 KAR 47:030	341.030	787 KAR 1:170
310.040	201 KAR 33:040	341.050	787 KAR 1:270
310.041	201 KAR 33:010	341.055	787 KAR 1:270

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KRS SECTION	REGULATION	KRS SECTION	REGULATION
341.070	787 KAR 1:260	501 KAR	6:060
	787 KAR 1:290	501 KAR	6:080
	787 KAR 1:300	501 KAR	6:090
341.080	787 KAR 1:100	501 KAR	6:110
341.115	787 KAR 1:020	501 KAR	6:120
	787 KAR 1:040	501 KAR	6:130
	787 KAR 1:050	501 KAR	6:140
	787 KAR 1:120	501 KAR	6:170
	787 KAR 1:160	501 KAR	3:010
	787 KAR 1:180	501 KAR	3:020
	787 KAR 1:240	501 KAR	3:050
	903 KAR 5:001E	501 KAR	3:060
341.145	787 KAR 1:150	501 KAR	3:100
341.190	787 KAR 1:010	501 KAR	3:140
	787 KAR 1:220	501 KAR	7:010
341.250	787 KAR 1:260	501 KAR	7:050
341.260	787 KAR 1:030	501 KAR	13:010
341.262	787 KAR 1:220	501 KAR	2:020
	787 KAR 1:230	501 KAR	2:040
341.270	787 KAR 1:210	501 KAR	2:050
341.272	787 KAR 1:290	501 KAR	2:060
341.300	787 KAR 1:030	501 KAR	2:060
	787 KAR 1:230	785 KAR	1:100
341.350	787 KAR 1:090	785 KAR	1:100
	787 KAR 1:310	905 KAR	7:250
341.360	787 KAR 1:080	905 KAR	1:360E
341.370	787 KAR 1:060	702 KAR	3:280
	787 KAR 1:070	905 KAR	7:250
	787 KAR 1:240	905 KAR	1:360E
341.380	787 KAR 1:090	905 KAR	7:250
	787 KAR 1:150	905 KAR	7:250
	787 KAR 1:200	905 KAR	7:250
341.390	787 KAR 1:280	905 KAR	7:250
341.410	787 KAR 1:130	904 KAR	3:010
341.415	787 KAR 1:190	904 KAR	3:020
341.430	787 KAR 1:110	904 KAR	3:041
	787 KAR 1:230	904 KAR	3:050
341.440	787 KAR 1:110	904 KAR	3:070
341.450	787 KAR 1:110	600 KAR	4:010
	787 KAR 1:230	600 KAR	6:010
341.500	787 KAR 1:140	600 KAR	6:030
341.510	787 KAR 1:140	600 KAR	6:040
341.530	787 KAR 1:060	600 KAR	6:050
	787 KAR 1:070	600 KAR	6:060
341.540	787 KAR 1:300	600 KAR	6:070
341.820	787 KAR 1:250	600 KAR	6:080
Chapter 342	803 KAR 25:150	603 KAR	3:080
	803 KAR 25:170	603 KAR	5:070
	803 KAR 30:010	603 KAR	5:071
342.160	201 KAR 11:400E	904 KAR	3:050
344.030	101 KAR 2:100	105 KAR	1:210
	105 KAR 1:210	803 KAR	2:317E
353.520	805 KAR 1:150	803 KAR	2:320
403.210-403.240	904 KAR 2:001	803 KAR	2:403
403.215	904 KAR 2:410	803 KAR	2:404E
405.450	904 KAR 2:410	803 KAR	2:412E
405.465	904 KAR 2:410	803 KAR	2:500
405.467	904 KAR 2:410	904 KAR	3:050
405.490	904 KAR 2:410	11 KAR	4:040
405.520	904 KAR 2:001	15 KAR	1:040
	904 KAR 2:410	781 KAR	1:040
407.010-407.480	904 KAR 2:001	302 KAR	31:040
Chapter 439	501 KAR 6:020	401 KAR	42:005
	501 KAR 6:030	401 KAR	42:011
	501 KAR 6:040	401 KAR	42:020
	501 KAR 6:050	401 KAR	42:040
		401 KAR	42:060

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