

# ADMINISTRATIVE REGISTER OF KENTUCKY



LEGISLATIVE RESEARCH COMMISSION  
FRANKFORT, KENTUCKY

VOLUME 24, NUMBER 9  
SUNDAY, MARCH 1, 1998

Administrative Regulation Review Subcommittee, March Agenda .....	1839
Regulation Review Procedure .....	1842
Reprint: (None)	
Notices of Intent:	
Board of Dentistry .....	1843
Real Estate Commission .....	1843
Kentucky Lottery Corporation .....	1847
NREPC - Air Quality .....	1848
Transportation Cabinet .....	1849
Department of Education .....	1850
Education Professional Standards Board .....	1850
Workforce Development Cabinet .....	1851
Labor Cabinet - Workers' Claims .....	1854
Kentucky Racing Commission .....	1854
Cabinets for Families and Children, and Health Services .....	1857
Emergencies:	
Transportation Cabinet .....	1863
As Amended by Agency and Reviewing Committee:	
Kentucky Higher Education Assistance Authority .....	1865
Board of Pharmacy .....	1865
Board of Professional Engineers and Land Surveyors .....	1866
Board of Psychologists .....	1870
Department of Veteran Affairs .....	1871
Department of Fish and Wildlife Resources .....	1872
Department of Agriculture .....	1873
Justice Cabinet - Department of Corrections .....	1873
Transportation Cabinet .....	1880
Cabinet for Families and Children .....	1884
Amended After Public Hearing:	
NREPC - Water .....	1899
NREPC - Air Quality .....	1911
Proposed Amendments Received Through Noon, February 13, 1998:	
Department of Fish and Wildlife Resources .....	1914
NREPC - Air Quality .....	1920
Justice Cabinet - Department of Corrections .....	1929
Transportation Cabinet .....	1932
Department of Education .....	1941
Education Professional Standards Board .....	1942
Cabinets for Health Services, and Families and Children .....	1786
New Administrative Regulations Received Through Noon, February 13, 1998:	
NREPC - Air Quality .....	2039
Education Professional Standards Board .....	2040
Public Service Commission .....	2042
Cabinet for Health Services .....	2043
February Minutes of the Administrative Regulation Review Subcommittee .....	2047
Other Committee Reports .....	2054

## CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates .....	12
KRS Index .....	110
Subject Index .....	118

**MEETING NOTICE:** The Administrative Regulation Review Subcommittee is scheduled to meet on Wednesday, March 11, 1998. See tentative agenda beginning on page 1839 of this Register.

The **ADMINISTRATIVE REGISTER OF KENTUCKY** is the monthly supplement for the 1997 Edition of **KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE**.

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

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

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

#### **ADMINISTRATIVE REGISTER OF KENTUCKY**

(ISBN 0096-1493)

c 1998 Legislative Research Commission, All Rights Reserved

The Administrative Register of Kentucky is published monthly by the Legislative Research Commission, Frankfort, Kentucky 40601. Subscription rate, postpaid in the United States: \$48 (plus 6% Kentucky sales tax) per year for 12 issues, beginning in July and ending with the June issue of the subsequent year. Periodical postage paid at Frankfort, Kentucky.

POSTMASTER: Send address changes to Administrative Register of Kentucky, Room 64, State Capitol, Frankfort, Kentucky 40601.

#### **KENTUCKY LEGISLATIVE RESEARCH COMMISSION**

##### **Chairmen**

Senator Larry Saunders  
Senate President

Representative Jody Richards  
Speaker of the House

##### **Senate and House Members**

Senator Walter Blevins, Jr.  
Senate President Pro Tem

Representative Larry Clark  
Speaker Pro Tem

Senator David K. Karem  
Majority Floor Leader

Representative Gregory D. Stumbo  
Majority Floor Leader

Senator Dan Kelly  
Minority Floor Leader

Representative Danny R. Ford  
Minority Floor Leader

Senator Nick Kafoglis  
Majority Caucus Chairman

Representative Jim Callahan  
Majority Caucus Chairman

Senator Richard L. "Dick" Roeding  
Minority Caucus Chairman

Representative Stan Cave  
Minority Caucus Chairman

Senator Fred Bradley  
Majority Whip

Representative Joe Barrows  
Majority Whip

Senator Elizabeth Tori  
Minority Whip

Representative Woody Allen  
Minority Whip

Don Cetrulo, Director

Samuel L. Hensley, Assistant Director for Education and Information

#### **ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE**

##### **Members**

Representative John Arnold, Chairman  
Senator Nick Kafoglis  
Senator Joey Pendleton  
Senator Richard Roeding  
Representative Woody Allen  
Representative Jim Bruce  
Representative Jimmie Lee

##### **Staff**

Susan Eastman  
Gregory Karambellas  
Donna Little  
Stephen Lynn  
Angela Phillips  
Donna Valencia  
Susan Wunderlich



## ADMINISTRATIVE REGISTER - 1839

### ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

TENTATIVE AGENDA - March 11, 1998 at 8:30 a.m. in Room 125, Capitol Annex

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

#### PERSONNEL BOARD

##### Board

- 101 KAR 1:325. Probationary periods.
- 101 KAR 1:335. Employee actions.

#### GENERAL GOVERNMENT CABINET

##### Kentucky Real Estate Commission

- 201 KAR 11:011. Definitions. (Not Amended After Hearing)

##### Board of Nursing

- 201 KAR 20:070. Licensure by examination.
- 201 KAR 20:110. Licensure by endorsement.
- 201 KAR 20:162. Procedures for disciplinary hearings pursuant to KRS 314.091.
- 201 KAR 20:370 & E. Applications for licensure and registration.

#### TOURISM DEVELOPMENT CABINET

##### Department of Fish and Wildlife Resources

##### Fish

- 301 KAR 1:085. Mussel shell harvesting.

##### Game

- 301 KAR 2:221E. Waterfowl seasons and limits. (Deferred from January)
- 301 KAR 2:222E. Waterfowl hunting requirements. (Deferred from January)
- 301 KAR 2:240. Special bobcat harvest season.

#### DEPARTMENT OF AGRICULTURE Division of Regulation and Inspection

##### Egg Marketing

- 302 KAR 10:070. Consumer grade quality standards.

##### Livestock Sanitation

- 302 KAR 20:077. Repeal of identification of "farm fresh" cattle.
- 302 KAR 20:240. Mycobacterium paratuberculosis (Johnes).

#### NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET

##### Department for Environmental Protection

##### Division of Water

##### Water Quality

- 401 KAR 5:001. Definitions of terms used in 401 KAR Chapter 5. (Public Hearing in January)
- 401 KAR 5:008 & E. Swine feeding operations. (Public Hearing in January)

##### Division for Air Quality

##### General Administrative Procedures

- 401 KAR 50:032. Prohibitory rule for hot mix asphalt plants. (Amended after hearing)

##### New Source Performance Standards

- 401 KAR 60:750. Standards of performance for municipal solid waste landfills. (Not Amended After Hearing) (Agency Requests Deferral)

##### Existing Source Standards

- 401 KAR 61:036. Emission guidelines and compliance times for municipal solid waste landfills. (Not Amended After Hearing) (Agency Requests Deferral)

##### General Standards of Performance

- 401 KAR 63:060. List of hazardous air pollutants, petitions process, lesser quantity designations and source category list.
- 401 KAR 63:100. General provisions.
- 401 KAR 63:104. National emission standards for oil-water separators and organic-water separators.
- 401 KAR 63:541. National emission standards for hazardous air pollutants from secondary lead smelting.
- 401 KAR 63:560. National emission standards for marine tank vessel loading operations.
- 401 KAR 63:640. National emission standards for hazardous air pollutants from petroleum refineries.
- 401 KAR 63:680. National emission standards for hazardous air pollutants from off-site waste and recovery operations.
- 401 KAR 63:741. National emission standards for aerospace manufacturing and rework facilities.
- 401 KAR 63:780. National emission standards for shipbuilding and ship repair (surface coating).
- 401 KAR 63:800. National emission standards for wood furniture manufacturing operations.
- 401 KAR 63:820. National emission standards for the printing and publishing industry.
- 401 KAR 63:900. National emission standards for tanks - Level 1.
- 401 KAR 63:920. National emission standards for containers.

## **ADMINISTRATIVE REGISTER - 1840**

401 KAR 63:940. National emission standards for surface impoundments.

401 KAR 63:960. National emission standards for individual drain systems.

### **Department for Surface Mining Reclamation and Enforcement**

#### **Permits (Deferred from December)**

405 KAR 8:001. Definitions for 405 KAR Chapter 8.

405 KAR 8:030. Surface coal mining permits. (Amended After Hearing)

405 KAR 8:040. Underground coal mining permits. (Amended After Hearing)

#### **Performance Standards for Surface Mining Activities (Deferred from December)**

405 KAR 16:001. Definitions for 405 KAR Chapter 16.

405 KAR 16:060. General hydrologic requirements. (Amended After Hearing)

405 KAR 16:090. Sedimentation ponds.

405 KAR 16:100. Permanent and temporary impoundments.

405 KAR 16:160. Coal mine waste dams and impoundments.

#### **Performance Standards for Underground Mining Activities (Deferred from December)**

405 KAR 18:001. Definitions for 405 KAR Chapter 18.

405 KAR 18:060. General hydrologic requirements. (Amended After Hearing)

405 KAR 18:090. Sedimentation ponds.

405 KAR 18:100. Permanent and temporary impoundments.

405 KAR 18:160. Coal mine waste dams and impoundments.

405 KAR 18:210. Subsidence control.

## **JUSTICE CABINET**

### **Kentucky Parole Board**

501 KAR 1:030E. Determining parole eligibility.

### **Office of the Secretary**

501 KAR 6:020E. Department of Corrections' policies and procedures.

501 KAR 6:080E. Department of Corrections' manuals

### **Department of Juvenile Justice**

### **Child Welfare**

505 KAR 1:040 & E. Policies and procedures manual. (Deferred from February)

### **Department of Vehicle Regulation Division of Motor Vehicle Enforcement**

### **Division of Motor Carriers**

601 KAR 1:146. Fair market rental or lease value of vehicles operated pursuant to a U-drive-it permit. (Amended After Hearing)  
(Deferred from January)

601 KAR 1:147. Auditing of U-drive-it permit holders. (Amended After Hearing) (Deferred from January)

## **EDUCATION, ARTS, AND HUMANITIES CABINET**

### **Board of Education**

### **Department of Education**

### **Bureau for District Support Services**

### **School Administration and Finance**

702 KAR 3:110. Document filing dates. (Deferred from February)

### **Bureau of Learning Results Services**

### **Assistance and Intervention Services**

703 KAR 3:060. Procedures for determining rewards and sanctions. (Deferred from February)

### **Learning Results Services**

703 KAR 4:110. Code of ethics for state required testing. (Deferred from February)

### **Education Professional Standards Board**

### **Board (Deferred from February)**

704 KAR 20:015E. Rank I classification.

704 KAR 20:021E. Planned Fifth-year Program.

704 KAR 20:022E. Continuing education alternative to Planned Fifth-year Program.

704 KAR 20:045E. Recency and certification fees.

704 KAR 20:060E. Renewals.

## **LABOR CABINET**

### **Department of Workers' Claims**

803 KAR 25:190. Utilization review and medical bill audit.

## **PUBLIC PROTECTION AND REGULATION CABINET**

### **Department of Insurance**

### **Assets and Liabilities**

806 KAR 6:100E. Actuarial opinion and memorandum. (Deferred from January)

### **Health Insurance Contracts**

806 KAR 17:110E. Establishment of the Kentucky Risk Assessment and Risk Adjustment System. (Deferred from February)

## **ADMINISTRATIVE REGISTER - 1841**

### **Public Service Commission**

807 KAR 5:069. Filing requirements and procedures for federally-funded construction projects of water associations, commissions, or districts or combined water, gas or sewer districts.

### **Kentucky Racing Commission**

#### **Thoroughbred Racing**

810 KAR 1:018. Medication; testing procedures.

810 KAR 1:026. Racing associations.

#### **Harness Racing**

811 KAR 1:085. Conduct of racing.

811 KAR 1:220. Harness racing at county fairs.

### **CABINET FOR HEALTH SERVICES**

#### **Office of Certificate of Need**

#### **Certificate of Need**

900 KAR 6:050 & E. Certificate of need administrative regulations. (Amended After Hearing) (Deferred from February)

#### **Department for Public Health**

#### **State Health Plan**

902 KAR 17:041 & E. State health plan for facilities and services. (Amended After Hearing) (Deferred from February)

#### **Office of Inspector General**

#### **Division of Licensing and Regulation**

#### **Health Services and Facilities**

902 KAR 20:008. License procedures and fee schedule.

902 KAR 20:091. Facilities specifications, operation and services; community mental health-mental retardation center.

#### **Division for Public Health Protection and Safety**

#### **Milk and Milk Products** (Deferred from February)

902 KAR 50:031. Standards for producer eligibility for manufacturing grade milk.

902 KAR 50:032. Standards for farm requirements for manufacturing grade milk.

902 KAR 50:033. Standards for enforcement procedures for manufacturing grade milk.

### **CABINET FOR FAMILIES AND CHILDREN**

#### **Department for Social Insurance**

#### **Division of Management & Development**

#### **Public Assistance**

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

904 KAR 2:410E. Child support collection and distribution. (Deferred from January)

#### **Food Stamp Program**

904 KAR 3:025 & E. Technical requirements.

#### **Department for Social Services**

#### **Child Welfare**

905 KAR 1:360E. Private child care levels of care. (Deferred from December)

#### **Day Care**

905 KAR 2:150E. Child Day Care Assistance Program. (Deferred from December)

### **CABINET FOR HEALTH SERVICES**

#### **Department for Medicaid Services**

#### **Division of Administration and Development**

#### **Medicaid Services**

907 KAR 1:145 & E. Supports for community living services for individuals with mental retardation or developmental disabilities.

907 KAR 1:151E. Repeal of 907 KAR 1:140 and 907 KAR 1:150. (Deferred from November)

907 KAR 1:155 & E. Payments for supports for community living services for individuals with mental retardation or developmental disabilities.

907 KAR 1:725E. Medicaid appropriations for a long-term nursing facility.

#### **Payment and Services**

907 KAR 3:030E. Coverage and payments for Impact Plus services.

#### **Substance Abuse**

908 KAR 1:380. Licensing procedures and standards for the operation of alcohol and other drug abuse prevention programs.

## ADMINISTRATIVE REGISTER - 1842

### ADMINISTRATIVE REGULATION REVIEW PROCEDURE (See KRS Chapter 13A for specific provisions)

#### 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 working (5) days before the scheduled hearing. If no written notice is received at least five (5) working days before the hearing, the administrative body may cancel the hearing.

If the hearing is cancelled, the administrative body shall notify the Compiler of the cancellation. If the hearing is held, the administrative body shall submit within fifteen (15) days following the hearing a statement of consideration summarizing the comments received at the hearing and the administrative body's responses to the comments.

No transcript of the hearing need to be taken unless a written request for a transcript is made, and the person requesting the transcript shall have the responsibility of paying for same. A recording may be made in lieu of a transcript.

#### Review Procedure

If a proposed administrative regulation is amended as a result of the public hearing, the amended version shall be published in the next Administrative Register; and the administrative regulation shall be reviewed by the Administrative Regulation Review Subcommittee at its next meeting following publication. If a proposed administrative regulation is not amended as a result of the hearing or if the hearing is cancelled, the administrative regulation shall be reviewed by the Administrative Regulation Review Subcommittee at its next meeting. After review by the Subcommittee, the administrative regulation shall be referred by the Legislative Research Commission to an appropriate jurisdictional committee for a second review. The administrative regulation shall be considered as adopted and in effect as of adjournment on the day the appropriate jurisdictional committee meets or thirty (30) days after being referred by LRC, whichever occurs first.

## ADMINISTRATIVE REGISTER - 1843

### NOTICES OF INTENT TO PROMULGATE ADMINISTRATIVE REGULATIONS

#### KENTUCKY BOARD OF DENTISTRY

June 14, 1997

General Government Cabinet

The Kentucky Board of Dentistry

(1) **201 KAR 8:400**, Complaint procedure. This proposed amended administrative regulation establishes procedures to handle complaints to the Board of Dentistry on matters for which disciplinary action may be taken against a licensee by the Board of Dentistry and on matters involving the enforcement of KRS 313.020.

(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 March 27, 1998, at 3 p.m., in the Kentucky Board of Dentistry Office, 10101 Linn Station Road, Suite 540, Thornton Oil Plaza, 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 10 days prior to March 27, 1998 the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should file their written request with the executive director at the following address: Mr. Gary Munsie, Executive Director, Kentucky Board of Dentistry, 10101 Linn Station Road, Suite 540, Louisville, Kentucky 40223, Phone: (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 complaints procedures is KRS 313.220(4).

(b) The administrative regulation the Kentucky Board of Dentistry intends to promulgate will amend 201 KAR 8:400. It will provide updated procedures for the board to process complaints it receives.

(c) The necessity and function of the proposed administrative regulation is as follows: This regulation will provide updated procedures for the board to process complaints it receives in conformity with KRS Chapter 13B and due process requirements.

(d) The benefit expected from this administrative regulation is the clarification of and improved efficiency in the way the board handles complaints against licensed dentists and licensed dental hygienists and persons allegedly in violation of KRS Chapter 313.

(e) The regulation will be implemented by the Executive Director and Executive Secretary of the Board of Dentistry who are charged with overseeing the complaint handling process.

#### KENTUCKY REAL ESTATE COMMISSION

January 22, 1998

Kentucky Real Estate Commission

(1) **201 KAR 11:011**, Definitions.

(2) Kentucky Real Estate Commission intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 30, 1998, at 9 a.m., at the Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, 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 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 10 days prior to March 30, 1998, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Jeffrey C. Blair, General Counsel, Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223.

(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 Real Estate Commission at the address listed above.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to the subject matter of administrative regulation is KRS 324.281 and 324.117(5).

## ADMINISTRATIVE REGISTER - 1844

(b) The administrative regulation that the Kentucky Real Estate Commission intends to promulgate will amend an existing regulation. It will define false, misleading, or deceptive advertising. It will also clarify the extent to which unlicensed assistants and other nonlicensed personnel may engage in telephone contact with unrepresented consumers.

(c) The necessity and function of the proposed administrative regulation is as follows: To define false, misleading, or deceptive advertising as mandated by KRS 324.117(1) which reads "The commission shall promulgate administrative regulations to define false, misleading, or deceptive advertising." It will also clarify the contact unlicensed assistants may have with the consumer public with regard to real estate transactions.

(d) The benefits expected from administrative regulation are: Compliance with a statutory directive. It will also clarify the realm of available activity for office or clerical employees of a broker. The change will increase the supervision of such activity by principal brokers and thus provide greater protection to consumers.

(e) The administrative regulation will be implemented as follows: The regulation will go into effect immediately upon approval.

January 22, 1998

Kentucky Real Estate Commission

(1) **201 KAR 11:147**, Procedure for license retention when salesman released by broker.

(2) Kentucky Real Estate Commission intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 30, 1998, at 9 a.m., at the Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, 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 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 10 days prior to March 30, 1998, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Jeffrey C. Blair, General Counsel, Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223.

(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 Real Estate Commission at the address listed above.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to the subject matter of administrative regulation is KRS 324.281.

(b) The administrative regulation that the Kentucky Real Estate Commission intends to promulgate will amend an existing regulation. It will clarify the action to be taken by the commission when a licensee fails to reaffiliate their license and remove unnecessary verbiage from the regulation.

(c) The necessity and function of the proposed administrative regulation is as follows: The proposed deletion will eliminate unnecessary language from the regulation.

(d) The benefits expected from administrative regulation are: To inform the licensee of their need to reaffiliate in a timely manner.

(e) The administrative regulation will be implemented as follows: Change will go into effect immediately upon approval.

January 22, 1998

Kentucky Real Estate Commission

(1) **201 KAR 11:170**, Private school approval.

(2) Kentucky Real Estate Commission intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 30, 1998, at 9 a.m., at the Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, 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 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 10 days prior to March 30, 1998, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Jeffrey C. Blair, General Counsel, Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223.

(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 Real Estate Commission at the address listed above.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to the subject matter of administrative regulation is KRS 324.281.

(b) The administrative regulation that the Kentucky Real Estate Commission intends to promulgate will amend an existing regulation.

## ADMINISTRATIVE REGISTER - 1845

It will require prelicensing class providers to notify the commission within 5 days of the beginning of a course, instead of 7 days.

(c) The necessity and function of the proposed administrative regulation is as follows: To allow for prelicense providers more time to provide the commission with class schedules.

(d) The benefits expected from administrative regulation are: To assist the commission in their monitoring efforts for prelicense courses.

(e) The administrative regulation will be implemented as follows: The regulation will go into effect immediately upon approval.

January 22, 1998

Kentucky Real Estate Commission

(1) **201 KAR 11:175**, Instructor approval procedure and guidelines.

(2) Kentucky Real Estate Commission intends to promulgate an administrative regulation governing the subject matter listed above.

(3) public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 30, 1998, at 9 a.m., at the Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, 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 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 10 days prior to March 30, 1998, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Jeffrey C. Blair, General Counsel, Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223.

(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 Real Estate Commission at the address listed above.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to the subject matter of administrative regulation is KRS 324.281.

(b) The administrative regulation that the Kentucky Real Estate Commission intends to promulgate will amend an existing regulation. It will more clearly define the qualifications required for instructor approval.

(c) The necessity and function of the proposed administrative regulation is as follows: To clarify the requirements for instructor approval. The current regulation is lacking in certain areas as to specific requirements for instructors, as the education process is crucial to maintaining an educated licensee public and is therefore crucial to protection of consumers, the changes are designed to advance the qualifications of instructors.

(d) The benefits expected from administrative regulation are: To provide quality education to real estate licensees.

(e) The administrative regulation will be implemented as follows: The regulation will go into effect immediately upon approval.

January 22, 1998

Kentucky Real Estate Commission

(1) **201 KAR 11:190**, Rules of practice and procedure before the Kentucky Real Estate Commission.

(2) Kentucky Real Estate Commission intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 30, 1998, at 9 a.m., at the Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, 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 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 10 days prior to March 30, 1998, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Jeffrey C. Blair, General Counsel, Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223.

(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 Real Estate Commission at the address listed above.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to the subject matter of administrative regulation is KRS 324.281.

(b) The administrative regulation that the Kentucky Real Estate Commission intends to promulgate will amend an existing regulation.

(c) The necessity and function of the proposed administrative regulation is as follows: The current regulations allow for discovery only in cases set for a hearing. The proposed amendment will allow discovery to be taken in cases that are in the investigative stage. Discovery will allow the commission to perform investigations in a more efficient and cost effective manner and prevent unnecessary hearings.

(e) The benefits expected from administrative regulation are: To allow the Commonwealth to reduce investigative costs and unnecessary hearing costs due to more efficient investigations. To allow for more thorough investigations of cases which pose a threat to the

## ADMINISTRATIVE REGISTER - 1846

consumer public.

(e) The administrative regulation will be implemented as follows: The amendment will go into effect immediately upon approval. The commission will implement the discovery methods in cases once the change is approved.

January 22, 1998

Kentucky Real Estate Commission

(1) **201 KAR 11:230**, Mandatory continuing education.

(2) Kentucky Real Estate Commission intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 30, 1998, at 9 a.m., at the Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, 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 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 10 days prior to March 30, 1998, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Jeffrey C. Blair, General Counsel, Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223.

(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 Real Estate Commission at the address listed above.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to the subject matter of administrative regulation is KRS 324.281.

(b) The administrative regulation that the Kentucky Real Estate Commission intends to promulgate will amend an existing regulation.

(c) The necessity and function of the proposed administrative regulation is as follows: To clarify the procedures for continuing education course approval; to clarify the licensee's responsibilities with regard to the completion of continuing education requirements; to clarify the penalties for failure to comply with the continuing education requirements; to outline alternative methods of completing mandatory education requirements.

(d) The benefits expected from administrative regulation are: The amendments will promote a better-educated licensee public and help to protect consumers. The changes will also clarify continuing education requirements for licensees.

(e) The administrative regulation will be implemented as follows: The regulation will go into effect immediately upon approval.

January 22, 1998

Kentucky Real Estate Commission

(1) **201 KAR 11:350**, Seller disclosure of property condition.

(2) Kentucky Real Estate Commission intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 30, 1998, at 9 a.m., at the Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, 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 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 10 days prior to March 30, 1998, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Jeffrey C. Blair, General Counsel, Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223.

(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."

(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 Real Estate Commission at the address listed above.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to the subject matter of administrative regulation is KRS 324.281 and 324.360(2).

(b) The administrative regulation that the Kentucky Real Estate Commission intends to promulgate will amend 201 KAR 11:350, Seller disclosure of property condition. The current seller's disclosure of property condition form will be improved.

(c) The necessity and function of the proposed administrative regulation is as follows: The current form is ambiguous and unclear in many areas. The proposed change will clarify questions and provide consumers with clear information about property.

(d) The benefits expected from administrative regulation are: The clarity of form shall allow selling consumers to more accurately answer questions on the form and provide buyers with more accurate information about property. The new form will serve both sellers and buyers by providing a clear source for sellers to provide information to buyers about the condition of the property. The form promotes written communication about the property thereby limiting situations where parties have different recollections concerning oral communication of property condition.



## ADMINISTRATIVE REGISTER - 1847

(e) The administrative regulation will be implemented as follows: The regulation will go into effect immediately upon approval.

### KENTUCKY LOTTERY CORPORATION

February 12, 1998

Kentucky Lottery Corporation

(1) **202 KAR 3:010**, Code of ethics.

(2) The Kentucky Lottery Corporation intends to promulgate the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for Monday, March 30, 1998, at 10 a.m. at the corporate offices of the Kentucky Lottery Corporation, 1011 West Main Street, Louisville, Kentucky 40202-2623.

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

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

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

(b) If a request for a public hearing and agreement to attend the hearing are not received from the required number of people at least ten (10) days prior to March 30, 1998, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written requests to the Kentucky Lottery Corporation, 1011 West Main Street, Louisville, Kentucky 40202-2623, Attention: Camille Bathurst, General Counsel.

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

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 request to be informed by the administrative body.

(b) Persons who wish to file a request may obtain a request form from the Kentucky Lottery Corporation at the address listed above.

(7) Information relating to the proposed administrative regulation is as follows:

(a) The statutory authority for the promulgation of the above-cited administrative regulation is contained in KRS 154A.050(1)(d) and 154A.060(2)(e).

(b) The proposed administrative regulation will adopt by administrative regulation the code of ethics for the Kentucky Lottery Corporation.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 154A.060(2)(e) requires the Kentucky Lottery Corporation to adopt by administrative regulation a code of ethics for officers and employees of the corporation. The proposed regulation will adopt by administrative regulation the code of ethics of the Kentucky Lottery Corporation.

(d) The benefits expected from the proposed administrative regulation are as follows: By adopting by administrative regulation its code of ethics, the Kentucky Lottery Corporation will comply with KRS 154A.060(2)(e) and help to insure the integrity of the lottery.

(e) The proposed administrative regulation will be implemented by the Board of Directors, the President and Chief Executive Officer, the Human Resources Department and the General Counsel of the Kentucky Lottery Corporation.

February 12, 1998

Kentucky Lottery Corporation

(1) **202 KAR 3:030**, Retailer administrative regulations.

(2) The Kentucky Lottery Corporation intends to promulgate the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for Tuesday, March 31, 1998, at 10 a.m. at the corporate offices of the Kentucky Lottery Corporation, 1011 West Main Street, Louisville, Kentucky 40202-2623.

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

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

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

(b) If a request for a public hearing and agreement to attend the hearing are not received from the required number of people at least ten (10) days prior to March 31, 1998, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written requests to the Kentucky Lottery Corporation, 1011 West Main Street, Louisville, Kentucky 40202-2623, Attention: Camille Bathurst, General Counsel.

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

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 request to be informed by the administrative body.

(b) Persons who wish to file a request may obtain a request form from the Kentucky Lottery Corporation at the address listed above.

(7) Information relating to the proposed administrative regulation is as follows:

(a) The statutory authority for the promulgation of the above-cited administrative regulation is contained in KRS 154A.050(1)(d) and 154A.400(1)(a) and (b).

(b) The proposed administrative regulation will adopt by administrative regulation the retailer regulations of the Kentucky Lottery Corporation.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 154.400(1)(a) states that the Kentucky Lottery Corporation shall develop and maintain a statewide network of lottery retailers that will serve the public convenience or promote the sale of lottery tickets, while insuring the integrity of the lottery. To govern the selection of lottery retailers, KRS 154A.400(1)(b) provides that the Board of Directors of the Kentucky Lottery Corporation shall, by administrative regulation, develop a list of objective criteria upon which the selection

## ADMINISTRATIVE REGISTER - 1848

of lottery retailers shall be based. The proposed regulation will adopt by administrative regulation the retailer regulations of the Kentucky Lottery Corporation by which lottery retailers will be governed.

(d) The benefits expected from the proposed administrative regulation are as follows: By adopting by administrative regulation its retailer regulations, the Kentucky Lottery Corporation will comply with KRS 154A.400(1)(a) and (b) and establish the regulations by which lottery retailers will be governed.

(e) The administrative regulation will be implemented by the Senior Vice President of Sales and Marketing, the Senior Vice President of Finance and Administration, and the general counsel of the Kentucky Lottery Corporation.

### NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET Department for Environmental Protection Division for Air Quality

February 13, 1998

Natural Resources and Environmental Protection Cabinet  
Department for Environmental Protection  
Division for Air Quality

(1) **401 KAR 63:021**, Existing sources emitting toxic air pollutants, will upon adoption, amend the existing administrative regulation. The subject matter of the amendment is to delete all the provisions of the existing regulation and require any source in existence on the effective date of this amendment to maintain all conditions of a permit which was issued pursuant to 401 KAR 63:021 or 401 KAR 63:022 in place unless a source can demonstrate that a condition is no longer necessary to protect human health or the environment.

(2) The Division for Air Quality intends to promulgate an amendment to the administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed amendment has been scheduled for March 24, 1998, at 10 a.m. (ET), in the Conference Room of the Division for Air Quality, 803 Schenkel Lane, 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 10 days prior to March 24, 1998, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Division for Air Quality, Attention Millie Ellis, Supervisor, Regulation Development Section, Program Planning and Administration Branch, 803 Schenkel Lane, 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 Division for Air Quality at the address listed above.

(7) Information relating to the proposed amendment.

(a) The statutory authority for the promulgation of this proposed amendment is KRS 224.10-100, 224.20-100, and 224.20-120.

(b) The administrative regulation that the Division for Air Quality intends to promulgate will amend the existing regulation, 401 KAR 63:021. The amendment will delete the provisions of the existing regulation and state that previously required control measures at sources of toxic air pollutants must remain in place unless a source can provide a demonstration that any particular measure is no longer necessary.

(c) The necessity and function of the proposed amendment is as follows: KRS 224.10-100 requires the Natural Resources and Environmental Protection Cabinet to prescribe regulations for the prevention, abatement, and control of air pollution. This administrative regulation amends an existing regulation which the cabinet has determined provides no substantial benefit to human health or the environment while requiring that existing control measures remain in place unless a source can demonstrate that any particular measure is unnecessary.

(d) The benefit expected from this amendment is that agency and industry resources can be redirected to other activities which will positively impact Kentucky's air quality while prohibiting the indiscriminate removal of existing air pollution control devices or procedures.

(e) The amended administrative regulation will be implemented as follows: On and after the effective date of this amended regulation, existing sources of hazardous air pollutants will be regulated under applicable state and federal standards and they will be required to make a demonstration that a control measure or procedure is unnecessary before altering that measure or procedure.

February 13, 1998

Natural Resources and Environmental Protection Cabinet  
Department for Environmental Protection  
Division for Air Quality

(1) **401 KAR 63:024**, Repeal of 401 KAR 63:022. This proposed administrative regulation will repeal administrative regulation 401 KAR 63:022, New or modified sources emitting toxic air pollutants.

(2) As required by KRS 13A.310(b), on the effective date of this administrative regulation the Regulations Compiler shall delete the repealed administrative regulation and the repealing administrative regulation from the Kentucky Administrative Regulations Service.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 24, 1998, at 10 a.m. (ET), in the Conference Room of the Division for Air Quality, 803 Schenkel Lane, 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.

## ADMINISTRATIVE REGISTER - 1849

(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 10 days prior to March 24, 1998, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Division for Air Quality, Attention Millie Ellis, Supervisor, Regulation Development Section, Program Planning and Administration Branch, 803 Schenkel Lane, 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 Division for Air Quality 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 224.10-100, 224.20-100, and 224.20-120.

(b) The proposed administrative regulation that the Division for Air Quality intends to promulgate will not replace an existing administrative regulation. The new administrative regulation will repeal an existing regulation for sources emitting toxic air pollutants.

(c) The necessity and function of the proposed administrative regulation is as follows: 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 repeals an existing regulation which the cabinet has determined provides no substantial benefit to human health or the environment.

(d) The expected benefit from this administrative regulation will be that agency and industry resources can be redirected to other activities which will positively impact Kentucky's air quality.

(e) This administrative regulation will be implemented as follows: On and after the effective date of this administrative regulation, new sources emitting toxic air pollutants will no longer be required to make compliance demonstrations under this regulation. New sources emitting toxic air pollutants will be regulated under applicable state and federal standards.

## TRANSPORTATION CABINET

February 13, 1998

Transportation Cabinet

(1) **601 KAR 2:020** relating to drivers' privacy protection as mandated by the U.S. Congress in the National Drivers' Privacy Protection Act.

(2) The Kentucky Transportation Cabinet intends to promulgate a new administrative regulation to address the issue of drivers' privacy protection as it relates to the motor vehicle licensing and driver licensing computer data bases operated and maintained by the Department of Vehicle Regulation.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 27, 1998 at 1:30 p.m. local prevailing time, at 501 High Street, 4th Floor Hearing/Conference Room, Frankfort, Kentucky 40622.

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

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

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 10 days prior to March 27, 1998 the public hearing will be canceled.

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

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

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

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

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

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to the National Drivers' Privacy Protection Act is KRS 61.874.

(b) The administrative regulation that the Transportation Cabinet intends to promulgate will be a new administrative regulation 601 KAR 2:020. It will set forth the limits and application requirements for entities wishing to obtain private information from the data bases of the Department of Vehicle Regulation.

(c) The necessity, function, and conformity of the proposed administrative regulation is as follows: The 1994 National Crime Prevention Act included a section called "The Drivers' Privacy Protection Act" codified as 18 USC Chapter 123 which mandates the information which can and cannot be included in information sold or otherwise distributed about motor vehicle operators or owners. This administrative regulation is the means used by the Department of Vehicle Regulation to establish under what circumstances and conditions the private information will be distributed or sold.

(d) The benefits expected from the administrative regulation are compliance with the federal mandate and increased awareness of the need for protecting the privacy of an individual.

(e) The administrative regulation will be implemented as follows: There will be no bulk mailing sales made from the Driver Licensing Computer System. Each entity wishing to obtain a driving history record or motor vehicle licensing record which contains some private information will have to complete a form stating the intended use of the information and that the use is allowed under the National Drivers' Privacy Protection Act. An entity wishing to purchase lists from the motor vehicle licensing system for bulk mailings will be required to execute an agreement with

## ADMINISTRATIVE REGISTER - 1850

the Transportation Cabinet about the use of the information. An individual who does not wish his personal information in the motor vehicle licensing computer system to be sold for bulk mailings may complete a form instructing the Department of Vehicle Regulation to make sure his name and personal information are not included on any such list.

(8) Any person with a disability for which the Transportation Cabinet needs to make an accommodation in order for the person to participate in the public comment hearing should notify Sandra Pullen Davis at the above-mentioned address no later than March 17, 1998.

### KENTUCKY BOARD OF EDUCATION

February 9, 1998

Kentucky Board of Education

(1) **701 KAR 5:110**, Use of local monies to reduce unmet technology need.

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

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 27, 1998, 10 a.m. in the State Board Room, 1st Floor, Capital Plaza, 500 Mero Street, Frankfort, Kentucky 40601.

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

(b) If five persons, or an administrative body or association, request this public hearing, and agree in writing to be present at this March 27, 1998, public hearing, it will be as scheduled.

(c) If a request for a public hearing is not received from the required number of people at least 10 days prior to March 27, 1998, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to: Mr. Kevin Noland, General Counsel, Office of Legal Services, Kentucky Department of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, phone (502) 564-4474, fax (502) 564-9321.

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

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

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

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

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

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the amendment of an existing administrative regulation relating to education technology is KRS 156.160.

(b) The administrative regulation that the Kentucky Board of Education intends to amend is 701 KAR 5:110.

(c) The necessity and function of the proposed administrative regulation is to ensure that all school districts continue to participate in implementation of the master plan for education technology, in compliance with updated statewide standards for technology selection and use and to provide opportunity to receive funding to support full implementation by 2000.

(d) The benefits expected from this administrative regulation are to continue to improve student academic achievement and school success through the use of technology.

(e) The administrative regulation will be implemented as follows: Copies of the revised administrative regulation will be posted on the department web site and made available in hard copy to those without electronic access.

### EDUCATION PROFESSIONAL STANDARDS BOARD

Date: January 1998

Education Professional Standards Board

(1) **704 KAR 20:082**, Recruitment plan for the Professional Certificate for Interdisciplinary Early Childhood Education, Birth to Primary.

(2) The Education Professional Standards Board intends to promulgate the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 24, 1998, at 10 a.m. in the First Floor Conference Room, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

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

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

(c) If a request for a public hearing is not received from the required number of people at least 10 days prior to March 24, 1998, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Education Professional Standards Board, 1024 Capital Center Drive, Frankfort, Kentucky 40601, fax (502) 573-1610.

(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 Education Professional Standards Board at the address listed above.

## ADMINISTRATIVE REGISTER - 1851

(7) Information relating to the proposed administrative regulation. The statutory authority for the promulgation of an administrative regulation relating to the recruitment of teachers for the Interdisciplinary Early Childhood Education, Birth to Primary Certificate is KRS 157.3175, 161.020, 161.028, and 161.030.

(b) The administrative regulation that the Education Professional Standards Board intends to promulgate will amend is 704 KAR 20:082, Recruitment plan for the Professional Certificate for Interdisciplinary Early Childhood Education, Birth to Primary.

(c) The Necessity, Function, and Conformity section of the proposed administrative regulation is as follows: KRS 161.020 requires that a teacher and other professional school personnel hold a certificate of legal qualification for the position held and to be issued upon completion of a program of preparation prescribed by the Education Professional Standards Board.

(d) The benefits expected from administrative regulation are: A procedure to allow more individuals to complete the preparation for the Interdisciplinary Early Childhood Education, Birth to Primary Certificate.

(e) The administrative regulation will be implemented as follows: Notification of regulation will be given to Kentucky school districts and approved teacher preparation institutions.

January 1998

Education Professional Standards Board

(1) **704 KAR 20:670**, Teaching certificates.

(2) The Education Professional Standards Board 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 March 24, 1998, at 10 a.m. in the First Floor Conference Room, first floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

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

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

(c) If a request for a public hearing is not received from the required number of people at least 10 days prior to March 24, 1998, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Education Professional Standards Board, 1024 Capital Center Drive, Frankfort, Kentucky 40601, fax (502) 573-1610.

(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 Education Professional Standards Board at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the amendment of an administrative regulation relating to the 704 KAR 20:670, Teaching certificates, is KRS 158.66451, 161.020, 161.028, 161.030.

(b) The administrative regulation that the Education Professional Standards Board intends to amend is 704 KAR 20:670, Teaching certificates.

(c) The necessity, function, and conformity section of the proposed administrative regulation is as follows: KRS 161.020 requires that a teacher and other professional school personnel hold a certificate of legal qualification for the position held and to be issued upon completion of a program of preparation prescribed by the Education Professional Standards Board.

(d) The benefits expected from administrative regulation are: An additional route to rank one preparation level.

(e) The administrative regulation will be implemented as follows: Institutions of higher education which have approved preparation programs for teaching certificates will take adequate steps to inform candidates of any amendments to this administrative regulation.

### WORKFORCE DEVELOPMENT CABINET

#### Department of Vocational Rehabilitation

February 2, 1998

Workforce Development Cabinet

Department of Vocational Rehabilitation

(1) Regulation number and title: **781 KAR 1:020**, General provisions for operation of the Department of Vocational Rehabilitation.

(2) The Workforce Development Cabinet, Department of Vocational Rehabilitation intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 27, 1998, at 10 a.m. eastern time, in the DVR Training Room, 209 Saint Clair Street, Frankfort, Kentucky 40601.

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

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

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

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 10 days prior to March 27, 1998, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: George Parsons, Staff Assistant, Department of Vocational Rehabilitation, 209 Saint Clair Street, Frankfort, Kentucky 40601, Phone (502) 564-4440, FAX (502) 564-6745.

## ADMINISTRATIVE REGISTER - 1852

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

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

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

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

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in alternative format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Department of Vocational Rehabilitation regulations may call toll free 1-800-372-7172 (VTDD).

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to vocational rehabilitation is KRS 151B.195.

(b) The administrative regulation that the department intends to promulgate will amend 781 KAR 1:020 as follows: The department will remove requirements for comparable benefits and confidentiality of records since the language duplicates that in the Code of Federal Regulations. Section 4 dealing with physical restoration services in extended evaluation status will be removed. Section 7, dealing with the requirement for a visual examination for individuals with a visual impairment will be deleted. The restriction on maintenance in Section 9 will be removed. Payment rates for purchased services will be revised. Sections 11, 12 and 13 will be deleted entirely. Section 15 dealing with establishing rates for prescription drugs will be deleted. Management oversight of self employment enterprises will be removed. Section 19 which mandates additional requirements for successful rehabilitation in extended employment will be eliminated. Management oversight of the supported employment program will be removed. Extensive requirements for individuals enrolled in post secondary education programs will be removed. The proposed amendment will also make a number of technical corrections.

(c) The necessity and function of the proposed administrative regulation is as follows: The administrative regulation is overly prescriptive and adds unnecessary process requirements which slow the timely delivery of services individuals need in order to secure and maintain employment. Streamlined process should result in meaningful customer and counselor negotiation in the individual rehabilitation employment plan.

(d) The benefits expected from administrative regulation are: Eligible individuals will be able to negotiate needed services with the local counselor. Needed services will be available on a more timely basis.

(e) The administrative regulation will be implemented as follows: Staff will be advised of the streamlined process. Individuals and their rehabilitation counselors will negotiate services without management involvement. Post audits of case service documentation will substitute for the existing oversight requirements.

February 2, 1998

Workforce Development Cabinet

Department of Vocational Rehabilitation

(1) Regulation number and title: **781 KAR 1:040**, Rehabilitation technology services.

(2) The Workforce Development Cabinet, Department of Vocational Rehabilitation intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 27, 1998, at 10 a.m. eastern time, in the DVR Training Room, 209 Saint Clair Street, Frankfort, Kentucky 40601.

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

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

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 10 days prior to March 27, 1998, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: George Parsons, Staff Assistant, Department of Vocational Rehabilitation, 209 Saint Clair Street, Frankfort, Kentucky 40601, Phone (502) 564-4440, FAX (502) 564-6745.

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

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

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

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

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in alternative format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Department of Vocational Rehabilitation regulations may call toll free 1-800-372-7172 (VTDD).

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to vocational rehabilitation is KRS 151B.195.

(b) The administrative regulation that the department intends to promulgate will amend 781 KAR 1:040 as follows: The department will remove requirements for management oversight for the purchase of rehabilitation technology including computer upgrades, vehicle modification, and home modification. In addition, the department will remove the prohibition on vehicle repair for eligible individuals.

(c) The necessity and function of the proposed administrative regulation is as follows: The administrative regulation is overly prescriptive and adds unnecessary process requirements which slow the timely delivery of support services individuals need in order to secure and maintain employment.

(d) The benefits expected from administrative regulation are: Eligible individuals will be able to access, on a more timely basis, rehabilitation technology needed to achieve an employment outcome.

## ADMINISTRATIVE REGISTER - 1853

(e) The administrative regulation will be implemented as follows: Staff will be advised of the revisions to the requirements associated with the purchase of rehabilitation technology. Individuals and their rehabilitation counselors will negotiate for the purchase of needed services without management approval. Post audits of case service documentation will substitute for the existing oversight requirements.

February 2, 1998

Workforce Development Cabinet

Department of Vocational Rehabilitation

(1) Regulation number and title: **781 KAR 1:050**, Carl D. Perkins Comprehensive Rehabilitation Center.

(2) The Workforce Development Cabinet, Department of Vocational Rehabilitation intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 27, 1998, at 10 a.m. eastern time, in the DVR Training Room, 209 Saint Clair Street, Frankfort, Kentucky 40601.

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

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

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 10 days prior to March 27, 1998, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: George Parsons, Staff Assistant, Department of Vocational Rehabilitation, 209 Saint Clair Street, Frankfort, Kentucky 40601, Phone (502) 564-4440, FAX (502) 564-6745.

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

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

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

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

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in alternative format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Department of Vocational Rehabilitation regulations may call toll free 1-800-372-7172 (VTDD).

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to vocational rehabilitation is KRS 151B.195.

(b) The administrative regulation that the department intends to promulgate will amend 781 KAR 1:050 as follows: The department will make technical corrections to Section 1, Definitions, and add a sentence to Section 3, Retention Policy, to assure consistency with 781 KAR 1:030 regarding application of the department's economic needs test.

(c) The necessity and function of the proposed administrative regulation is as follows: The administrative regulation needs technical correction in order to assure consistent application of the financial needs test required by 781 KAR 1:030.

(d) The benefits expected from administrative regulation are: The financial needs test will be applied equitably to all eligible individuals served by the department, including consumers at the Carl D. Perkins Comprehensive Rehabilitation Center.

(e) The administrative regulation will be implemented as follows: Staff will be advised of the revisions. Local counselors and counselors at the Carl D. Perkins Rehabilitation Center will work with eligible individuals to assure that all consumers are treated equitably.

February 2, 1998

Workforce Development Cabinet

Department of Vocational Rehabilitation

(1) Regulation number and title: **781 KAR 1:060**, Admission and discharge from community facilities.

(2) The Workforce Development Cabinet, Department of Vocational Rehabilitation intends to repeal the administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 27, 1998, at 10 a.m. eastern time, in the DVR Training Room, 209 Saint Clair Street, Frankfort, Kentucky 40601.

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

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

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 10 days prior to March 27, 1998, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: George Parsons, Staff Assistant, Department of Vocational Rehabilitation, 209 Saint Clair Street, Frankfort, Kentucky 40601, Phone (502) 564-4440, FAX (502) 564-6745.

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

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

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

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

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in alternative format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Department of Vocational Rehabilitation

## ADMINISTRATIVE REGISTER - 1854

regulations may call toll free 1-800-372-7172 (V/TDD).

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to vocational rehabilitation is KRS 151B.195.

(b) The administrative regulation that the department intends to repeal 781 KAR 1:060, Admission and discharge from community rehabilitation programs is as follows: The criteria for admission and discharge from community rehabilitation programs is no longer necessary.

(c) The necessity and function of the proposed administrative regulation is as follows: The administrative regulation established criteria for admission and discharge at work training centers and the Colonial Inn Rehabilitation Facility. Those community rehabilitation programs no longer exist and the requirements are no longer necessary.

(d) The benefits expected from administrative regulation are: The regulation is no longer necessary and can be removed.

(e) The administrative regulation will be implemented as follows: Staff is aware that the regulation is no longer necessary. There will be no implementation.

### KENTUCKY DEPARTMENT OF WORKERS' CLAIMS

February 13, 1998

Kentucky Department of Workers' Claims

(1) Regulation number and name: **803 KAR 25:089**, Workers' compensation medical fee schedule for physicians.

(2) The Commissioner of the Department of Workers' Claims intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 23, 1998, at 10 a.m. at the Department of Workers' Claims, 1270 Louisville Road, Frankfort, Kentucky 40601.

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

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least ten (10) days prior to March 23, 1998, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Department of Workers' Claims, Perimeter Park West, Building C, 1270 Louisville Road, Frankfort, Kentucky 40601, ATTN: Donna Elsen Floyd, (502) 564-5550, fax number 564-5934.

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

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

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

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

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

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to the subject matter of administrative regulation is KRS 342.020 and 342.035.

(b) The administrative regulation that the commissioner intends to promulgate will amend an existing administrative regulation as required by statute. It will review and update the workers' compensation medical fee schedule for physicians.

(c) The necessity and function of the proposed administrative regulation is as follows: To assure compliance with statutory requirements to update the schedule of medical fees each and every two years.

(d) The benefits expected from administrative regulation are: To assure that fees for medical services provided under the workers' compensation program are fair, current, and reasonable for similar treatment of injured persons in the same community for like services.

(e) The administrative regulation will be implemented as follows: A revised workers' compensation medical fee schedule for physicians shall be incorporated by reference by July 1, 1998.

### KENTUCKY RACING COMMISSION

February 11, 1998

Kentucky Racing Commission

(1) Regulation number and title: **810 KAR 1:001**, Definitions.

(2) The Kentucky Racing Commission intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 23, 1998, 10 a.m. at the commission offices at 4063 Iron Works Pike, Building B, Lexington, Kentucky 40511.

(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 or a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 10 days prior to March 23, 1998, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Bernie Hettel, Kentucky Racing Commission, 4063 Iron Works Pike, Building B, Lexington, Kentucky 40511.

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

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



## ADMINISTRATIVE REGISTER - 1855

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 Racing Commission at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to the subject matter of administrative regulation is KRS 230.260.

(b) The administrative regulation that the Kentucky Racing Commission intends to promulgate will amend 810 KAR 1:001. It will more definitely clarify the term "Stakes Race".

(c) The necessity and function of the proposed administrative regulation is as follows: This change will clarify that a stakes race will exclude races that are not listed by the Jockey Club Information System International Cataloguing Standards, Part One.

(d) The benefits expected from administrative regulation are: The main benefit from this amendment would be a clearer understanding of what a stakes race is.

(e) The administrative regulation will be implemented as follows: Changes will be applied as soon as administratively permitted.

February 11, 1998

Kentucky Racing Commission

(1) Regulation number and title: **810 KAR 1:009**, Jockeys and apprentices.

(2) The Kentucky Racing Commission intends to promulgate an administrative regulation governing the subject matter listed above.

23, 1998, 10 a.m. at the commission offices at 4063 Iron Works Pike, Building B, Lexington, Kentucky 40511.

(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 or a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 10 days prior to March 23, 1998, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Bernie Hettel, Kentucky Racing Commission, 4063 Iron Works Pike, Building B, Lexington, Kentucky 40511.

(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 Racing Commission at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to the subject matter of administrative regulation is KRS 230.210 to 230.360.

(b) The administrative regulation that the Kentucky Racing Commission intends to promulgate will amend 810 KAR 1:009. It will put our regulation in compliance with other states.

(c) The necessity and function of the proposed administrative regulation is as follows: This will put our regulation in line with other states. Uniform regulations make it easier for individuals who travel from race track to race track. The addition in Section 4(4) will encourage the apprentice jockey to continue his education or at least complete his GED.

(d) The benefits expected from administrative regulation are: Regulations that are better understood and apprentice jockeys that will continue their education or complete their GED.

(e) The administrative regulation will be implemented as follows: Changes will be applied as soon as administratively permitted.

February 11, 1998

Kentucky Racing Commission

(1) Regulation number and title: **810 KAR 1:016**, Running of the race.

(2) The Kentucky Racing Commission intends to promulgate an administrative regulation governing the subject matter listed above.

23, 1998, 10 a.m. at the commission offices at 4063 Iron Works Pike, Building B, Lexington, Kentucky 40511.

(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 or a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 10 days prior to March 23, 1998, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Bernie Hettel, Kentucky Racing Commission, 4063 Iron Works Pike, Building B, Lexington, Kentucky 40511.

(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 Racing Commission at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to the subject matter of administrative regulation

## ADMINISTRATIVE REGISTER - 1856

is KRS 230.210 to 230.360.

(b) The administrative regulation that the Kentucky Racing Commission intends to promulgate will amend 810 KAR 1:016, Running of the race. It will more clearly define the jockey's use of the whip.

(c) The necessity and function of the proposed administrative regulation is as follows: The changes will give the jockeys, trainers, and owners a clear definition of whip usage during and before a race.

(d) The benefits expected from administrative regulation are: Unnecessary and excessive use of the whip.

(e) The administrative regulation will be implemented as follows: Changes will be applied as soon as administratively permitted.

February 11, 1998

Kentucky Racing Commission

(1) Regulation number and title: **811 KAR 1:090**, Stimulants and drugs.

(2) The Kentucky Racing Commission intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 23, 1998, 10 a.m. at the commission offices at 4063 Iron Works Pike, Building B, Lexington, Kentucky 40511.

(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 or a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 10 days prior to March 23, 1998, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Bernie Hettel, Kentucky Racing Commission, 4063 Iron Works Pike, Building B, Lexington, Kentucky 40511.

(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 Racing Commission at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to the subject matter of administrative regulation is KRS 230.630(3), (4), (7).

(b) The administrative regulation that the Kentucky Racing Commission intends to promulgate will amend 811 KAR 1:090. It will add a section that deals with the drug phenylbutazone.

(c) The necessity and function of the proposed administrative regulation is as follows: This will give the veterinarians and trainers a guideline for administering phenylbutazone.

(d) The benefits expected from administrative regulation are: These guidelines have always been in affect at the harness tracks but have not been incorporated into the regulations. Having this rule incorporated as a regulation will make it easier for the stewards/judges to enforce any irregularities in the administering of phenylbutazone.

(e) The administrative regulation will be implemented as follows: Changes will be applied as soon as administratively permitted.

February 11, 1998

Kentucky Racing Commission

(1) Regulation number and title: **811 KAR 1:215**, Kentucky Standardbred Development Fund.

(2) The Kentucky Racing Commission intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 23, 1998, 10 a.m. at the commission offices at 4063 Iron Works Pike, Building B, Lexington, Kentucky 40511.

(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 or a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 10 days prior to March 23, 1998, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Calvert Bratton, Kentucky Racing Commission, 4063 Iron Works Pike, Building B, Lexington, Kentucky 40511.

(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 Racing Commission at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to the subject matter of administrative regulation is KRS 230.770.

(b) The administrative regulation that the Kentucky Racing Commission intends to promulgate will amend 811 KAR 1:215. It will set a definite date as to when the stallion nomination fees are to be received by the Kentucky Racing Commission.

(c) The necessity and function of the proposed administrative regulation is as follows: When these regulations were amended last year a deadline for the stallion registration fees was omitted.

(d) The benefits expected from administrative regulation are: The only benefits would be to alleviate any questions as to when the stallion nominations are due.

## ADMINISTRATIVE REGISTER - 1857

(e) The administrative regulation will be implemented as follows: Changes will be applied as soon as administratively permitted.

### CABINET FOR FAMILIES AND CHILDREN Department for Social Insurance Division of Management and Development

February 15, 1998  
Cabinet for Families and Children  
Department for Social Insurance  
Division of Management and Development

(1) **904 KAR 3:010**, Definitions. **904 KAR 3:035**, Certification process. **904 KAR 3:045**, Coupon issuance procedures. **904 KAR 3:060**, Administrative disqualification hearings and penalties.

(2) Cabinet for Families and Children, Department for Social Insurance intends to promulgate 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 March 31, 1998, 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 10 days prior to March 31, 1998, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Judy Trigg, Regulation Coordinator, Cabinet for Families and Children, 275 East Main Street, 4th West, Frankfort, Kentucky 40621, (502) 564-7900, FAX: (502) 564-7573.

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

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

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

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Social Insurance, Division of Management and Development, Third Floor West, CHR Building, 275 East Main, Frankfort, Kentucky 40621.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Families and Children's regulations may call toll free 1-800-372-2973 (V/TTY).

(7) Information relating to the proposed administrative regulations.

(a) The statutory authority for the promulgation of administrative regulations relating to Electronic Benefits Transfer Issuance System is 7 CFR 274.12.

(b) The administrative regulations that the Department for Social Insurance intend to promulgate, 904 KAR 3:010, 904 KAR 3:035, 904 KAR 3:045 and 904 KAR 3:060, will implement procedures regarding Electronic Benefits Transfer (EBT) system for the Food Stamp Program.

(c) The necessity, function and conformity of the proposed administrative regulations is as follows: These administrative regulations are necessary to implement the Electronic Benefits Transfer (EBT) system for the Food Stamp Program and to implement policy and technical changes to the food stamp replacement and claims procedures to include the EBT system.

(d) The benefits expected from these administrative regulations are: The amendments to these administrative regulations will provide for issuance of food stamp benefits electronically to purchase food items at authorized food retailers. Eligible households will utilize magnetic-strip plastic cards and have accounts maintained at the central computer in lieu of food stamp coupons to purchase food items at authorized food retailers. The system will replace multiple paper based delivery systems, reduce the cost of benefit delivery and reduce fraud. This system will also eliminate the stigma of being a food stamp recipient.

(e) The administrative regulations will be implemented as follows: The Cabinet for Families and Children, the Department for Social Insurance will be responsible for implementing the administrative regulations.

### CABINET FOR HEALTH SERVICES Department for Medicaid Services

February 15, 1998  
Cabinet for Health Services  
Department for Medicaid Services

(1) **907 KAR 1:034**, Early and periodic screening, diagnosis and treatment; **907 KAR 1:035**, Payment for screening service.

(2) Cabinet for Health Services, Department for Medicaid Services intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 31, 1998 at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky 40621.

(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

## ADMINISTRATIVE REGISTER - 1858

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 10 days prior to March 31, 1998, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Mae B. Lewis, Administrative Specialist, Pr., Cabinet for Health Services, Office of the Counsel, 275 East Main Street - 4th Floor West, Frankfort, Kentucky 40621, (502) 564-7900, (502) 564-7573 (Fax).

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

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

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

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

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Medicaid Services, Division of Administration and Development, CHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Health Services' 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 907 KAR 1:034 is KRS 194.050, 42 USC 1396d, 42 CFR 441.50 through 441.62 and EO 96-862. The statutory authority for the promulgation of an administrative regulation relating to 907 KAR 1:035 is KRS 194.050, 42 CFR 440.40(b) and 447, Subpart B, and 42 USC 1396 a, b, d.

(b) The administrative regulations that the Department for Medicaid Services intends to promulgate will amend 907 KAR 1:034, Early and periodic screening, diagnosis and treatment and 907 KAR 1:035, Payment for screening services to increase reimbursement rates for EPSDT screening providers, update the periodicity schedule and its requirements in the EPSDT Manual in accordance with current medical standards and practices (American Academy of Pediatrics, Academy of Family Physicians, Advisory Council on Immunizations, Medicaid Dental Technical Advisory Committee), update the EPSDT manual in accordance with KRS Chapter 13A, include managed care provisions relating to EPSDT services, and make minor policy clarifications as needed.

(c) The necessity, function and conformity of the proposed administrative regulation is as follows: Administrative regulation 907 KAR 1:034 sets forth the provisions relating to the early and periodic screening, diagnosis and treatment services for which payment shall be made by the Medicaid Program in behalf of both categorically needy and medically needy children under age 21 and administrative regulation 907 KAR 1:035 sets forth the provisions relating to the payments for screening services for the method for determining the amounts payable by the cabinet for screening services.

(d) The benefits expected from administrative regulation are: An increase in the number of EPSDT screenings for children, an increase in the access to EPSDT services and improvement in the continuity of care for children.

February 15, 1998

Cabinet for Health Services

Department for Medicaid Services

(1) **907 KAR 1:060**, Medical transportation.

(2) Cabinet for Health Services, Department for Medicaid Services intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 31, 1998, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky 40621.

(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 10 days prior to March 31, 1998, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Mae B. Lewis, Cabinet Regulation Coordinator, Cabinet for Health Services, Office of the Counsel, 275 East Main Street - 4W-C, Frankfort, Kentucky 40621, (502) 564-7905, (502) 564-7573 (Fax).

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

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

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

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

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Medicaid Services, Division of Administration and Development, CHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Health Services' 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 medical transportation is KRS 194.050 and EO 96-862.

(b) The administrative regulation that the Department for Medicaid Services intends to promulgate will amend 907 KAR 1:060 to revise and clarify definitions, to incorporate provisions of the EMPOWER Kentucky initiative, to make formatting and drafting amendments in order to comply with KRS Chapter 13A, and to make minor clarifications to current policy.

## ADMINISTRATIVE REGISTER - 1859

(c) The necessity, function and conformity of the proposed administrative regulation is as follows: This administrative regulation sets forth the provisions relating to the service of transportation for access to medical services for which payment shall be made by the Medicaid Program on behalf of both the categorically needy and the medically needy.

(d) The benefits expected from administrative regulation are: To revise and clarify licensure requirements and restrictions to comply with appropriate licensing agency requirements.

(e) The administrative regulation will be implemented as follows: By the Division of Administration and Development, Department for Medicaid Services, Cabinet for Health Services.

February 15, 1998

Cabinet for Health Services

Department for Medicaid Services

(1) **907 KAR 1:061**, Payments for medical transportation.

(2) Cabinet for Health Services, Department for Medicaid Services intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 31, 1998, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky, 40621.

(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 10 days prior to March 31, 1998, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Mae B. Lewis, Cabinet Regulation Coordinator, Cabinet for Health Services, Office of the Counsel, 275 East Main Street - 4W-C, Frankfort, Kentucky 40621, (502) 564-7905, (502) 564-7573 (Fax).

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

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

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

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Medicaid Services, Division of Administration and Development, CHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Health Services' 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 payments for medical transportation are KRS 194.050 and EO 96-862.

(b) The administrative regulation that the Department for Medicaid Services intends to promulgate will amend 907 KAR 1:061 to revise and clarify definitions, revise and clarify licensure requirements and restrictions to comply with appropriate licensing agency requirements and the requirements of the Department of Insurance, revise and update the Medicaid Transportation Services Manual for emergency services, revise and update payment methodology, incorporate provisions of the EMPOWER Kentucky initiative, make drafting and formatting changes in order to comply with KRS Chapter 13A, and make minor clarifications to current policy.

(c) The necessity, function and conformity of the proposed administrative regulation is as follows: This administrative regulation sets forth the method for determining amounts payable by the Department for Medicaid Services for medical transportation services.

(d) The benefits expected from administrative regulation are: clarify policy related to licensure requirements and payment.

(e) The administrative regulation will be implemented as follows: By the Division of Administration and Development, Department for Medicaid Services, Cabinet for Health Services.

February 15, 1998

Cabinet for Health Services

Department for Medicaid Services

(1) **907 KAR 1:360**, Preventive and remedial health care services provided through interagency agreement.

(2) Cabinet for Health Services, Department for Medicaid Services intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 31, 1998, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky, 40621.

(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 10 days prior to March 31, 1998, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Mae B. Lewis, Cabinet Regulation Coordinator, Cabinet for Health Services, Office of the Counsel, 275 East Main Street - 4W-C, Frankfort, Kentucky 40621, (502) 564-7905, (502) 564-7573 (Fax).

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

## ADMINISTRATIVE REGISTER - 1860

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

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

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

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Medicaid Services, Division of Administration and Development, CHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Health Services' 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 preventive health services is KRS 194.050 and EO 96-862.

(b) The administrative regulation that the Department for Medicaid Services intends to promulgate will amend 907 KAR 1:360, to revise and update the EPSDT periodicity schedule, update the name and policy information of the Preventive Health Services Manual, incorporate EO 96-862 and KRS Chapter 13A formatting requirements, make other minor policy clarifications, and include managed care provisions relating to preventive health services.

(c) The necessity, function and conformity of the proposed administrative regulation is as follows: This administrative regulation sets forth coverage and payment conditions for preventive public health services provided through interagency agreement.

(d) The benefits expected from administrative regulation are: Update and clarify policy information.

(e) The administrative regulation will be implemented as follows: By the Division of Administration and Development, Department for Medicaid Services, Cabinet for Health Services.

February 15, 1998

Cabinet for Health Services

Department for Medicaid Services

(1) **907 KAR 1:383**, Repeal of 907 KAR 1:382, Incorporation by reference of the preventive health services manual.

(2) Cabinet for Health Services, Department for Medicaid Services intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 31, 1998, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky, 40621.

(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 10 days prior to March 31, 1998, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Mae B. Lewis, Cabinet Regulation Coordinator, Cabinet for Health Services, Office of the Counsel, 275 East Main Street - 4W-C, Frankfort, Kentucky 40621, (502) 564-7905, (502) 564-7573 (Fax).

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

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

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

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

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Medicaid Services, Division of Administration and Development, CHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Health Services' 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 incorporated by reference of the Preventive Health Services Manual is KRS 194.050 and EO 96-862.

(b) The administrative regulation that the Department for Medicaid Services intends to promulgate will repeal 907 KAR 1:382, Incorporation by reference of the Preventive Health Services Manual, which is now obsolete.

(c) The necessity, function and conformity of the proposed administrative regulation is as follows: This administrative regulation acts to repeal 907 KAR 1:382.

(d) The benefits expected from administrative regulation are: To eliminate any conflict between obsolete and current material.

(e) The administrative regulation will be implemented as follows: By the Division of Administration and Development, Department for Medicaid Services, Cabinet for Health Services.

### Department for Mental Health and Mental Retardation Services

February 15, 1998

Cabinet For Health Services

Department for Mental Health and Mental Retardation Services

(1) **908 KAR 1:340**, Kentucky narcotic treatment programs.

(2) The Department for Mental Health and Mental Retardation Services intends to amend the administrative regulation governing

## ADMINISTRATIVE REGISTER - 1861

narcotic treatment programs in Kentucky.

(3) A public hearing to receive oral and written comments on the proposed amendment of this administrative regulation has been scheduled for March 31, 1998, in the Department for Health Services Auditorium, Health Services Building, first Floor, 275 East Main Street, Frankfort, Kentucky 40621.

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

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

(b) If a request for a public hearing and agreement to attend the public hearing are not received from the required number of people by March 21, 1998, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Mae B. Lewis, Cabinet Regulation Coordinator, Office of the Counsel, Cabinet for Health Services, 275 East Main Street, 4-West, Frankfort, Kentucky 40621, Telephone: (502) 564-7900, Fax: (502) 564-7573.

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

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

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

(b) Persons who wish to file this request may obtain a request from the Administrative Regulation Coordinator, Department for Mental Health and Mental Retardation Services, Division of Administration and Financial Management, 275 East Main Street, Frankfort, Kentucky 40621.

(c) NOTE: Requests for Notification and the Notice of Intent to Promulgate/Amend shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Health Services 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/amendment of this administrative regulation is KRS 194.050, 222.231, and 21 CFR 291.

(b) This proposed amendment of this administrative regulation by the Department for Mental Health and Mental Retardation Services will amend an existing administrative regulation. The primary purpose of this amendment is to establish greater consistency in program operation policies across narcotic treatment programs. This administrative regulation outlines specific program policy requirements that will be common across all such programs in the areas of licensing of narcotic treatment programs, admissions, readmissions, treatment phases, program infractions, program transfers, medications fees, mechanism for client appeal and procedures for seeking waivers from regulatory requirements. This amendment will strengthen this regulation and will protect the health, safety, and rights of the clients of these programs, and therefore it is necessary to amend this administrative regulation for that purpose.

(c) The necessity and function of this proposed amendment to this regulation is as follows: KRS 194.050 authorizes the Cabinet for Health Services to establish guidelines and provide for the systematic evaluation of effectiveness of narcotic treatment programs.

(d) The benefits expected from the amendment of this administrative regulation is to establish greater consistency in program operation policies across narcotic treatment programs. This administrative regulation outlines specific program policy requirements that will be common across all such programs in the areas of licensing of narcotic treatment programs, admissions, readmissions, treatment phases, program infractions, program transfers, medications fees, mechanism for client appeal and procedures for seeking waivers from regulatory requirements.

EMERGENCY ADMINISTRATIVE REGULATIONS NOW IN EFFECT

(NOTE: Emergency administrative regulations expire 170 days from publication or upon replacement, repeal, or withdrawal)

STATEMENT OF EMERGENCY  
601 KAR 2:020E

The Commonwealth of Kentucky has determined that it is in the best interest of the Commonwealth to continue to sell information from the Automated Vehicle Information System (AVIS). 18 USC Chapter 123 requires that prior to making available for marketing or bulk sale purposes any private information from a motor vehicle or driver licensing record, an individual shall be offered the opportunity to direct that his personal information not be so distributed. An ordinary administrative regulation will not be sufficient since the effective date of this federal mandate was September 1997. In order for Kentucky to comply with the mandate and to continue to sell information from AVIS, it is necessary that the opt-out provision be made immediately available to those persons who register or title a motor vehicle in Kentucky. This emergency administrative regulation will be replaced by an ordinary administrative regulation as soon as possible. The Notice of Intent to promulgate the ordinary administrative regulation will be filed with the Regulations Compiler on February 13, 1998.

PAUL E. PATTON, Governor,  
JAMES C. CODELL, III, Secretary

TRANSPORTATION CABINET  
Department of Vehicle Regulation  
Division of Motor Vehicle Licensing  
Division of Driver Licensing  
Department of Administrative Services

601 KAR 2:020E. Drivers' privacy protection.

RELATES TO: KRS 61.870 through 61.884, 187.310, 18 USC Chapter 123

STATUTORY AUTHORITY: KRS 61.874

EFFECTIVE: February 13, 1998

NECESSITY, FUNCTION, AND CONFORMITY: The 1994 National Crime Prevention Act included a section called "The Drivers' Privacy Protection Act" codified as 18 USC Chapter 123 which mandates the information which can and cannot be included in information sold or otherwise distributed about motor vehicle operators or owners. This administrative regulation is the means used by the Department of Vehicle Regulation to establish under what circumstances and conditions the private information will be distributed or sold.

Section 1. Definitions. "Private information" means information that identifies an individual including the following:

- (1) Name;
- (2) Address, excluding the zip code;
- (3) Social Security number;
- (4) Date of birth;
- (5) Driver identification number;
- (6) Telephone number;
- (7) Photograph; and
- (8) Medical or disability information.

Section 2. (1) In the Driver Licensing Computer Information System the following shall not be considered private information:

- (a) A motor vehicle accident report;
- (b) Driver status; and

- (c) Violation or conviction of a traffic law.
- (2) The information included in the Driver Licensing Computer System shall not be distributed or sold contrary to KRS 187.310.

Section 3. Private information in the Driver Licensing Computer Information System or the Automated Vehicle Information System may be released for the following reasons:

(1) For use by a government agency, including a court or law enforcement agency, in carrying out its functions, or a private person or entity acting on behalf of a federal, state, or local agency in carrying out its functions;

(2) For use in connection with matters relating to the following:

- (a) Motor vehicle or driver safety;
- (b) Motor vehicle theft;
- (c) Motor vehicle emissions;
- (d) Motor vehicle product alterations, recalls, or advisories;
- (e) Performance monitoring of motor vehicles, motor vehicle parts, or dealers;

(f) Motor vehicle market research activities, including survey research; and

(g) Removal of nonowner records from the original owner records of motor vehicle manufacturers;

(3) For use in the normal course of business by a legitimate business or its agent, employee, or contractor, but only:

(a) To verify the accuracy of personal information submitted by the individual to the business or its agent, employee, or contractor; or

(b) If the submitted information is not correct or is no longer correct, to obtain the correct information, but only for the purpose of preventing fraud by pursuing legal remedies against, or recovering on a debt or security interest against the individual;

(4) For use in connection with a civil, criminal, administrative, or arbitral proceeding in any federal, state, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, or local court;

(5) If the personal information is not published, redisclosed, or used to contact an individual, for use in:

- (a) Research activities; or
- (b) Producing statistical reports.

(6) For use by any insurer or insurance support organization, or by a self-insured entity, or its agent, employee, or contractor, in connection with claims investigation activities, antifraud activities, rating, or underwriting;

(7) For use in providing notice to the owner of a towed or impounded vehicle;

(8) For use by any licensed investigative agency or licensed security service for a purpose permitted under this subsection;

(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 USC App.2710 et seq.);

(10) For use in connection with operation of a private toll transportation facility; or

(11) For use by any requester, if the requester demonstrates he has obtained the written consent of the individual to whom the information pertains.

Section 4. A person wishing pursuant to Section 3 of this administrative regulation to obtain a record which includes personal



## ADMINISTRATIVE REGISTER - 1863

information, shall complete one (1) of the following or its preapproved electronic equivalent:

(1) If the record is in the Driver Licensing Computer Information System, Transportation Cabinet form TC 94-1, "Request for Driver Licensing Records which Include Personal Information"; or

(2) If the record is in the Automated Vehicle Information System, Transportation Cabinet form TC 96-16, "Request for Motor Vehicle Record which Includes Personal Information".

Section 5. (1) In addition to Section 3 of this administrative regulation, the selling of information from the Automated Vehicle Information System relating to a motor vehicle registered or titled in the Commonwealth of Kentucky shall be allowed if the information is to be used, rented, or sold solely for bulk distribution for surveys, marketing, or solicitations.

(2) The surveys, marketing, or solicitations shall not be directed at an individual who has requested that they not be directed at him pursuant to Section 6 of this administrative regulation.

(3) A person requesting information pursuant to this section shall sign an agreement with the Transportation Cabinet in order to apply for this information. This request shall be on Transportation Cabinet Form TC 10-300, "Agreement" which relates to use of information requested from the Automated Vehicle Information System.

Section 6. (1) A person who does not wish to have surveys, marketing, or solicitations directed at himself from information obtained from the Automated Vehicle Information System shall complete and file a copy of Transportation Cabinet Form TC 96-320 "Request to Withhold Personal Information" with the Division of Motor Vehicle Licensing.

(2) The Motor Vehicle Licensing Office of each County Clerk shall prominently display a sign explaining that an individual is allowed to complete this form in order that his personal information not be included in a commercial bulk sale.

(3) If a person renews his motor vehicle registration by mail pursuant to KRS 186.020(5) the county clerk shall include in the package which contains the renewed registration form for each individual a copy of Transportation Cabinet form TC 96-320.

Section 7. (1) The following material is incorporated by reference as a part of this administrative regulation:

(a) Transportation Cabinet form TC 94-1 "Request for Driver Licensing Records which Include Personal Information" effective August 1997;

(b) Transportation Cabinet form TC 96-16 "Request for Motor Vehicle Record which Includes Personal Information" effective October 1997;

(c) Transportation Cabinet form TC 96-320, "Request to Withhold Personal Information" effective October 1997; and

(d) Transportation Cabinet form TC 10-300, "Agreement" effective September 1997.

(2) The material incorporated by reference in this administrative regulation may be viewed, copied, or obtained from the following offices within the Transportation Cabinet. The office hours of each office are 8 a.m. to 4:30 p.m., local prevailing time on weekdays.

(a) TC 96-320 and TC 96-16 from the Department of Vehicle Regulation, Division of Motor Vehicle Licensing, 501 High Street, Frankfort, Kentucky 40622, telephone number is (502) 564-5301.

(b) TC 94-1 from the Department of Vehicle Regulation, Division of Driver Licensing, 501 High Street, Frankfort, Kentucky 40622, telephone number is (502) 564-6800.

(c) TC 10-300 from the Department of Administrative Services, 501 High Street, Frankfort, Kentucky 40622, telephone number is (502) 564-3670.

ED ROBERTS, Commissioner, Department of Administrative Services  
ED LOGSDON, Commissioner, Department of Vehicle Regulation

JAMES C. CODELL, Secretary  
TODD SHIPP, Office of General Counsel

APPROVED BY AGENCY: February 4, 1998

FILED WITH LRC: February 13, 1998 at 11 a.m.

### REGULATORY IMPACT ANALYSIS

Contact person: Sandra Pullen Davis

(1) Type and number of entities affected: 3 million vehicle operators and owners in Kentucky.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: Emergency regulation. Public comment hearing has not yet been held. However, the larger Kentucky industries such as Toyota and Ford have indicated that the ability to make bulk mailings to the citizens of Kentucky is critical to their continued economic well-being.

(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:

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Each time an entity wishes to purchase information from the Transportation Cabinet's motor vehicle records, it will have to complete a form stating the proposed of the use of the information.

2. Second and subsequent years: Same

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: While \$50,000 in name sales will no longer be made from the Driver Licensing Computer System each year, the cost of administering the program and preparing data requests will be eliminated. The net result should be \$0. There should be no changes in the Automated Motor Vehicle Licensing System in regard to costs/income. However, the cabinet will have to absorb the cost of printing and distributing form and posters relating to the program. Based on information from other states, we expect 50,000 people to request that their information not be sold for commercial purposes. This information will have to be entered into the computer.

1. First year: A net cost of approximately \$50,000 each year.

2. Continuing costs or savings: Same

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(4) Assessment of anticipated effect on state and local revenues: None

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: The Kentucky Road Fund as appropriated to the Departments of Vehicle Regulation and Administrative Services.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: None

(b) Kentucky: None

(7) Assessment of alternative methods; reasons why alternatives were rejected: The cabinet strongly considered not selling information for commercial purposes at all. However, several of the larger industries in Kentucky objected pointing out that the information they purchase from the Automated Vehicle Information System is critical to their marketing efforts and therefore economic well-being.

(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

## ADMINISTRATIVE REGISTER - 1864

health would result if not implemented: No

(c) If detrimental effect would result, explain detrimental effect:

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? Yes. Tiering is used in that there is more paperwork required of an entity wishing to obtain personal information for use in commercial purposes. Those persons wishing to use the information for a noncommercial, legitimate purpose can quickly complete the required form.

### FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 18 USC Chapter 123, commonly called "National Drivers' Privacy Protection Act".

2. State compliance standards. As required for the sale or distribution of private information from a motor vehicle or driver licensing data base, Kentucky is offering each person who registers or titles a motor vehicle in Kentucky the opportunity to opt-out of the sale or distribution of his personal information. Any person who wishes to obtain personal information from one of the Department of Vehicle Regulation's computer data bases will be required to identify the use to be made of the personal information. If the use is one of the uses set forth in 18 USC as being an acceptable use of the private information, the requestor will also have to affirm that no other use will be made of the information. If the private information is to be used, rented, or sold solely for bulk distribution for surveys, marketing, or solicitations, the requestor will have to execute an agreement with the Transportation Cabinet guaranteeing no additional use of the information.

3. Minimum or uniform standards contained in the federal mandate. The federal mandate defines "private information" and requires that the sale or distribution of private information from a motor vehicle or driver licensing data base be limited to certain uses. If the private information is to be used, rented, or sold solely for bulk distribution for surveys, marketing, and solicitations, the federal mandate requires that each affected person be given the opportunity to opt-out of the sale or distribution of his personal information.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The federal mandate specifically establishes that a driver's status, conviction for a violation of a traffic law, and an accident report are not to be considered "private information", therefore, placing no restrictions on the sale or distribution of this information. However, KRS 187.310 does place restrictions and time limits on the distribution of this information. Therefore, the administrative regulation acknowledges the existence of KRS 187.310.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the regulation is in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: There will be additional time required for the motor vehicle personnel in the office of each county clerk in order to place Transportation Cabinet form TC 96-320 in the return package for each person who renews his motor vehicle registration by mail. In addition, the personnel will be required to post the public information sign required by this administrative regulation and make Transportation Cabinet form TC 96-320 available to vehicle owners who are in the office.

### FISCAL NOTE ON LOCAL GOVERNMENT

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

2. State what unit, part or division of local government this administrative regulation will affect. The motor vehicle registration office of the county clerk.

3. State the aspect or service of local government to which this administrative regulation relates. As an agent for the Transportation Cabinet, the county clerks register and title the motor vehicles based in Kentucky. This service is affected by this administrative regulation.

ADMINISTRATIVE REGULATIONS AS AMENDED BY PROMULGATING AGENCY  
AND REVIEWING SUBCOMMITTEE

ARRS = Administrative Regulation Review Subcommittee  
HSC = House Standing Committee  
SSC = Senate Standing Committee

KENTUCKY HIGHER EDUCATION  
ASSISTANCE AUTHORITY  
(As Amended at ARRS, February 11, 1998)

11 KAR 5:130. Student application.

RELATES TO: KRS 164.744(2) to 164.753(4), 164.7535, 164.780, 164.785

STATUTORY AUTHORITY: KRS 164.746(6), [13A:100;] 164.748(4), 164.7535

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.748(4) requires KHEAA to promulgate administrative regulations pertaining to the awarding of grants, scholarships, and honorary scholarships as provided in KRS 164.740 to 164.785. [The Kentucky Higher Education Assistance Authority administers grant programs to provide financial assistance to students to attend Kentucky educational institutions.] This administrative regulation prescribes the form to be used by a student [students] to apply for and establish financial need for KHEAA grant programs. [This amendment is necessary to incorporate by reference the application form for KHEAA grants for use in ~~1998-99~~ [1996-97].]

Section 1. (1) In order to receive a KHEAA grant [grants], the ~~1998-99~~ [1996-97] Free Application for Federal Student Aid (FAFSA) shall be completed and submitted in accordance with the instructions provided on the FAFSA.

(2) An applicant shall indicate the choice of an educational institution on the application to be considered for the KHEAA grant. The educational institution listed first shall be used in the determination of a KHEAA grant program award.

(3) A person who submits a completed FAFSA shall not be eligible for a KHEAA grant for an academic year in which the person:

(a) Did not select on the application an educational institution that participates in a KHEAA grant program;

(b) Is not a:

1. United States citizen or eligible noncitizen; and

2. A resident of Kentucky;

(c) Is a graduate student; or

(d) Will obtain a first baccalaureate degree before July 1 of the academic year for which he is seeking financial assistance.

[An individual who completes and files a FAFSA shall not have applied for a KHEAA grant for an academic year in which he indicates on the application a choice of educational institutions, none of which participate in the KHEAA grant programs; or that he is not a United States citizen, eligible noncitizen, or resident of Kentucky; or that he is a graduate student or will obtain a first baccalaureate degree before July 1 of the academic year for which he is seeking student financial assistance.]

Section 2. (1) If the student provides written notification of a change of the first choice educational institution, on or before August 1 or December 1, prior to the commencement of the respective fall or spring semester for which a KHEAA grant is sought, grant program eligibility shall be redetermined and award determination shall be recomputed by the authority based upon the new choice of educational institution.

(2) If the student changes his [or-her] choice of educational institution after August 1:

(a) A [those-dates] [~~any~~] KHEAA grant award for the fall [succeeding] academic term shall be revoked; and

(b) Except as provided in subsection (3) of this section, the grant program award amount for the spring academic term [eligibility] shall be recomputed, based upon the new choice of educational institution [and depend upon the availability of funds].

(3) If the student changes his choice of educational institution after December 1, the [any] KHEAA Grant Program Award for the spring academic term shall be revoked.

Section 3. Incorporation by Reference. (1) The ~~1998-99~~ [1996-97] Free Application for Federal Student Aid (FAFSA) and its instructions are incorporated by reference.

(2) This material may be inspected, copied, or obtained at the Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

GARY ABNEY, Chairman

RICHARD F. CASEY, General Counsel

APPROVED BY AGENCY: September 26, 1997

FILED WITH LRC: December 15, 1997 noon

GENERAL GOVERNMENT CABINET  
Kentucky Board of Pharmacy  
(As Amended at ARRS, February 11, 1998)

201 KAR 2:030. [Reciprocity; temporary] License transfer.

RELATES TO: KRS ~~315.191(1)(c), (d), (i)~~ [Chapter 3+5]

STATUTORY AUTHORITY: KRS 315.191(1)(a), (c), (d), (i), 315.210

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.210 requires the board to establish conditions for licensure by reciprocity. This administrative regulation establishes conditions, forms, and examination, for licensure by reciprocity. [This administrative regulation is to provide for interstate reciprocity of pharmacists licensure. It establishes uniform minimum standards and requirements.]

Section 1. Definitions. (1) "Board" means the Kentucky Board of Pharmacy.

(2) "NABP" means the National Association of Boards of Pharmacy.

(3) "License transfer" means a license to practice pharmacy in Kentucky issued by the board to a pharmacist licensed in another jurisdiction. ["License transfer [by reciprocity]" means a license to practice pharmacy issued by the Kentucky Board of Pharmacy ("board") pursuant to this administrative regulation.]

Section 2. An applicant licensed in another jurisdiction shall be eligible for license transfer, if:

(1) The requirements for initial licensure of the jurisdiction that granted his license met or exceeded Kentucky requirements

for licensure at the time the license in the other jurisdiction was granted;

(2) The applicant has not failed a board licensure examination;

(3) The applicant has:

(a) Completed and certified the "NABP Preliminary Application for Transfer of Pharmaceutic Licensure" form; and

(b) Received an "NABP Official Application for Transfer of Pharmaceutic Licensure";

(4) The applicant is in good standing in the jurisdiction from which he has applied;

(5) The applicant has successfully completed an examination in jurisprudence; and

(6) The applicant has met the requirements established by the provisions of this administrative regulation. [An applicant shall have had the legal qualifications at the time of examination and registration in the state from which he applies which would have enabled [enable] him to qualify for registration by the board.]

Section 3. **Required Information.** An applicant shall provide the information required by the NABP Preliminary Application for Transfer of Pharmaceutic Licensure, including:

(1) Name, maiden, and other names used currently or previously;

(2) Address, telephone number;

(3) Date and place of birth, and current age;

(4) Social Security number;

(5) Citizenship;

(6) Gender;

(7) State of original license by examination, including:

(a) License number;

(b) Original date of issue;

(c) Current status of original licensure; and

(d) State for which license transfer is requested;

(8) Pharmacy education, including:

(a) Name and location of pharmacy school;

(b) Name of pharmacy degree;

(c) Date degree was received;

(d) Other professional degrees, including the information specified by paragraphs (a) to (c) of this subsection;

(9) Whether the applicant has earned certification by the Foreign Pharmacy Graduate Examination Committee, and, if so, the examination equivalency number assigned;

(10) Total hours of practical experience prior to licensure as a pharmacist, including the State Board of Pharmacy with which the hours are filed;

(11) States, dates, and results of pharmacist licensure examinations;

(12) Pharmacist licenses obtained by:

(a) Score transfer; and

(b) Licensure transfer;

(13) Practice and employment, including nonpharmacist employment, from initial licensure to date of filing application; and

(14) Record of charges, convictions, and fines imposed, or certification that the applicant has not been convicted, fined, disciplined, or had a license revoked. [An applicant who has failed a Kentucky Board of Pharmacy examination shall not be eligible for license transfer pursuant to this administrative regulation [by reciprocity]. The board shall consider only those official applications for license transfer [reciprocity] approved by the board. An applicant shall include the transfer [reciprocal] registration fee fixed by the board with his application for [reciprocal] licensure transfer.]

Section 4. **The board shall accept a license transfer from a jurisdiction that:**

(1) Is an active member of the NABP; and

(2) Grants license transfer to a pharmacist pursuant to conditions and requirements that are the equivalent of conditions and requirements established by the board. [The board may accept license transfer [reciprocity] from jurisdictions [states] which are active members of the National Association of Boards of Pharmacy and which under equivalent conditions will grant [reciprocal] licensure transfer to pharmacists duly licensed by examination by the board. The applicant shall be in good standing in the state from which he applies.]

Section 5. **An applicant shall appear in person before the board or a member thereof for the jurisprudence examination.** [All applicants for license by transfer [reciprocity] shall appear in person before the board or a member thereof, for an examination before any certificate of registration will be issued. Applicants shall be required to take an examination in jurisprudence.]

Section 6. An applicant who has not actively engaged in the practice of pharmacy as a registered pharmacist during the year preceding the time of filing the application **shall** [may be required to] take a practical examination.

Section 7. **Fee.** An applicant shall include the fee specified by 201 KAR 2:050, Section 1(3).

Section 8. **Incorporation by Reference.** (1) "NABP Preliminary Application for Transfer of Pharmaceutic Licensure", is incorporated by reference.

(2) It may be inspected, copied, or obtained at Kentucky Board of Pharmacy, 1024 Capital Center Drive, Suite 210, Frankfort Kentucky 40601-8204, Monday through Friday, 8 a.m. to 4:30 p.m.

[Section 6. The board reserves the right to deny any reciprocal application for a good and just reason, and if imposed, seventy-five (75) percent of the fee paid to the board shall be refunded.]

MICHAEL B. WYANT, President

JOHN GRANT, J.D., Assistant Attorney General

APPROVED BY AGENCY: October 15, 1997

FILED WITH LRC: October 15, 1997 at 11 a.m.

GENERAL GOVERNMENT CABINET  
State Board of Registration for Professional  
Engineers and Land Surveyors  
(As Amended at ARRS, February 11, 1998)

201 KAR 18:150. Standards of practice.

RELATES TO: KRS [322.020;] 322.290(1)(a). (2)(f)

STATUTORY AUTHORITY: KRS 322.290(2)(f)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.290(1)(a) authorizes the board to administer KRS Chapter 322. KRS 322.290(2)(f) requires the board to establish standards of practice. This administrative regulation establishes standards of practice for professional land surveyors in Kentucky. [To promulgate standards of practice for land surveyors in Kentucky.]

Section 1. **Definitions.** (1) "Boundary survey" means a survey for which the primary purpose includes the:

(a) Determining of the perimeter of a parcel or tract of land; [or]

(b) Establishing or reestablishing of a parcel corner or monument; [corners and monuments; or]

(c) Describing, platting, and locating each fixed improvement on the parcel surveyed; or

## ADMINISTRATIVE REGISTER - 1867

(d) Dividing or consolidating the parcels surveyed.

(2) "Plat of survey" means a drawing of a parcel or tract of real property used to depict the final results of a field survey.

(3) "Corner" means a point on a land boundary that designates a change in direction.

(4) "Monument" means an artificial manmade or natural object that is used as, or presumed to occupy, a:

(a) Real property corner;

(b) Point on a boundary line; or

(c) Reference point.

(5) "Witness monument" means a monument:

(a) That does not occupy the same defined position as a corner; and

(b) Whose relationship to the corner is established.

(6) "Meander point" means a survey point or station marking a change in direction along a linear feature such as a watercourse, ridge, road, or cliff.

(7) "Reference point" means the defined position of a point that is, or can be, established in relation to the position of another defined point or points.

**Section 2. The standards of practice established in this administrative regulation:**

(1) Shall be the minimum standards of practice for a professional land surveyor; and

(2) Shall not limit the establishment of more stringent standards of practice for a professional land surveyor by:

(a) An agency;

(b) An owner;

(c) Contract; or

(d) The professional land surveyor. ~~[No provision of this administrative regulation shall limit or prohibit more stringent specifications or requirements:~~

(1) Required by:

(a) Another agency;

(b) Owner;

(c) Contract; or

(2) Deemed appropriate by the professional land surveyor upon review of specific survey requirements.]

**Section 3. (1)(a)** Boundary surveying in ~~[the Commonwealth of Kentucky, and a [any] document purporting to represent a boundary survey, shall comply with the provisions of this administrative regulation.~~

(b) Failure to comply with this administrative regulation shall constitute misconduct, ~~[or] gross negligence, [or] incompetence, or a combination of these violations [any combination thereof,] in the practice of professional land surveying.~~

(2) A professional land surveyor shall not represent that:

(a) A boundary survey determines land ownership; ~~[or]~~

(b) A boundary survey provides more than evidence of rights in land; or

(c) Land ownership can be established by a ~~[any] means other than an action in a Kentucky court [of this Commonwealth].~~

**Section 4.** The marks on the ground of a professional land surveyor shall constitute the actual boundary survey.

**Section 5. Record Research. (1)(a)** To determine the proper description of the land to be surveyed, a professional land surveyor shall:

(b) conduct research to obtain record description of:

(a) [1:] Each parcel to be surveyed; and

(b) [2:] Each adjoining parcel.

(2) A professional land surveyor shall evaluate:

(a) Historical records of the subject and each ~~[any] adjoining parcel; [and]~~

(b) Records of:

1. Previous pertinent surveys;

2. Tax maps;

3. Topographic maps;

4. Aerial photographs; and

5. Public agency records; and

(c) Other available data pertinent to the boundary survey.

(3) A professional land surveyor shall analyze the data and make a determination of the record boundary of **each parcel** ~~[any parcels] to be surveyed.~~

(4) Research required by the provisions of this administrative regulation:

(a) Shall be used by a professional land surveyor to determine the location of the parcel boundary; and

(b) Shall not be used by a professional land surveyor to determine title.

**Section 6. Field Research.** A professional land surveyor shall thoroughly:

(1) Search for the physical monument ~~[monuments]~~ that represents **each parcel corner** ~~[corners];~~

(2) Analyze evidence of occupation;

(3) Investigate possible parole evidence supporting the position of monuments or corners;

(4) Compare evidence discovered by the field survey with the record research to establish the boundary of the land being surveyed.

**Section 7. Measurement Specifications. (1)** Every measurement made as a part of a boundary survey shall comply with:

(a) The standards for accuracy and precision established by the provisions of this section; or

(b) At the request of the client, ~~[with]~~ standards for accuracy and precision that exceed the standards established by the provisions of this section.

(2) A professional land surveyor shall conduct measurements with instruments and equipment that are properly:

(a) Adjusted;

(b) Maintained; and

(c) Calibrated to meet the appropriate tolerance required for the classification of survey as specified in subsection (6) of this section.

(3) A boundary survey shall be conducted utilizing a method of closed traverse and the measurement of angles and distances that achieve the appropriate tolerance specified in subsection (6) of this section.

(4) A boundary survey for platting or describing a land parcel shall be classified as **Class A or Class B**. ~~[follows:]~~

(a) Class A shall:

1. **Consist of** urban or suburban land; and

2. ~~[shall]~~ Include a ~~[any]~~ parcel lying within, or adjacent to:

a. ~~[1:]~~ A city or town limit;

b. ~~[2:]~~ A commercial business area;

c. ~~[3:]~~ An industrial area;

d. ~~[4:]~~ A residential area; or ~~[and]~~

e. ~~[5:]~~ A developing area.

(b) Class B shall:

1. **Consist of** rural land; and

2. **Include** ~~[-such as:]~~

a. ~~[1:]~~ A farm; ~~[or]~~

b. ~~[2:]~~ A woodland; or

c. **Other** ~~[3-Any]~~ land not included in Class A.

(5) The accuracy and precision of a boundary survey shall not be less than the appropriate requirements established in subsection (6) of this section.

(6) Table of Specifications by Class: Classification of Surveys.

# ADMINISTRATIVE REGISTER - 1868

	Class A Urban & Suburban	Class B Rural	Remarks
Unadjusted Closure (Minimum)	1:10,000	1:5,000	Loop or Between Control Monuments
Angular Closure (Maximum)	15" N	30" N	N = Number of Angles in Traverse
Accuracy of Distances	0.05' +100 PPM	0.10' +200 PPM	100 PPM = 1:10,000

Section 8. Monumentation. (1) In a boundary survey, a professional land surveyor shall make a determination of the boundary and corners of the parcel being surveyed.

(2) Unless an adequate monument already exists at each parcel corner, a professional land surveyor shall set a monument or a witness monument at each corner of a parcel as provided in this section~~[-unless an adequate monument exists at each parcel corner]~~.

(3) A monument or witness monument set by a professional land surveyor shall be:

- (a) [Be] Made of, or contain, a ferrous material;
- (b) [Be] Not less than two (2) inch in diameter and eighteen (18) inches in length;
- (c) ~~[If pipe is utilized, be]~~ A minimum of schedule forty (40) weight if pipe is utilized; and
- (d) [Be] Identified with a cap bearing the registration number of the professional land surveyor responsible for and in [responsible] charge of the survey.

(4) A monument or witness monument shall be required at each corner of a boundary survey.

(5) A parcel corner shall be identified by a witness monument if a monument cannot be set because the corner:

- (a) Falls upon rock, concrete, or other like material; ~~[or]~~
- (b) Is likely to be disturbed; or
- (c) Is inaccessible.
- (6) A witness monument shall be set:
  - (a) On the boundary line, if practicable; and
  - (b) As close as practicable to the corner location.
- (7) A professional land surveyor shall set each monument in a manner to avoid its [their] destruction.

(8)(a) A tree shall [trees may] not be established as a corner monument except on a rural boundary survey.

(b) A tree that a professional land surveyor establishes as a corner monument shall be:

- 1. At least ten (10) inches in diameter at breast height;
- 2. In sound condition;
- 3. Marked in a conspicuous manner; and
- 4. Clearly described by size, species, and method of marking on the plat, and in the written description.

(c) Trees shall not constitute more than fifty (50) percent of the established monuments for a boundary survey in a rural land classification.

(d) For an urban or suburban survey in which a tree is found to be the monument of record, the tree shall be witness-monumented.

(9) A corner monument that a professional land surveyor has determined is not of sound condition or which fails to meet the standards established [set-out] in this administrative regulation shall be witness-monumented to perpetuate the corner location.

(10) Linear monuments.

(a) The following distinct physical features may be utilized as a monument:

- 1. A watercourse;
- 2. A ridge;
- 3. A road; or [and]
- 4. A cliff.

(b) The point at which a boundary line intersects a physical feature shall be monumented or witness-monumented.

(c) A physical feature that represents a linear monument shall be witness-monumented at a minimum of every 1,000 feet.

(d) A professional land surveyor shall obtain sufficient field survey data to define the position of each physical monument in order to accurately plat, describe, and calculate the area of the land being surveyed.

Section 9. Documentation. (1) The corner monuments established or reestablished by a professional land surveyor shall constitute the actual boundary survey.

(2) A professional land surveyor shall provide a plat of survey to the client upon the completion of a boundary survey in which he has:

- (a) Retraced a previously established boundary line [lines]; or
- (b) Established a new boundary line [lines].

(3) A professional land surveyor shall retain as permanent record the following items pertaining to a boundary survey:

- (a) Plats;
- (b) Written descriptions;
- (c) Research documents;
- (d) Field and office notes;
- (e) Electronic and magnetically stored field data; and
- (f) Documents of calculations stating the:
  - 1. Closure;
  - 2. Adjustment method;
  - 3. Bearing reference datum; and
  - 4. Determination of corners.

(4) A written description prepared by a professional land surveyor for the purpose of defining a parcel boundary shall:

- (a) Be complete;
- (b) Accurately describe the actual boundary survey; and
- (c) Contain the information specified in this paragraph:
  - 1. Captions sufficient to identify the:
    - a. General location of the land surveyed;
    - b. Specific location of the land in reference to a major physical feature, or primary control network; and
  - c. Reference of at least one (1) corner to a corner of the parent tract;
  - 2. The direction and length of each line, as follows:
    - a. (i) Each bearing shall be shown in degrees, minutes, seconds; and
    - (ii) [b:] Each distance shall be shown to hundredths of a foot; or
    - b. [e:] A geometrically-curved line shall be identified with a beginning point, terminus point, and sufficient curve data to define the curve;
  - 3. A description of each monument marking or witnessing a corner, including:
    - a. A notation as to whether found or set;
    - b. Dimensions;
    - c. Type of material; and
    - d. Identification cap;
  - 4. The names and record sources of adjoining property owners;
  - 5. A notation describing each [any] prominent feature of terrain which the boundary follows;
  - 6. Calculated area of the land surveyed, computed either to the nearest hundredth of an acre or square foot;
  - 7. Reference to the record source of the land surveyed;
  - 8. Name and registration number of the professional land surveyor who performed the survey, and name of the land surveying firm, if any;

9. A dated signature and the seal of the professional land surveyor responsible for and in charge of the survey; and

- 10. [9:] Date of the field survey.

(5) A final plat of a boundary survey shall be drawn to scale on durable, dimensionally-stable media, and clearly contain the following information:

## ADMINISTRATIVE REGISTER - 1869

(a) Direction and length of each line as follows:  
1. a. Each bearing shown in degrees, minutes and seconds; and  
b. [2.] Each distance shown to hundredths of a foot; or  
2. [3.] A geometrically-curved line shall be identified with a beginning point, terminus point, and [with] sufficient curve data to define the curve;

(b) Calculated area of the land surveyed computed either to the nearest hundredth of an acre or nearest square foot;

(c) A description of each monument, which marks or witnesses a corner, including:

1. A notation as to whether found or set;
2. Dimensions;
3. Type of material; and
4. Identification cap;

(d) Reference of at least one (1) corner to a:  
1. Corner of the parent tract; [or]

2. Durable physical object; or
3. Primary control network, such as state plane coordinates;

(e) 1. The name of each [any] road;

2. The name and record sources of each adjoiner; and

3. The [or] name and record sources of each adjoining sub-division;

(f) An [Any] apparent encroachment discovered in the course of the survey;

(g) The reference meridian and whether its basis is:

1. True; [or]
2. Grid; [or]
3. Record, including the source of the record meridian; [or]
4. State plane; or
5. Magnetic, including the date of the observation;

(h) Vicinity map of sufficient detail to locate the land being surveyed, unless the location of the property is clearly shown by the plat itself;

(i) A statement disclosing the unadjusted error of closure;

(j) A statement identifying the land classification of the parcel surveyed;

(k) A statement as to whether the directions and distances shown on the plat is based on an adjusted traverse;

(l) The location of a cemetery or grave site that is visible or discernible during the field survey or the required research; [A cemetery or grave site, if discernible or of notice during the performance of the field survey or the required research;]

(m) A dated signature and the seal of the professional land surveyor responsible for and in [responsible] charge of the survey;

(n) A written and graphic scale; and

(o) A title block containing the following:

1. Name and address of client and parcel owner;
2. Title of the survey;
3. Location of each parcel surveyed; and
4. Name and address of the professional land surveyor and, if applicable, the firm that performed the survey.

### Section 10. Marking of Working Drawings And Unfinished Plats.

(1) A working drawing or unfinished plat:

- (a) Shall be marked as to its intended use; and
- (b) Shall not be sealed.

(2) A marking shall [may] be made in a manner similar to:

- (a) "PRELIMINARY - NOT FOR RECORDING OR LAND TRANSFER"; or
- (b) "EXHIBIT".

Section 11. Partial Boundary Survey. (1) A partial boundary survey may be conducted by a professional land surveyor if: [This administrative regulation shall apply only to that portion of the property being surveyed if:]

(a) The portion of the property being surveyed [That portion] can be clearly isolated from the remainder of the property; and

(b) The interest of an [any] adjoining owner is not affected.

(2) A plat of a partial survey shall:

(a) Comply with this administrative regulation; and

(b) Graphically delineate that portion of the boundary covered by the current survey from the remainder of the property.

[Section 1. (1) "Boundary survey" means a survey for which the primary purpose includes, but is not limited to, the determination of the perimeter of a parcel or tract of land.

(2) "Witness monumentation" means the setting of an offset monument.

Section 2. (1) The perimeter of a parcel or tract of land shall be accomplished by the establishment or reestablishment of the property corners and monuments in order to describe and locate fixed improvements thereon, or to plat the property and either a division or a consolidation thereof, or to prepare a physical description of the property.

(2) The land surveyor's marks on the ground shall constitute the actual survey. While not constituting the actual survey, field notes, drawings and descriptions shall constitute the written record of the land surveyor's work.

(3) Any document purporting to represent a boundary survey shall conform to the minimum standard of practice in boundary surveying established by this administrative regulation. Failure to comply may constitute misconduct, gross negligence or incompetence in the practice of land surveying.

Section 3. Research. The land surveyor shall obtain the necessary land records including adjoiner's deeds, to insure that the proper description of the land to be surveyed has been obtained. The land surveyor shall evaluate all other available data pertinent to the survey. Evidence discovered by the field survey shall be carefully compared with the completed research in order to establish the boundaries of the land being surveyed. Research as required herein is solely intended for the location of land boundaries and does not include the determination of title or encumbrances.

Section 4. Measurement Specifications. Based upon consultation with the client and their knowledge of local regulations, requirements and conditions, the land surveyor shall determine the appropriate precision required for the subject survey.

Section 5. In no case shall the unadjusted linear error of closure of the actual field traverse be less than a minimum ratio of 1:5,000.

Section 6. (1) Monumentation. All corners of the boundary survey shall be monumented or witness monumented. Every monument set shall be of a type or character having a degree of permanency consistent with that of the local terrain and physical features. Wherever possible monuments shall be made of a permanent material that makes it possible for the monument to be detected by a device capable of finding ferrous or magnetic objects. Types of acceptable monuments include, but are not limited to, iron pipes, iron pins, iron rods, re-bars, chiseled crosses, railroad spikes, mine spikes, P.K. nails and drill holes. Wooden stakes shall not be used as monuments. Each iron pipe, iron rod, iron pin or re-bar monument set by a land surveyor shall bear his registration number on a manufactured cap or identifier.

(2) Existing permanent manmade or natural features are acceptable monuments. Where manmade or natural features are subject to change, realignment or misinterpretation, such monuments or features shall be "witness monumented."

(3) "Witness monumentation" shall be used when it is not possible or practicable to set the actual corner. Whenever witness monumentation is used, it shall be placed "on line" if possible and shall be shown on plats and called for in descriptions.



## ADMINISTRATIVE REGISTER - 1870

Section 7. (1) Documentation. The monuments noted and left by the land surveyor shall constitute the actual boundary survey; although descriptions and plats of boundary surveys are the most frequently written records of the survey.

(2) Descriptions. Any description written by a land surveyor for the purpose of defining land boundaries shall be complete and shall accurately describe the actual boundary survey. All descriptions shall contain the following details:

(a) Location in reference to a major physical feature or primary control network;

(b) Reference to its record source;

(c) Metes and bounds of the tract in order;

(d) Description of the monuments marking the corners; if any boundary follows some prominent feature of the terrain, that fact shall be stated;

(e) Calculated area of the tract;

(f) Name of land surveyor or firm performing survey; and

(g) Date of survey.

(3) Plats of survey. All final plats of boundary surveys prepared in the Commonwealth of Kentucky shall be drawn to scale on durable, dimensionally stable media and clearly contain the following information:

(a) Direction and length of each line; geometrically curved lines shall be identified with sufficient curve data to define the curve;

(b) Area of the land surveyed;

(c) Description of all monuments including a notation as to whether found, existing or set;

(d) Reference of at least one (1) corner to a corner of the parent tract, or durable physical object, or a primary control network, i.e., state plane coordinates;

(e) Names or roads; names of adjoining, subdivision lot designations and record sources as discovered in the course of performing the survey;

(f) Encroachments discovered in the course of the survey;

(g) North point or reference meridian and its basis, i.e., true, magnetic, grid, compass, record, state plane. If a magnetic meridian is used, this meridian shall be related to objects not affected by this survey;

(h) Vicinity map of sufficient detail to find the land being surveyed, unless the location of the subject property is definitely shown by the plat itself;

(i) Statement as to whether the directions and distances as shown on the plat have been adjusted for closure;

(j) Statement that the unadjusted error of closure meets or exceeds the minimum linear error of closure ratio established herein;

(k) Statement indicating method of survey used, i.e., parallel offsets, direct on-line, radial, random traverse;

(l) Any cemetery that is discernible or of notice during the performance of the field survey or the required research;

(m) Dated signature and seal of the land surveyor responsible for the survey;

(n) Written and graphic scale;

(o) Title block containing the following:

1. Title of the survey;

2. Location of the land surveyed;

3. Name and address of the land surveyor or the surveying firm.

An example of an acceptable plat of survey is incorporated by reference hereto.

Section 8. (1) Miscellaneous. Working drawings and unfinished plats—All working drawings or unfinished plats shall be marked as to their intended use. These documents should not be sealed; example markings would be "PRELIMINARY—NOT FOR RECORDING OR LAND TRANSFER."

(2) Partial boundary surveys—When a client desires only a portion of his property to be surveyed, and this portion can be clearly isolated from the remainder of the property without affecting the

interests of adjoining owners, these standards shall apply to the survey of only the desired portion. The remainder of a tract, out of which a portion has been surveyed, may be shown on the plat with the portion surveyed out for identification purposes only. Any subsequent metes and bounds description of that remainder requires a separate survey of that remainder in order to prepare such description.]

JOSEPH F. SISLER, PE, PLS, Chairman

B. R. SALYER, Board Counsel

APPROVED BY AGENCY: December 11, 1997

FILED WITH LRC: December 15, 1997 at 11 a.m.

### GENERAL GOVERNMENT CABINET Kentucky Board of Examiners of Psychology (As Amended at ARRS, February 11, 1998)

#### 201 KAR 26:260. Status of persons credentialed by the board.

RELATES TO: KRS 319.010, 319.050, 319.056, 319.064

STATUTORY AUTHORITY: KRS 319.032

NECESSITY, FUNCTION, AND CONFORMITY: KRS 310.005 prohibits the practice of psychology by a person not licensed or certified by the board. There has been confusion on the part of the general public and payors for psychological services as to the status of persons regulated by the board, including whether a certified person is licensed by the board. This administrative regulation clarifies that a person who is licensed or certified by the board shall be deemed licensed by the board and shall use the title that corresponds to his level of licensure or certification. [Because of the different titles used to designate those persons regulated by the State Board of Psychology, there has been confusion on the part of the general public and payors for psychological services. The purpose of this administrative regulation is to clarify the status of persons regulated by the board. The board is authorized by KRS 13A.130(3) and 13A.010(2)(b) as the agency authorized by the Kentucky General Assembly with jurisdiction to regulate the practice of psychology and to interpret the statutes and administrative regulations governing the practice of psychology in the Commonwealth of Kentucky. KRS 319.010(3) defines the term "practice of psychology" and KRS 319.010(5) defines the term "psychologist". KRS 319.005 prohibits persons from either holding themselves out by title or from practicing psychology unless they hold a valid license or certificate issued by the board. These two (2) elements in combination create a licensure law.]

Section 1. (1) KRS Chapter 319 is a licensure law, as the definition and scope of practice of psychology is clearly defined and governed. Because of the statutory provisions of KRS 319.005 and 319.010(3) and (5), KRS Chapter 319 shall be [is] deemed [to be] a licensure law.

(2) A person licensed or certified by the board under KRS Chapter 319 shall:

(a) Be deemed licensed by the board; and

(b) Use the title that corresponds to the level of licensure or certification under KRS 319.050, 319.056, or 319.064. [All persons regulated by this board under KRS Chapter 319 are deemed to be licensed by this board.]

[Section 2. (1) Pursuant to KRS 319.050, persons authorized by the board to use the title "licensed psychologist" shall continue to use that title.]

(2) Pursuant to KRS 319.056 and 319.064, persons authorized by the board to use the title "certified psychologist with autonomous functioning" or "certified psychologist" or "psychological associate" shall continue to use those designated titles.]



DONALD E. RALPH, Ph.D., Chairman  
 MARK BRENGELMAN, Legal Counsel  
 APPROVED BY AGENCY: October 3, 1997  
 FILED WITH LRC: December 15, 1997 at 9 a.m.

**GENERAL GOVERNMENT CABINET**  
**Department of Veterans Affairs**  
**(As Amended at ARRS, February 11, 1998)**

**201 KAR 37:010. Kentucky Veterans' Program Trust Fund, administration of fund [implementation of program].**

RELATES TO: KRS 40.460(2)(b), 141.444

STATUTORY AUTHORITY: KRS 40.460(2)(b) [40-450(3)]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 40.460(2)(b) establishes the Veterans' Program Trust Fund and authorizes the Kentucky Department of Veterans Affairs to administer the fund and programs financed by the proceeds and interest derived from the fund. This administrative regulation establishes a board of directors to administer the fund and establishes criteria for programs financed by the fund.

Section 1. Definitions. (1) "Fund" means the Kentucky Veterans' Program Trust Fund.

(2) "Commissioner" means the Commissioner of the Kentucky Department of Veterans Affairs.

Section 2. Criteria for Programs. (1) Money [Monies] derived from the fund may be expended for an approved program [programs] that:

(a) Provides an item for recreation use, services a center, or is for an organization that provides a service to a veteran if the item is not provided by a program, center, or organization established by federal or state law or appropriation; [Provide items for recreational use or service centers or for organizations providing services to veterans if the items are not provided by programs, centers, or organizations established by federal or state law or appropriation;]

(b) Organizes and fosters a program that assists a veteran, [Organize and foster programs that assist veterans] including assistance in the use of existing resources, that do not duplicate assistance available from a program [programs] established by federal or state law or appropriation;

(c) Encourages and assists a veteran to volunteer for a program dealing with a problem encountered by the veteran; [Encourage and assist veterans to volunteer for programs or services dealing with problems encountered by veterans;]

(d) Works with the public and private sectors to honor and recognize the service and sacrifice of veterans;

(e) Provides a service, supply, program, [Provide services, supplies, programs;] equipment or other expenditure [expenditures] deemed essential to the operation of the Kentucky Veterans Center other Kentucky veterans nursing homes that would otherwise not be available; or [and]

(f) Provides financial support to the construction or operation of state veterans cemeteries if the [when such] support would not otherwise be available.

(2) Fundraising.

(a) The fund may accept a gift, donation, or grant [gifts, donations, and grants] from an individual, a corporation, or government entity.

(b) Solicitation [Solicitations] of funds or fundraising on behalf of the fund shall not be made unless approved by the commissioner [Adjutant General].

Section 3. Board of Directors. (1) The board of directors shall consist of ten (10) members, including:

(a) The commissioner;  
 (b) The Deputy Commissioner of the Kentucky Department of Veterans Affairs;

(c) A member of the:  
 1. Joint Executive Council of Veterans Organizations of Kentucky; and

2. Governor's Advisory Board for Veterans Affairs;  
 (d) A representative of the following organizations appointed by the Governor pursuant to subsection (3) of this section:

1. The American Legion, Department of Kentucky;  
 2. The Veterans of Foreign Wars, Department of Kentucky;  
 3. The Disabled American Veterans, Department of Kentucky;

and

4. AMVETS, Department of Kentucky; and  
 (e) Two (2) at-large members appointed by the Governor.  
 (2)(a) The commissioner shall serve as chairman of the board of directors.

(b) The board of directors shall hold an election to fill the position of vice-chairman.

(3) An organization specified in subsection (1)(d) of this section shall recommend two (2) members of that organization for appointment to the board of directors. The governor shall appoint one (1) member of each organization from the names submitted by the organization.

(4) A member of the board of directors shall be an honorably separated veteran, as defined by KRS 36.310.

(5) Terms of members.

(a) The initial appointments to the board of directors shall be as follows:

1. A member appointed pursuant to subsection (2)(c) of this section shall serve for a period of three (3) years.

2. A member appointed pursuant to subsection (2)(d) of this section shall serve for a period of two (2) years.

3. A member appointed pursuant to subsection (2)(e) of this section shall serve for a period of one (1) year.

(b) After the initial appointments established under paragraph (a) of this section, a member shall serve for a period of three (3) years.

(c) A member shall serve until his successor is appointed. [Board of directors shall be appointed by the Governor [Adjutant General];]

(2) The board of directors shall consist of:

(a) The commissioner [Adjutant General], who shall serve as its chairman;

(b) The board of directors shall hold an election to fill the position of vice-chairman; [Deputy Adjutant General, who shall serve as its vice-chairman;]

(c) The Deputy Commissioner of the Kentucky Department of [Director, Kentucky Center for] Veterans Affairs;

(d) [The executive director of the fund appointed by the Adjutant General;

(e) A member of each of the following:

1. Joint Executive Council of Veterans Organizations of Kentucky;

2. Governor's Advisory Board for Veterans Affairs;

3. A representative of:

a. The American Legion, Department of Kentucky;

b. The Veterans of Foreign Wars, Department of Kentucky;

c. The Disabled American Veterans, Department of Kentucky;

d. AMVETS, Department of Kentucky; and

e. Two (2) at-large members.

(3) Board members:

(a) The organizations specified in subsection (2)(d){(e)} of this section shall recommend two (2) members of their organizations to the Governor [Adjutant General] for his final selection for appointment to the board of directors:

(b) The Governor shall appoint the two (2) at-large members.

(c) A member of the board of directors shall be an honorably

## ADMINISTRATIVE REGISTER - 1872

separated veteran, as defined by the provisions of KRS 36.310.

(4) Term of members:

~~(a) The members appointed pursuant to subsection (2)(d)1 and 2 of this section shall serve for a period of three (3) years;~~

~~(b) The members appointed pursuant to subsection (2)(d)3a through d of this section shall serve for a period of two (2) years;~~

~~(c) The members appointed pursuant to subsection (2)(d)3e shall serve for a period of one (1) year and members appointed pursuant to subsection (2)(d)1, 2, and 3 shall serve until their successors are appointed;~~

~~(d) All appointments after the initial appointments under this administrative regulation shall be for a period of three (3) years; [(3)(e) of this section shall serve for a period of three (3) years;]~~

(5) [(5)] The board of directors shall:

(a) Meet at the call of the chairman;

(b) Inform organizations represented on the board of each action [actions] considered or [and] taken by the board;

(c) Review projects and recommend approval or disapproval [of projects to the Adjutant General];

(d) Prioritize projects [for the Adjutant General's approval];

~~(e) Investigate the need for a specific project or program [projects or programs]; [At the request of the Adjutant General, investigate the need for specific projects or programs;]~~

(f) Establish [Recommend] guidelines for a project [projects] [to the Adjutant General];

(g) Make a recommendation [recommendations] to the commissioner [Adjutant General] for the utilization and control of funds in the Veterans' Program Trust Fund; and

(h) Prepare an annual report providing an accounting of the Veterans' Program Trust Fund assets and financial activity for each fiscal [calendar] year.

~~(7) [(6)] The chairman [executive director] of the fund shall assign duties as appropriate to his staff or members of the board for the conduct of business by the board including [such as] maintaining the records of the fund that are required for the administration of the Veterans' Program Trust Fund and approved projects [approved under the provisions of this administrative regulation]. [:~~

~~(a) Administer approved projects;~~

~~(b) Maintain records of the fund that are required for the administration of the Veterans' Program Trust Fund and projects approved under the provisions of this administrative regulation; and~~

~~(c) Attend meeting as the representative of the fund as directed by the chairman.]~~

JOHN R. GROVES, JR., Adjutant General, Acting Commissioner

RICHARD C. CARROLL, Assistant Attorney General

APPROVED BY AGENCY: December 1, 1997

FILED WITH LRC: December 12, 1997 at 9 a.m.

### **TOURISM DEVELOPMENT CABINET Department of Fish and Wildlife Resources (As Amended at ARRS, February 11, 1998)**

#### **301 KAR 1:300 Reciprocal waters on Dale Hollow Lake.**

RELATES TO: KRS 150.170(1), (10), 150.235(1)

STATUTORY AUTHORITY: KRS 150.170(10)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.170(10) authorizes the department by administrative regulation to enter into reciprocal licensing agreements with adjoining states. This administrative regulation defines the Kentucky portion of Dale Hollow Lake where a Tennessee fishing license shall be valid.

Section 1. Pursuant to a reciprocal agreement between the department and the Tennessee Wildlife Resources Agency, a valid sport fishing license issued by the State of Tennessee shall be valid

in the Kentucky portions of the Wolf [Wolfe] River Embayment of Dale Hollow Lake:

(1) Beginning where Wolf [Wolfe] River joins the main part of the lake at the Obey River; and

(2) Including the Illwill Creek Embayment.

Section 2. A person fishing in the waters delineated in Section 1 of this administrative regulation shall observe the size and creel limits of the state in which he is licensed.

Section 3. Incorporation by Reference. (1) The Reciprocal Fishing License Agreement on Portions of Dale Hollow Lake, dated 11-21-97, is incorporated by reference.

(2) It may be copied or inspected at the Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky 40601 from 8 a.m. through 4:30 p.m. eastern time on normal business days.

C. THOMAS BENNETT, Commissioner

ANN R. LATTA, Secretary

MIKE BOATWRIGHT, Chairman

DOUGLAS SCOTT PORTER, Assistant Attorney General

APPROVED BY AGENCY: August 21, 1997

FILED WITH LRC: December 11, 1997 at 1 p.m.

### **TOURISM DEVELOPMENT CABINET Department of Fish and Wildlife Resources (As Amended at ARRS, February 11, 1998)**

#### **301 KAR 1:310 Reciprocal waters on the Big South Fork.**

RELATES TO: KRS 150.170(1), (10), 150.235(1)

STATUTORY AUTHORITY: KRS 150.170(10)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.170(10) authorizes the department to enter into reciprocal licensing agreements with adjoining states. This administrative regulation defines the Kentucky portion of the Big South Fork of the Cumberland River where a Tennessee fishing license shall be valid.

Section 1. Pursuant to a reciprocal agreement between the department and the Tennessee Wildlife Resources Agency, a valid sport fishing license issued by the state of Tennessee shall be valid in the portion of the Big South Fork of the Cumberland River from the state line to the Highway 92 Bridge at Yamacraw, Kentucky.

Section 2. A person fishing in the reciprocal waters delineated in Section 1 of this administrative regulation shall observe the size and creel limits of the state in which he is licensed.

Section 3. Incorporation by Reference. (1) The Reciprocal Fishing License Agreement on Portions of the Big South Fork of the Cumberland River, dated 11-21-97, is incorporated by reference.

(2) It may be copied or inspected at the Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky 40601 from 8 a.m. through 4:30 p.m. eastern time on normal business days.

C. THOMAS BENNETT, Commissioner

ANN R. LATTA, Secretary

MIKE BOATWRIGHT, Chairman

DOUGLAS SCOTT PORTER, Assistant Attorney General

APPROVED BY AGENCY: August 21, 1997

FILED WITH LRC: December 11, 1997 at 1 p.m.

# ADMINISTRATIVE REGISTER - 1873

## DEPARTMENT OF AGRICULTURE Division of Regulation and Inspections (As Amended at ARRS, February 11, 1998)

### 302 KAR 10:060. Consumer grades.

RELATES TO: KRS 260.620, 7 CFR 56, 57, 70

STATUTORY AUTHORITY: KRS 260.620

NECESSITY, FUNCTION, AND CONFORMITY: KRS 260.620 requires the department to establish standards governing eggs offered for sale as graded eggs. This administrative regulation establishes the specifications for the Kentucky consumer grades for shell eggs offered for sale in Kentucky. [This administrative regulation defines consumer grades.]

Section 1. Shell eggs that are offered for sale in Kentucky as graded eggs shall be classified as Kentucky consumer grade AA, A, or B, in accordance with the specifications for each grade established in this section.

(1) Kentucky consumer grade AA shall consist of eggs which are at least seventy-two (72) percent AA quality and which do not exceed the maximum tolerance established in this subsection. The maximum tolerance for Kentucky consumer grade AA:

(a) Shall be twenty-eight (28) percent of the eggs below AA quality; and

(b) May consist of A or B quality in any combination with not more than:

1. Seven (7) checks in a combination; or

2. One (1) percent leakers or dirties in a combination.

(2) Kentucky consumer grade A shall consist of eggs which are at least eighty-two (82) percent A quality and which do not exceed the maximum tolerance established in this subsection. The maximum tolerance for Kentucky consumer grade A:

(a) Shall be eighteen (18) percent of the eggs below A quality; and

(b) Not more than:

1. Seven (7) checks in a combination; or

2. One (1) percent leakers or dirties in a combination.

(3) Kentucky consumer grade B shall consist of eggs which are at least ninety (90) percent B quality and which do not exceed the maximum tolerance established in this subsection. The maximum tolerance for Kentucky consumer grade B shall be not more than:

(a) Ten (10) checks; or

(b) One (1) percent leakers or dirties in a combination. [The specifications for Kentucky consumer grades for marketing shell eggs; as prescribed in KRS 260.620, are as follows, bringing them into conformity with federal specifications in accordance with KRS 260.620:

(1) Kentucky consumer grade AA shall consist of eggs which are ~~seventy-two (72)~~ [eighty (80)] percent AA quality. The maximum tolerance of ~~up to twenty-eight (28)~~ [twenty (20)] percent which may be below AA quality may consist of A or B quality in any combination with not more than ~~seven (7) checks~~ [five (5) percent G quality or checks] in any combination and not more than ~~[one-half (0.5) of] one (1) percent leakers or dirties in any combination.~~

(2) Kentucky consumer grade A shall consist of eggs which are ~~eighty-two (82)~~ [eighty (80)] percent A quality or better. Within the maximum tolerance of ~~eighteen (18)~~ [twenty (20)] percent which may be below A quality, not over ~~seven (7)~~ [more than five (5) percent may be G quality or] checks in any combination, and not more than ~~[one-half (0.5) of] one (1) percent leakers or dirties in any combination.~~

(3) Kentucky consumer grade B shall consist of eggs which are ~~ninety (90)~~ [eighty (80)] percent B quality or better. Within the maximum tolerance of ~~not over ten (10) checks~~ [twenty (20) percent which may be below B quality], not more than ~~[ten (10) percent may be checks and not more than one-half (0.5) of] one (1) percent leakers~~

~~or dirties in any combination.]~~

Section 2. (1) The weight classes for Kentucky consumer grades for shell eggs shall be as follows:

Size or weight class	Minimum net weight per dozen	Minimum net weight per 30 dozen	Minimum weight for individual eggs at rate per dozen
	Ounces	Pounds	Ounces
Jumbo	30	56	29
Extra large	27	50 1/2	26
Large	24	45	23
Medium	21	39 1/2	20
Small	18	34	17 [20]
Peewee	15 [14]	28	-

(2) A lot average tolerance of three and three-tenths (3.3) percent for individual eggs in the next lower weight class shall be [is] permitted if an [as long as no] individual case within the lot does not exceed [exceeds] five (5) percent.

BILLY RAY SMITH, Commissioner

MARK FARROW, General Counsel

APPROVED BY AGENCY: December 15, 1997

FILED WITH LRC: December 15, 1997 at noon

## JUSTICE CABINET Kentucky Department of Corrections (As Amended at ARRS, February 11, 1998)

### 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, FUNCTION, AND CONFORMITY: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the Justice Cabinet and Department of Corrections 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. This administrative regulation establishes the policies and procedures for the Department of Corrections.

Section 1. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Department of Corrections Policies and Procedures, Volume I, November 12, 1997 [April 14, 1997]":

- 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 [(Amended 4/14/97)]

# ADMINISTRATIVE REGISTER - 1874

4.3	Firearms and Chemical Agents Training [(Amended 4/14/97)]	18.17	Interstate Agreement on Transfers
4.7	Uniformed Employee Dress Code	18.18	International Transfer of Inmates
6.1	Open Records Law	19.1	Government Services Projects
7.2	Asbestos Abatement	19.2	Community Services Projects
8.1	<u>Occupational Exposure to Bloodborne Pathogens (Added 2/11/98) [(Deleted 11/12/97)]</u>	19.3	Inmate Wage Program
8.2	<u>Fire Safety (Added 2/11/98)</u>	20.1	Educational Programs and Educational Good Time
[8.1]	<del>Occupational Exposure to Bloodborne Pathogens (Deleted 11/12/97)]</del>	21.1	Staffing Pattern for the First Incarceration Shock Treatment Program (FIST)
9.4	Transportation of Inmates to Funerals or Bedside Visits	21.2	Phase I: Program Selection Assessment Criteria
9.5	<u>Execution (Added 2/11/98) [(Deleted 11/12/97)]</u>	21.3	Program Schedule - Phase II and Phase III
[9.5]	<del>Execution (Deleted 11/12/97)]</del>	21.4	Platoon Size and Composition
9.6	Contraband	21.5	Physical Conditions Program Component
9.8	Search Policy	21.6	Group and Individual Counseling
9.18	Informants [(Amended 4/14/97)]	21.7	Drug and Alcohol Abuse Counseling and Treatment
9.19	Found Lost or Abandoned Property [(Amended 4/14/97)]	21.8	Work Programs Component
10.2	Special Management Inmates	21.9	Education and Life Management
10.3	Safekeepers	21.10	Auxiliary Services
10.4	Special Needs Inmates	21.11	Offenses and Penalties
11.2	Nutritional Adequacy of the Diet for Inmates	22.1	Privilege Trips
11.3	Special Diet Procedures	23.1	Religion
11.4	Alternative Diet	25.1	Gratuities
13.1	Pharmacy Policy and Formulary	25.2	Public Official Notification of Release of an Inmate
13.2	Health Maintenance Services	25.3	Prerelease Program
13.3	Medical Alert System	25.4	Inmate Furloughs
13.4	Health Program Audits	25.6	Community Center Program
13.5	Acquired Immune Deficiency Syndrome	25.7	Expedient Release
13.6	Sex Offender Treatment Program	25.8	Extended Furloughs
13.7	Involuntary Psychotropic Medication Policy	25.10	Administrative Release of Inmates
13.8	Substance Abuse Treatment Program	25.11	Victim Notification
13.9	Dental Services		
14.1	Investigation of Missing Inmate Property [(Added 4/14/97)]	(c) "Department of Corrections Policies and Procedures, Volume III, <u>November 12, 1997</u> [April 14, 1997]":	
14.2	Personal Hygiene Items [(Amended 4/14/97)]	27-01-01	Probation and Parole Procedures
14.3	Marriage of Inmates [(Amended 4/14/97)]	27-02-01	Duties of Probation and Parole Officers
14.4	Legal Services Program	27-03-01	Workload Formula Supervisor/Staff Ratio
14.6	Inmate Grievance Procedures	27-05-01	Testimony, Court Demeanor and Availability of Legal Services
15.1	Hair and Grooming Standards	27-06-01	Availability of Supervision Services
15.2	Offenses and Penalties	27-06-02	Equal Access to Services
15.3	Meritorious Good Time	27-07-01	Cooperation with Law Enforcement Agencies
15-05-01	Restoration of Forfeited Good Time	27-08-01	Use of Force
15.6	Adjustment Procedures and Programs	27-09-01	Kentucky Community Resources Directory
15.7	Inmate Account Restriction	27-11-01	Intensive Supervision
15.8	Unauthorized Substance Abuse Testing	27-12-01	Supervision: Case Classification
16.1	Inmate Visits	27-12-02	Risk Assessment
16.2	Inmate Correspondence	27-12-03	Initial Interview
16.3	Telephone Calls	27-12-04	Conditions of Regular Supervision/Request for Modification
16.4	Inmate Packages		
17-01-01	Inmate Personal Property	27-12-05	Releasee's Report
17.2	Assessment Center Operations	27-12-06	Grievance Procedures for Offenders
17.3	Controlled Intake of Inmates	27-12-07	Employment, Education/Vocational Referral
		27-12-08	Supervision Plan
		27-12-09	Casebook
		27-12-10	Guidelines for Monitoring Supervision Fee
		27-12-11	Guidelines for Monitoring Financial Obligations Ordered by the Releasing Authority
		27-12-12	Other Financial Obligations (Not Ordered by Releasing Authority)
18.1	Classification of the Inmate	27-12-13	Community Service Work
18.5	Custody and Security Guidelines	27-12-14	Client Travel Restrictions
18.7	Transfers	27-13-01	Drug and Alcohol Testing of Offenders
18.9	Out-of-state Transfers	27-13-02	Alcohol Detection
18-10-01	Preparole Progress Reports	27-14-01	Interstate Compact Transfers
18.11	Kentucky Correctional Psychiatric Center Transfer Procedures	27-14-02	Interstate Compact Out-of-state Probation and Parole Violation
18.12	Referral Procedure for Inmates Adjudicated Guilty But Mentally Ill	27-15-01	Supervision Report; Violations, Unusual Incidents
18.13	Population Categories		
18.15	Protective Custody		

(b) "Department of Corrections Policies and Procedures, Volume II, April 14, 1997":

# ADMINISTRATIVE REGISTER - 1875

- 27-16-01 Search; Seizure; Chain of Custody; Disposal of Evidence
- 27-17-01 Absconder Procedures
- 27-18-01 Probation and Parole Issuance of Detainer/Warrant
- 27-19-01 Preliminary Revocation Hearing
- 27-20-01 Division of Probation and Parole Controlled Intake Program
- 27-20-02 Prisoner Intake Notification
- 27-20-03 Prisoner Status Change
- 27-21-01 Apprehension and Transportation of Probation and Parole Violators
- 27-22-01 Fugitive Unit - Apprehensions
- 27-22-02 Fugitive Unit - Transportation of Fugitives
- 27-23-01 In-state Transfer
- 27-24-01 Closing Supervision Report
- 27-24-02 Reinstatement of Clients to Active Supervision
- 27-25-01 Application for Final Discharge from Parole
- 27-26-01 Assistance to Former Clients and Dischargees
- 27-27-01 Restoration of Civil Rights
- 27-28-01 Firearms/Explosives: Application for Relief from Disability
- 27-29-01 Parole Review Dates Modification
- 28-01-01 Probation and Parole Investigation Reports (Introduction, Definitions, Confidentiality, Timing, and General Comments)
- 28-01-02 Probation and Parole Investigation Reports (Administrative Responsibilities)
- 28-01-03 Probation and Parole Investigation Reports (Presentence/Postsentence Investigation Interview Procedure)
- 28-01-04 Probation and Parole Investigation Reports (Presentence/Postsentence Verification, Composition, Case Material and Submission Schedules)
- 28-01-05 Probation and Parole Investigation Reports (Computation of Jail Custody Credit)
- 28-01-06 Probation and Parole Investigation Reports (Misdemeanant Presentence Investigation Reports for the Circuit and District Courts)
- 28-01-07 Probation and Parole Investigation Reports (Supplemental Postsentence Investigation Report, Case Material, and Submission Schedule)
- 28-01-08 Probation Parole Investigation Reports (Partial Investigation Reports and Submission Schedule)
- 28-01-09 Release of Information of Factual Content on Presentence/Postsentence Investigation Reports
- 28-02-01 Expedient Release Program
- 28-03-01 Parole Plans/Halfway Houses/Extended Furlough/Sponsorship/Gradual Release
- 28-04-01 Furlough Verifications
- 28-05-01 Out-of-state Investigations

[(d) "Department of Corrections Policies and Procedures, Volume IV, April 14, 1997" (text confidential pursuant to KRS 197.025):

- 8.4 ——— Emergency Preparedness (Deleted 11/12/97)
- 9.1 ——— Use of Force (Deleted 11/12/97)
- 9.7 ——— Storage, Issue and Use of Weapons Including Chemical Agents (Deleted 11/12/97)
- 9.9 ——— Transportation of Inmates (Deleted 11/12/97)
- 9.10 ——— Security Inspections (Deleted 11/12/97)
- 9.11 ——— Tool Control (Deleted 11/12/97)

(2) This material[, except for the policies listed in subsection (1)(d) of this section,] may be inspected, copied, or obtained at the Office of General Counsel, Department of Corrections, State Office Building, Frankfort, Kentucky 40601, (502) 564-2024, facsimile (502) 564-6494, Monday through Friday, 8 a.m. to 4:30 p.m.

DOUG SAPP, Commissioner  
TAMELA BIGGS, Staff Attorney

APPROVED BY AGENCY: November 4, 1997  
FILED WITH LRC: November 13, 1997 at 1 p.m.

## JUSTICE CABINET Department of Corrections Division of Adult Institutions (As Amended at ARRS, February 11, 1998)

### 501 KAR 6:110. Roederer Correctional Complex.

RELATES TO: KRS Chapters 196, 197, 439  
STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorizes the Justice Cabinet and Department of Corrections 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. Incorporation by Reference. (1)(a) Roederer Correctional Complex policies and procedures, November 12 [July 11], 1997, are incorporated by reference.

(b) There will be no public hearing on these policies and procedures as they are secured policies under the provisions of KRS 197.025 which states that such policies shall not be accessible to the public or inmates. (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) Roederer Correctional Complex policies and procedures include:

- RCC 01-06-01 Inmate Access to and Communication with RCC Staff
- RCC 01-08-01 Public Information and News Media Access
- RCC 01-10-01 RCC Cooperation with Outside Bodies Including Courts, Governmental Legislative, Executive, and Community Agencies
- RCC 02-01-01 Fiscal Management: Organization [(Amended 7/11/97)]
- RCC 02-01-02 Fiscal Management: Accounting Procedures
- RCC 02-01-03 Fiscal Management: Agency Funds
- RCC 02-01-04 Fiscal Management: Insurance
- RCC 02-02-01 Fiscal Management: Budget
- RCC 02-02-02 Inmate Control of Personal Funds [(Amended 7/11/97)]
- RCC 02-02-03 Storage and Disposition of Monies received on Weekends, Holidays, and Between 4 p.m. and 8 a.m. Weekdays [(Amended 7/11/97)]
- RCC 02-02-05 Inmate Canteen Services [(Amended 7/11/97)]
- RCC 02-03-01 Fiscal Management: Audits [(Amended 7/11/97)]
- RCC 02-04-01 Purchase Orders [(Amended 7/11/97)]
- RCC 02-04-02 Processing of Invoices
- RCC 02-06-01 Property Inventory
- RCC 04-01-01 Employee Training and Development
- RCC 04-01-02 First Aid and CPR Training
- RCC 06-01-01 Offender Records
- RCC 06-03-01 Records Release of Information
- RCC 06-03-02 Storage of Expunged Records
- RCC 06-03-04 Access to Psychological and Psychiatric Reports
- RCC 06-04-01 Court Trips [(Amended 7/11/97)]
- RCC 06-04-02 Receipt of Order of Appearance
- RCC 08-01-01 Fire Prevention (Added 2/11/98) [(Deleted 11/12/97)]**

# ADMINISTRATIVE REGISTER - 1876

<del>RCC 09-04-03</del>	<del>Duties and Responsibilities of the Fire and Safety Officer (Added 2/11/98) [(Deleted 11/12/97)]</del>	RCC 16-01-01	Inmate Visiting
<del>(RCC 08-01-01)</del>	<del>Fire Prevention (Amended 7/11/97) (Deleted 11/12/97)</del>	RCC 16-01-03	Extended and Special Visits [(Amended 7/11/97)]
<del>RCC 08-08-01</del>	<del>Control and Use of Flammable, Toxic, and Caustic Materials (Amended 7/11/97) (Deleted 11/12/97)</del>	RCC 16-02-01	Telephone Communications
<del>RCC 09-04-03</del>	<del>Duties and Responsibilities of the Fire Safety Officer (Deleted 11/12/97)</del>	RCC 16-03-01	Mail Regulations
<del>RCC 09-05-01</del>	<del>Search Policy/Disposition of Contraband (Deleted 11/12/97)]</del>	RCC 17-01-01	Assessment/Orientation Procedure for Intrasystem Transfers
RCC 11-01-01	Food Services: General Guidelines [(Amended 7/11/97)]	RCC 17-03-01	Inmate Personal Property and Property Control [(Amended 7/11/97)]
RCC 11-02-01	Food Service: Security [(Amended 7/11/97)]	RCC 17-05-02	Housing Unit Assignment Assessment/Classification Center
RCC 11-03-01	Dining Room Guidelines [(Amended 7/11/97)]	RCC 17-05-03	Notifying Inmate's Families of Admission and Procedures for Mail and Visiting
RCC 11-04-01	Food Service: Meals	RCC 17-05-04	Assessment Center Operations Rules and Regulations
RCC 11-04-02	Food Service: Menu, Nutrition and Special Diets	RCC 17-05-05	Assessment Center Operations and Reception Programs
RCC 11-05-02	Health Requirements of Food Handlers	RCC 18-01-01	Institutional Classification Committee
RCC 11-06-01	Food Service: Inspections and Sanitation [(Amended 7/11/97)]	RCC 19-01-01	Job Assignments
RCC 11-07-01	Food Service: Purchasing, Storage and Farm Products	RCC 20-01-01	Academic Education Program [(Amended 7/11/97)]
RCC 12-01-01	Sanitation, Living Conditions Standards, Clothing Issues	RCC 20-01-03	Vocational Horticulture Program
RCC 12-01-02	Bed Areas	RCC 21-01-01	Library Services [(Amended 7/11/97)]
RCC 12-01-03	General Guidelines for Living Units	RCC 22-01-01	Recreation and Inmate Activities [(Amended 7/11/97)]
RCC 12-02-01	Issuance of Clean Laundry and Receiving of Dirty Laundry	RCC 22-03-01	Inmate Clubs and Organizations [(Amended 7/11/97)]
RCC 12-03-01	Personal Hygiene Items: Issuance and Placement Schedule	RCC 23-01-01	Religious Services [(Amended 7/11/97)]
RCC 12-03-02	Barber Shop Services and Equipment Control	RCC 24-01-01	Social Services and Counseling [(Amended 7/11/97)]
RCC 12-04-01	Institutional Inspections	RCC 25-04-02	Parole Eligibility Dates [(Amended 7/11/97)]
RCC 12-05-02	Use of Noncombustible Receptacle	RCC 25-05-01	Inmate Discharge Procedures [(Amended 7/11/97)]
RCC 12-06-01	Insect and Vermin Control		
RCC 13-01-01	Organization of Health Services		
RCC 13-02-01	Health Maintenance Services: Sick Call and Pill Call [(Amended 7/11/97)]		
RCC 13-03-01	Dental Procedures and Sick Call		
RCC 13-04-01	Preliminary Health Evaluation and Establishment of Inmate Medical		
RCC 13-04-02	Medical Intake Processing for Inmates in Hold Status [(Added 7/11/97)]		
RCC 13-05-02	Licensure and Training Standards for Medical Department [(Amended 7/11/97)]		
RCC 13-06-01	Suicide Prevention and Intervention Program		
RCC 13-06-03	Emergency Medical and Dental Care Services [(Amended 7/11/97)]		
RCC 13-07-01	Health Records		
RCC 13-07-03	Use of Pharmaceutical Products [(Amended 7/11/97)]		
RCC 13-07-04	Self-administered Medication Program		
RCC 13-09-01	Notification of Inmate Family in the Event of Serious Illness, Surgery, or Inmate Death		
RCC 13-10-01	Health Education and Special Health Programs [(Amended 7/11/97)]		
RCC 13-11-01	Informed Consent		
RCC 13-12-01	Mental Health/Provision of Psychiatric Services by KCPC		
RCC 13-12-02	Transfer of Inmates to Kentucky Correctional Psychiatric Center		
RCC 13-13-01	Identification of Special Needs Inmates		
RCC 13-15-01	Medical Restraints		
RCC 13-16-01	Specialized Health Services		
RCC 13-17-01	Vision Care and Optometry Services		
RCC 13-18-01	Infection Control		
RCC 14-01-01	Inmate Rights and Responsibilities [(Amended 7/11/97)]		

DOUG SAPP, Commissioner  
TAMELA BIGGS, Staff Attorney  
APPROVED BY AGENCY: November 4, 1997  
FILED WITH LRC: November 13, 1997 at 1 p.m.

## JUSTICE CABINET Department of Corrections Division of Adult Institutions (As Amended at ARRS, February 11, 1998)

### 501 KAR 6:120. Blackburn Correctional Complex.

RELATES TO: KRS Chapters 196, 197, 439  
STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the Justice Cabinet and Department of Corrections 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 by the American Correctional Association. This administrative regulation establishes the policies and procedures for the Blackburn Correctional Complex.

Section 1. Incorporation by Reference. (1)(a) "Blackburn Correctional Complex Policies and Procedures", November 12 [May 14], 1997, is incorporated by reference.

(b) There will be no public hearing on these policies and procedures as they are secured policies under the provisions of KRS 197.025 which states that such policies shall not be accessible to the public or inmates. [It 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.]

# ADMINISTRATIVE REGISTER - 1877

## (2) Blackburn Correctional Complex Policies and Procedures:

BCC 01-07-01	Extraordinary Occurrence Reports [(Amended 5/14/97)]	<del>BCC 09-09-01</del>	<del>Population Counts and Count Documentation (Deleted 11/12/97)</del>
BCC 01-09-01	Legal Assistance for Staff	BCC 09-10-03	Development of Institutional Post Orders (Deleted 11/12/97)
BCC 01-11-01	Roles of Consultants, Contract Employees, Volunteers and Employees of Other Agencies	BCC 09-14-01	Prohibiting Inmate Authority Over Other Inmates (Deleted 11/12/97)
BCC 01-13-01	Relationships with Public, Media, and Other Agencies	BCC 09-15-01	Search Policy/Disposition of Contraband (Deleted 11/12/97)
BCC 01-13-02	Public Information and News Media Access	BCC 09-16-01	Security Activity Logs (Deleted 11/12/97)
BCC 01-15-01	Internal Affairs Office	BCC 09-17-01	Institutional Supervisor Inspections (Deleted 11/12/97)
BCC 01-16-01	Tours of Blackburn Correctional Complex	BCC 09-18-01	Use of State Vehicles and Staff Owned Vehicles (Deleted 11/12/97)
BCC 01-19-01	Inmate Access to BCC Staff [(Amended 5/14/97)]	BCC 09-19-01	Duties and Responsibilities of the Institutional Captain (Deleted 11/12/97)
BCC 02-01-01	Inmate Canteen	BCC 09-20-01	Inmate Death (Deleted 11/12/97)
BCC 02-02-01	Fiscal Responsibility	BCC 09-21-01	Tool Control (Deleted 11/12/97)
BCC 02-02-02	Fiscal Management: Accounting Procedures	BCC 09-22-01	Emergency Communication System (Deleted 11/12/97)
BCC 02-02-03	Fiscal Management: Checks	BCC 10-01-01	Special Management Inmates
BCC 02-02-04	Fiscal Management: Budget	BCC 10-01-02	Temporary Segregation Holding Area [(Amended 5/14/97)]
BCC 02-02-05	Fiscal Management: Insurance	BCC 11-01-01	Menu and Special Diets
BCC 02-02-06	Fiscal Management: Audits	BCC 11-02-01	Food Service: Inspection, Health Protection and Sanitation
BCC 02-04-01	Billing Method for Health Services Staff Paid by Personal Service Contract	BCC 11-03-01	Food Service: Meals
BCC 02-05-01	Property Inventory	BCC 11-04-01	Dining Room Guidelines
BCC 02-06-01	Purchasing	BCC 11-05-01	Food Service Security: Knife & Other Sharp Instrument and Utensil Control
BCC 02-07-01	Inmate Personal Accounts	BCC 11-06-01	Purchasing, Storage and Farm Products [(Amended 5/14/97)]
BCC 04-02-01	Firearms Training	BCC 11-07-01	Food Service Operations Manual
BCC 04-03-01	Educational Assistance Program	BCC 12-02-01	Personal Hygiene Items [(Amended 5/14/97)]
BCC 05-01-01	Inmate Participation in Authorized Research	BCC 12-02-02	Clothing, Linens, Bedding Issuance and Shower Facilities
BCC 06-02-01	Records - Release of Information	BCC 12-05-01	Barber Shop Services
BCC 06-02-02	Offender Records	BCC 12-06-01	BCC Housekeeping Plan
BCC 06-03-01	Reporting Inmate Misconduct Following Favorable Recommendation by the Parole Board	BCC 13-01-01	Sick Call and Pill Call
BCC 08-02-01	Natural Disaster Plan (Tornado)	BCC 13-02-01	Administration and Authority for Health Services
BCC 08-03-01	Emergency Preparedness Plan Manual	BCC 13-03-01	Provisions of Health Care Delivery
BCC 08-04-01	Fire Safety Plan, Drills and Related Staff Duties [(Amended 5/14/97)]	BCC 13-04-01	Licensure and Training Standards
BCC 08-04-02	Immediate Release of Inmates from Locked Areas	BCC 13-05-01	Medical Alert System [(Amended 5/14/97)]
BCC 08-05-01	Duties of Fire Safety and Sanitation Officer [(Amended 5/14/97)]	BCC 13-06-01	Health Care Practices
BCC 08-06-01	Storage Control and Accountability of Flammable, Toxic, Caustic and Other Hazardous Materials [(Amended 5/14/97)]	BCC 13-07-01	Emergency Medical Care Plan
[BCC 09-01-01]	<del>Inmate Weather/Emergency Condition Operation (Deleted 11/12/97)</del>	BCC 13-07-02	Emergency and Specialized Health Services
BCC 09-02-01	<del>Restricted Areas (Deleted 11/12/97)</del>	BCC 13-07-03	Immediate Medical Treatment for Person's Injured by Weapon or Chemical Agent
BCC 09-02-02	<del>Inmate Pass System to Restricted Areas (Deleted 11/12/97)</del>	BCC 13-08-01	Inmate Health Screening and Evaluation
BCC 09-02-03	<del>Regulation of Inmate Movement (Deleted 11/12/97)</del>	BCC 13-09-01	Prohibition on Medical Experimentation
BCC 09-02-04	<del>Radio Escorted Yard Movement During Daylight Savings Time (November 1 - April 30) (Deleted 11/12/97)</del>	BCC 13-10-01	Dental Services
BCC 09-03-01	<del>Inmate Identification (Deleted 11/12/97)</del>	BCC 13-11-01	Suicide Prevention and Intervention Program
BCC 09-04-02	<del>Complex Entry &amp; Exit (Deleted 11/12/97)</del>	BCC 13-12-01	Use of Pharmaceutical Products
BCC 09-05-01	<del>Key Control (Deleted 11/12/97)</del>	BCC 13-12-02	Parenteral Administration of Medications and Use of Psychotropic Drugs
BCC 09-06-02	<del>Transportation to Courts (Deleted 11/12/97)</del>	BCC 13-13-01	Inmate Health Education
BCC 09-07-01	<del>Drug Abuse and Intoxicants Testing (Deleted 11/12/97)</del>	BCC 13-14-01	Management of Serious and Infectious Diseases
<b>BCC 09-03-01</b>	<b>Inmate Identification (Added 2/11/98) [(Deleted 11/12/97)]</b>	BCC 13-15-01	Informed Consent
BCC 09-08-02	Use of Restraints	BCC 13-16-01	Health Records
<b>BCC 09-10-03</b>	<b>Development of Institutional Post Orders (Added 2/11/98) [(Deleted 11/12/97)]</b>	BCC 13-17-01	Notification of Inmate Family in the Event of Serious Illness, Injury or Surgery
<b>BCC 09-14-01</b>	<b>Prohibiting Inmate Authority Over Other Inmates (Added 2/11/98) [(Deleted 11/12/97)]</b>	BCC 13-19-01	Physicians Referrals/Continuity of Care
<b>BCC 09-18-01</b>	<b>Use of State Vehicles and Staff-owned Vehicles (Added 2/11/98) [(Deleted 11/12/97)]</b>	BCC 13-20-01	Chronic and Convalescent Care
<b>BCC 09-19-01</b>	<b>Duties and Responsibilities of the Institutional</b>	BCC 13-22-01	Psychiatric and Psychological Services, Handling of Mentally Retarded Inmates and Transfers
		BCC 14-01-01	Office of Public Advocacy Attorney Visits
		BCC 14-02-01	Law Library



# ADMINISTRATIVE REGISTER - 1878

BCC 14-04-01 Inmate Rights and Responsibilities [(Amended 5/14/97)]  
 BCC 14-06-01 Legal and Support Services for Inmates [(Amended 5/14/97)]  
 BCC 15-02-02 Room Assignment  
 BCC 15-03-01 Rules and Regulations for Dormitories  
 BCC 15-05-01 Extra Duty Assignments [(Amended 5/14/97)]  
 BCC 16-01-01 Inmate Furloughs [(Amended 5/14/97)]  
 BCC 16-02-01 Inmate Visiting  
 BCC 16-03-02 Outgoing Inmate Packages  
 BCC 16-03-03 Inmate Correspondence [(Amended 5/14/97)]  
 BCC 17-02-01 Authorized Inmate Personal Property  
 BCC 17-03-01 Processing of New Inmates From Local Jails  
 BCC 18-01-01 Classification: Institutional Classification and Re-classification  
 BCC 18-02-01 Racial Balance in Living Areas  
 BCC 19-01-01 Inmate Work Programs  
 BCC 19-02-01 Classification of Inmates to Governmental Service Program [(Amended 5/14/97)]  
 BCC 19-03-01 Correctional Industries [(Amended 5/14/97)]  
 BCC 20-01-01 Academic and Vocational School  
 BCC 20-04-01 Educational Program Evaluation  
 BCC 20-05-01 Educational Program Planning  
 BCC 20-06-01 Academic and Vocational Curriculum  
 BCC 21-01-01 Library Services  
 BCC 21-01-02 Audio or Video Tape Court Transcripts  
 BCC 22-01-01 Arts and Crafts/Production and Sale of Items  
 BCC 22-02-01 Privileged Trips  
 BCC 22-03-01 Recreational Employees  
 BCC 22-04-01 Recreation and Inmate Activities  
 BCC 22-04-02 Inmate Clubs and Organizations [(Amended 5/14/97)]  
 BCC 22-04-03 Conducting Inmate Organizational Meetings and Programs [(Amended 5/14/97)]  
 BCC 22-04-04 Recreation Program Availability [(Amended 5/14/97)]  
 BCC 22-04-05 Supervision of Leisure-time Craft Club Activities and Materials  
 BCC 22-06-01 Music Club  
 BCC 22-08-01 Unit Recreation Program [(Amended 5/14/97)]  
 BCC 22-09-01 Use of Inmates in Recreation Programs  
 BCC 23-01-01 Religious Services [(Amended 5/14/97)]  
 BCC 24-01-01 Duties and Responsibilities of Classification and Treatment Officers [(Amended 5/14/97)]  
 BCC 24-02-01 Duties and Responsibilities of the Unit Director and Assistant to the Unit Director [(Amended 5/14/97)]  
 BCC 24-03-01 Social Services  
 BCC 25-01-01 Inmate Check Out Procedure  
 BCC 25-05-01 Supplemental Parole Progress Reports  
 BCC 26-01-01 Citizen Involvement and Volunteer Service Program.

DOUG SAPP, Commissioner

TAMELA BIGGS, Staff Attorney

APPROVED BY AGENCY: November 4, 1997

FILED WITH LRC: November 13, 1997 at 1 p.m.

JUSTICE CABINET  
 Kentucky Department of Corrections  
 Division of Adult Institutions  
 (As Amended at ARRS, February 11, 1998)

501 KAR 6:180. Infectious diseases.

RELATES TO: KRS 196.030(1)(a), 196.171, 197.020(2), 197.055, 215.550 [Chapters 196, 197, 439]

STATUTORY AUTHORITY: KRS 196.035, 197.020(2), 197.055(4), 215.550

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035, 197.020(2), and 197.055(4) authorize the Justice Cabinet and Department of Corrections to promulgate administrative regulations necessary for the proper administration of the department. This administrative regulation establishes diagnostic procedures, treatment, and preventive care for serious, infectious diseases in order to protect the public, staff, and inmates. [KRS 196.035, 197.020, 197.055, and 215.550 authorize the Justice Cabinet and Department of Corrections to promulgate administrative regulations necessary and suitable for the proper administration of the department or any division therein. This administrative regulation is promulgated in order to comply with the accreditation standards of the American Correctional Association. The purpose of this administrative regulation is to establish diagnostic procedures, treatment and preventive care for serious infectious diseases in order to protect the public, staff and inmates.]

Section 1. Definitions. "Serious infectious disease" means:

**(1) Tuberculosis;**

**(2) HIV or AIDS;**

**(3) Hepatitis; or**

**(4) Other communicable disease that could pose a significant health risk.** [any disease which poses a public health risk. This includes tuberculosis, HIV/AIDS, and hepatitis.]

Section 2. Testing. (1) An inmate [All inmates] shall be tested for tuberculosis upon his [their] admission to the Department of Corrections.

(2) An inmate [All inmates] shall submit to tuberculosis testing annually in his [their] birth month.

(3) If it is suspected that an inmate has been in a situation involving a high risk of exposure to a serious infectious disease, he shall submit to testing deemed necessary by the appropriate medical staff, which may include:

**(a) An x-ray;**

**(b) A skin test;**

**(c) A sputum test;**

**(d) A blood test; or**

**(e) Other test necessary to diagnose a serious infectious disease.** [If it is determined that an inmate has been in a situation with a high risk of exposure to a serious infectious disease, the inmate shall submit to all tests which are deemed necessary for the diagnosis of any serious infectious disease.]

(4) All inmates shall submit to all necessary diagnostic testing for serious infectious disease. The type and numbers of tests to be administered shall be determined by the appropriate medical staff. This shall include x-rays, skin tests, sputum and blood tests.

Section 3. Serious Infectious Diseases. (1) If an inmate is diagnosed with active tuberculosis he [the inmate] shall submit to examination [all examinations], testing and treatment determined necessary by the appropriate medical staff.

(2) If an inmate is diagnosed with a serious infectious disease, he shall follow precautions to prevent the transmission of the disease as instructed by the medical department, including:

**(a) Use of protective equipment; and**

**(b) Avoidance of high risk behavior.** [the inmate shall take all reasonable precautions to prevent the transmission of the serious infectious disease as instructed by the medical department, including the use of protective equipment and avoidance of high risk behavior.]

(3) If an inmate is diagnosed with a serious infectious disease, he shall be maintained in housing appropriate to:

**(a) Control and reduce the risk of transmission of the disease as long as medically necessary; or**

**(b) Control the high risk behavior of the inmate.** [the inmate



# ADMINISTRATIVE REGISTER - 1879

shall be maintained in housing appropriate to control and reduce the risk of transmission of the serious infectious disease as long as medically necessary, or when required to control the high risk behavior of the inmate;]

Section 4. Refusal or Interfering with Health Care. (1) If an inmate refuses the care that is deemed appropriate by medical staff pursuant to the provisions of [under] this administrative regulation, he shall be subject to disciplinary action as a Category VI offense under CPP 15.2 "Offenses and penalties" contained in 501 KAR 6:020.

(2) If an inmate creates a health hazard by conduct which may spread an infectious disease [infectious diseases], he shall be subject to disciplinary action as a Category VI offense under CPP 15.2 "Offenses and penalties" contained in 501 KAR 6:020.

DOUG SAPP, Commissioner

STEVEN P. DURHAM, General Counsel

JACK T. DAMRON, Staff Attorney

TAMELA BIGGS, Staff Attorney

APPROVED BY AGENCY: December 5, 1997

FILED WITH LRC: December 15, 1997 at 9 a.m.

## JUSTICE CABINET Kentucky Department of Corrections (As Amended at ARRS, February 11, 1998)

### 501 KAR 6:999. Corrections secured policies and procedures.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the Justice Cabinet and Department of Corrections 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. This administrative regulation establishes the policies and procedures for the Department of Corrections.

Section 1. Incorporation by Reference. (1) The following material is incorporated by reference: "Department of Corrections Secured Policies and Procedures, November 12, 1997."

BCC 09-01-01	Inclement Weather/Emergency Condition Operation
BCC 09-02-01	Restricted Areas
BCC 09-02-02	Inmate Pass System to Restricted Areas
BCC 09-02-03	Regulation of Inmate Movement
BCC 09-02-04	Radio Escorted Yard Movement During Daylight Savings Time (November 1-April 30)
[BCC 09-03-01]	<del>Inmate Identification (Deleted 2/11/98)]</del>
BCC 09-04-02	Complex Entry and Exit
BCC 09-05-01	Key Control
BCC 09-06-02	Transportation to Courts
BCC 09-07-01	Drug Abuse and Intoxicants Testing
BCC 09-09-01	Population Counts and Count Documentation
[BCC 09-10-03]	<del>Development of Institutional Post Orders (Deleted 2/11/98)</del>
BCC 09-14-01	<del>Prohibiting Inmate Authority Over Other Inmates (Deleted 2/11/98)]</del>
BCC 09-15-01	Search Policy and Disposition of Contraband
BCC 09-16-01	Security Activity Logs
BCC 09-17-01	Institutional Supervisor Inspection

[BCC 09-18-01]	<del>Use of State Vehicles and Staff Owned Vehicles (Deleted 2/11/98)</del>
BCC 09-19-01	Duties and Responsibilities of the Institutional Captain (Deleted 2/11/98)]
BCC 09-20-01	Inmate Death
BCC 09-21-01	Tool Control
BCC 09-22-01	Emergency Communication System
[GPP 8.1]	<del>Occupational Exposure to Bloodborne Pathogens (Deleted 2/11/98)</del>
GPP 8.2	Fire Safety (Deleted 2/11/98)]
CPP 8.3	Emergency Planning
CPP 8.4	Emergency Preparedness
CPP 8.5	Emergency Squads
CPP 9.1	Use of Force
[GPP 9.5]	<del>Execution (Deleted 2/11/98)]</del>
CPP 9.7	Storage, Issue and Use of Weapons Including Chemical Agents
CPP 9.9	Transportation of Inmates
CPP 9.10	Security Inspections
CPP 9.11	Tool Control
FCDC 09-01-02	Institutional Entry and Exit Surveillance and Perimeter Security Procedures
FCDC 09-03-01	Control and Accountability of Flammable, Toxic, Caustic and Other Hazardous Materials
GRCC 08-03-01	Escape Plan
GRCC 08-05-01	Emergency Squad: Selection, Training and Evaluation
GRCC 08-06-01	Response Units
GRCC 09-03-01	Procedure for Operation in Event of Dense Fog, Inclement Weather or Loss of Power
GRCC 09-04-01	Inmate Death
GRCC 09-06-01	Entry and Exit Procedures
KSP 09-08-01	Searches and Preservation of Evidence
KSR 09-00-04	Horizontal Gates/Box 1 Entrance and Exit Procedure
KSR 09-00-09	Contraband, Dangerous Contraband and Search Policy
KSR 09-00-27	Construction Crew Entry/Exit
[RCC 08-01-01]	<del>Fire Prevention (Deleted 2/11/98)]</del>
RCC 08-08-01	Control and Use of Flammable, Toxic, and Caustic Materials
[RCC 09-04-03]	<del>Duties and Responsibilities of the Fire and Safety Officer (Deleted 2/11/98)]</del>
RCC 09-06-01	Search Policy/Disposition of Contraband

(2) There will be no public hearing on these policies and procedures as they are secured policies under the provisions of KRS 197.025 which states that such policies shall not be accessible to the public or inmates.

DOUG SAPP, Commissioner

TAMELA BIGGS, Staff Attorney

APPROVED BY AGENCY: November 4, 1997

FILED WITH LRC: November 13, 1997 at 1 p.m.

## TRANSPORTATION CABINET Office of Minority Affairs (As Amended at ARRS, February 11, 1998)

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

RELATES TO: KRS Chapters 96A, 174, 176, 177, 183, 13 CFR 121, 49 CFR 23, 15 USC 637

STATUTORY AUTHORITY: KRS 174.080, 49 CFR Part 23

NECESSITY, FUNCTION, AND CONFORMITY: 49 CFR Part 23

requires that most recipients of funds from the United States Department of Transportation (USDOT) implement a program to support the fullest possible participation of firms or business enterprises owned and controlled by minorities, women and socially and economically disadvantaged individuals in USDOT programs. The Kentucky Transportation Cabinet as a recipient of USDOT funds is required by 49 CFR 23.2 [the federal regulation] to have a program of certification of disadvantaged, minority and women business enterprises. This administrative regulation establishes the procedures and criteria for the Transportation Cabinet's certification program. This administrative regulation conforms to the federal mandate. It is identical to the certification criteria of the federal mandate spelled out in 49 CFR 23.2. However, each state is required to establish its own certification procedures. It also sets forth the requirement that certified and prequalified DBE firms attend an orientation program and management development course to increase the probability of the firm remaining certified.

Section 1. Definitions. (1) "Applicant" or "firm" means any corporation, partnership, sole proprietorship, or joint venture applying with the Transportation Cabinet for certification as a disadvantaged, minority or women business enterprise.

(2) "Approval" means that the applicant meets disadvantaged, minority or women business enterprise or joint venture eligibility criteria as outlined in 49 CFR Part 23 and as required by this administrative regulation.

(3) "Certification" means the process whereby the Transportation Cabinet determines if an applicant meets disadvantaged, minority or women business enterprise or joint venture criteria.

(4) "Challenge" means an action of a third party which takes issue with the socially and economically disadvantaged status of certified disadvantaged business enterprise program participants or applicants for DBE certification.

(5) "Decertified" means that a firm or business enterprise which has been certified by the Transportation Cabinet which certification has not expired, as a disadvantaged, minority or women business enterprise or joint venture has been determined to be ineligible and is, therefore, no longer entitled to the rights and privileges accorded to those who are certified by the Transportation Cabinet as a disadvantaged, minority or women business enterprise or joint venture.

(6) "Denial" means that the applicant does not meet disadvantaged, minority or women business enterprise or joint venture eligibility criteria as outlined in 49 CFR Part 23 and as required by this administrative regulation.

(7) "Disadvantaged business enterprise" or "DBE" means a small business concern as defined pursuant to Section 3 of the Small Business Act (15 USC 637(a)) and implementing regulations:

(a) Which is at least fifty-one (51) percent owned by one (1) or more socially and economically disadvantaged persons; or, in the case of any publicly owned business, at least fifty-one (51) percent of the stock of which is owned by one (1) or more socially and economically disadvantaged individuals; and

(b) Whose management and daily business operations are controlled by one (1) or more of the socially and economically disadvantaged individuals who own it.

(8) "Joint venture" means an association of two (2) or more businesses to perform a specified business contract for profit for which purpose the businesses combined their property, capital, efforts, skills and knowledge.

(9) "Minority" means a person who is a citizen or lawful permanent resident of the United States and who is:

(a) Black (a person having origins in any of the black racial groups of Africa);

(b) Hispanic (a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race);

(c) Portuguese (a person of Portuguese, Brazilian, or other Portuguese culture or origin, regardless of race);

(d) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands);

(e) American Indian and Alaskan native (a person having origins in any of the original peoples of North America); or

(f) Members of other groups, or other individuals, found to be economically and socially disadvantaged by the Small Business Administration under Section 8(a) of the Small Business Act, as amended (15 USC 637(a)).

(10) "Minority business enterprise" or "MBE" means a small business concern, as defined pursuant to Section 3 of the Small Business Act and implementing regulations (15 USC 637(a)), which is owned and controlled by one (1) or more minorities or women. This definition applies only to financial assistance programs. For the purposes of this part, owned and controlled means a business:

(a) Which is at least fifty-one (51) percent owned by one (1) or more minorities or women or, in the case of a publicly owned business, at least fifty-one (51) percent of the stock of which is owned by one (1) or more minorities or women; and

(b) Whose management and daily business operations are controlled by one (1) or more such individuals.

(11) "Notice" means written notice from the Transportation Cabinet or Office of Minority Affairs delivered certified mail to the business address listed on the application form.

(12) "On-site inspection" means conducting an interview with principals of the firm at its primary place of business, reviewing business-related documents, and inspecting business facilities or equipment.

(13) "Prequalified" means that the Transportation Cabinet has approved the firm or business enterprise to perform certain functions on behalf of the cabinet in accordance with KRS Chapter 45A, 600 KAR Chapter 6, or 603 KAR 2:015.

(14) "Socially and economically disadvantaged individuals" means those individuals who are citizens of the United States (or lawfully admitted permanent residents) and who are black Americans, Hispanic Americans, native Americans, Asian-Pacific Americans, Asian-Indian Americans, or women and any other minorities or individuals found to be disadvantaged by the Small Business Administration pursuant to Section 8(a) of the Small Business Act, United States Code Title 15 Section 637. The Transportation Cabinet shall have a rebuttable presumption that individuals listed in paragraphs (a) through (f) of this subsection are socially and economically disadvantaged.

(a) "Black Americans," which includes persons having origins in any of the black racial groups of Africa;

(b) "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

(c) "Native Americans," which includes persons who are American Indians, Eskimos, Aleuts, or native Hawaiians;

(d) "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the U.S. Trust Territories of the Pacific, and the Northern Marianas;

(e) "Asian-Indian Americans," which includes persons whose origins are from India, Pakistan, and Bangladesh; and

(f) "Women."

(15) "Women business enterprise" or "WBE" means a disadvantaged or minority business enterprise which is owned and controlled by one (1) or more women.

Section 2. Adoption of Governing Federal Material. (1) 49 CFR 23, effective October 1, 1997 [~~June 1, 1992~~], is adopted without change. This federal regulation governs the federal Department of Transportation and the Kentucky Transportation Cabinet's relation-

## ADMINISTRATIVE REGISTER - 1881

ship with and responsibility to each other in the DBE/MBE/WBE Program. It further sets forth the basic requirements which the Transportation Cabinet shall impose on firms desiring certification.

(2) "The Disadvantaged Business Enterprise Program Administration Participants Manual", Chapters I - VI, US Department of Transportation's Publication No. FHWA FHWA-CR-90-003 dated April, 1990 [~~is incorporated by reference in Section 16 of this administrative regulation. This manual~~] shall be used by the Transportation Cabinet for guidance and direction in administering the DBE program.

Section 3. Application Process. (1)(a) Application for certification or recertification as set forth in Section 6 of this administrative regulation as a DBE, MBE, or WBE shall be made to the Transportation Cabinet's Office of Minority Affairs on form TC 10-3, Application for Certification Schedule A.

(b) Each application form shall be completed in full.

(c) All documentation required by the application shall be attached to the completed application.

(d) The person signing the application shall be one (1) of the persons on whom the DBE, MBE, or WBE status is based and shall identify his position with the firm or business enterprise applying for certification.

(e) The completed application shall be submitted to the Transportation Cabinet, Office of Minority Affairs.

(2) If the application is not complete, the Office of Minority Affairs shall return the application to the applicant firm requesting that the omitted information be included. An incomplete application shall not be considered by the Transportation Cabinet, Office of Minority Affairs.

(3)(a) The Transportation Cabinet shall perform an on-site inspection of each new applicant which is located within the boundary of Kentucky or, if in another jurisdiction, within seventy-five (75) miles (120.7 kilometers) of the boundary of Kentucky.

(b) The Transportation Cabinet may perform an on-site inspection of any firm previously certified which is applying for recertification pursuant to Section 7 [6] of this administrative regulation.

(c) Failure of the applicant firm to participate in the on-site inspection shall be sufficient cause for the Transportation Cabinet to deny the application.

(4) An out-of-state applicant as a prerequisite to consideration of certification by the Transportation Cabinet shall be certified as a DBE, MBE, or WBE by the state transportation agency responsible for certifying firms under 49 CFR Part 23 in the state in which the firm has residence.

(5) The Transportation Cabinet may request additional information in order to determine if an applicant firm should be certified. Failure of the applicant firm to provide the requested information shall be cause for the Transportation Cabinet to deny the application.

(6) During the period prior to the formal submittal of the application, the Transportation Cabinet or its supportive services contractor shall:

(a) When requested by the applicant, provide technical advice needed by the applicant in completing the application form and the supporting documentation;

(b) When requested by the applicant, advise the applicant firm of any apparent existing structural, organizational, or financial impediments to the firm's certification; or

(c) Allow the applicant to make any structural, organizational, or financial changes to its organization necessary to bring the applicant into compliance with the requirements of this administrative regulation.

Section 4. Evaluation of Application. (1)(~~a~~) The Transportation Cabinet shall use the eligibility standards set forth in 49 CFR [Part] 23.53 to determine the eligibility of a firm to be certified or recertified as a MBE.

(2) (~~b~~) The Transportation Cabinet shall use the eligibility standards set forth in 49 CFR [Part] 23.53; 49 CFR [Part] 23.62; and

49 CFR Part 23, Subpart D, Appendix A, Appendix B and Appendix C to determine the eligibility of a firm to be certified or recertified as a DBE or WBE.

(3) (~~e~~) To be certified a firm shall:

(a) [~~1-~~] Be operated with the intention of making a profit; and

(b) [~~2-~~] Submit evidence of the firm's operational status prior to the date of the application which includes [~~, but is not limited to~~] the following:

1. [~~a-~~] A copy of a bid or quotation on a publicly or privately funded project;

2. [~~b-~~] A copy of an invoice, purchase order, or bill of lading;

3. [~~c-~~] Proof of gross receipts or receivables due; or

4. [~~d-~~] A copy of the current certificate of existence or authorization issued by the Kentucky Secretary of State pursuant to KRS 271B.1-280.

Section 5. DBE Certification Committee. (~~2~~) There is a DBE Certification Committee established in the Transportation Cabinet to:

(1) Approve or deny each application [~~review and evaluate the applications~~] submitted pursuant to:

(a) Section 3 of this administrative regulation; or [~~and~~]

(b) Section 7 [6] of this administrative regulation [~~, except notices of "No Change"~~];

(2) Approve or deny a Transportation Cabinet initiated decertification proceeding; and

(3) Participate in a predetermination hearing pursuant to Section 12 of this administrative regulation.

(4) (~~3~~) The DBE Certification Committee shall be composed of the following members:

(a) Executive Director, Office of Minority Affairs or his designee, Chair, nonvoting member;

(b) State Highway Engineer or his designee;

(c) Deputy Secretary of the Transportation Cabinet or his designee;

(d) Director, Division of Construction or his designee;

(e) Director, Division of Highway Design or his designee;

(f) Audit Manager, Internal Audit Branch or his designee;

(g) Director, Division of Contract Procurement, or his designee;

(h) Directly, Division of Professional Services, or his designee;

(i) Executive Director, Office of General Counsel or his designee, nonvoting member; and

(j) (~~h~~) Kentucky Administrator of the Federal Highway Administration or his designee, ex officio, nonvoting member.

(5) (~~4~~) The Chairman of the Certification Committee shall schedule meetings as needed.

(6) (~~5~~) Four (4) of the voting members of the Certification Committee shall constitute a quorum.

(7) (~~6~~)(a) A simple majority of the voting members present at a meeting with a quorum shall be required to approve or deny an application or decertification submitted to the committee.

(b) A summary record of each meeting shall be maintained by the Office of Minority Affairs and presented for review and approval at the next meeting of the committee which has a quorum present.

(8) (~~7~~) At least seven (7) working days [~~two (2) weeks~~] prior to the meeting of the committee when an application or decertification is to be considered, the Office of Minority Affairs shall provide a complete copy of the application and staff summary and recommendation to each member of the committee.

(9) (~~8~~) The DBE Liaison Officer shall be present at the committee meeting to answer questions and provide technical information.

(10) When requested by a committee member, the Executive Director of the Office of Minority Affairs shall have the technical staff member available to answer questions regarding an application or decertification.

(11) Consistent with the decision of the Certification Committee, (~~9~~) the Transportation Cabinet shall issue a written determination of eligibility for certification within ninety (90) days of receipt of a

## ADMINISTRATIVE REGISTER - 1882

completed original application provided that a challenge as set forth in Section 10 [9] of this administrative regulation has not been received.

(12) [(+0)] The Transportation Cabinet's Certification Committee [also] may determine, on a case-by-case basis, that an individual who is [individuals who are] not a member of one (1) of the groups listed in Section 1(14) [(+1)] of this administrative regulation is [are] socially and economically disadvantaged.

Section 6. [5:] Certification of Applicant Firm. (1) If an application for certification as a DBE, MBE, or WBE is approved by the Transportation Cabinet and a challenge to the status of a firm from a third party as set forth in Section 10 [9] of this administrative regulation is not received during the time the Transportation Cabinet is evaluating the application, the written notification required by Section 5(11) [4(2)] of this administrative regulation shall be the notice to the applicant firm of certification as a DBE, MBE, or WBE.

(2) Certification as a DBE, MBE, or WBE shall be [is] valid for one (1) year from the date of notice of certification.

(3) Records of a certified firm shall be retained by the Office of Minority Affairs for a period of not less than five (5) years from the date of notice of certification.

(4)(a) Except as set forth in paragraph (c) of this subsection, certification of a firm or business enterprise shall expire immediately upon any change in ownership or control of the firm or business enterprise.

(b) The firm or business enterprise may submit a new application to the Office of Minority Affairs to be considered for certification under the new ownership or control.

(c) If, within seven (7) days of the change in ownership or control, the firm notifies the Office of Minority Affairs of the change, the office may extend the expired certification for a brief period of time and with reasonable conditions placed on the firm.

Section 7. [6:] Recertification. (1) At least thirty (30) days prior to its certification expiration, a certified DBE, MBE, or WBE, that intends to continue its certification shall submit an application to the Transportation Cabinet, Office of Minority Affairs.

(a) Every other year the application shall be in the same form and require the same information as in Section 3 of this administrative regulation.

(b) In the alternate year, if there have been no changes since the last application was filed and the application form and attachments would be identical to the last one filed, the applicant may submit a statement of "no change" to the Transportation Cabinet on form TC 10-16, Recertification Affidavit [adopted in June 1995. That form is incorporated by reference in Section 16 of this administrative regulation].

(c) Beginning with the application for recertification for the third year of certification, certified firms prequalified to engage in highway construction, design, or right-of-way activities, shall also submit evidence of participation in at least one (1) management development course as set forth in Section 15 [(+4)] of this administrative regulation.

(2)(a) Certification of a DBE, MBE, or WBE which has requested recertification at least thirty (30) days prior to the date of certification expiration shall not expire unless the Transportation Cabinet denies the request for recertification as set forth in this section.

(b) Until notified otherwise by the Transportation Cabinet, a certification for which a recertification application has been timely filed shall continue in force as though the recertification had been approved.

(3) If a firm is notified that its request for recertification is denied and the reasons therefore, the firm may request a predetermination meeting within ten (10) days of the date of the notice. If the firm fails to request a predetermination meeting within the ten (10) days, its request for recertification shall be denied effective thirty (30) days from the date of notification.

(4) The predetermination meeting, if requested, shall be held in accordance with the procedures specified in Section 11 [(+0)] of this administrative regulation.

(5) If the Transportation Cabinet's decision after the predetermination meeting is that the request for recertification shall be denied, the denial shall be effective on the latter of the following dates:

(a) Immediately upon the issuance of written notice by the Transportation Cabinet to the firm; or

(b) Thirty (30) days from the date of notification set forth in subsection (3) of this section.

(6) The firm may appeal that decision in accordance with Section 12 [(+1)] of this administrative regulation.

Section 8. [7:] Denial of Certification. (1) If an application for certification as a DBE, MBE, or WBE is denied by the Transportation Cabinet, the notification required by Section 5(11) [4(2)] of this administrative regulation shall set forth the reasons for denial.

(2) A denial may be appealed to the Transportation Cabinet within thirty (30) days of the notice. The appeal shall be filed in accordance with Section 12 [(+1)] of this administrative regulation.

(3) An applicant firm shall not reapply for certification for one (1) year from the effective date of denial.

(4) The effective date of denial shall be one (1) of the following dates:

(a) If the denial is not appealed, the date the notice is received or delivery is attempted;

(b) If the denial is appealed and the denial is upheld, the date of the notice of final action on behalf of the Transportation Cabinet; or

(c) If the denial is appealed and the appellant withdraws, cancels, or otherwise suspends the appeal, the date of the withdrawal, cancellation, or suspension of the appeal.

Section 9. [8:] Decertification. (1)(a) The Transportation Cabinet may perform periodic reviews or on-site inspections of a certified DBE, MBE, or WBE during its certification period to verify continued eligibility of the firm.

(b) If the Transportation Cabinet finds noncompliance with the eligibility criteria or the certified firm fails to provide reasonable information requested by the Transportation Cabinet as a part of the periodic review, the cabinet may initiate a decertification proceeding.

(2)(a) The Transportation Cabinet shall notify the certified firm of the pending decertification.

(b) The notice shall specify the reasons for the pending decertification.

(3)(a) The firm may request a predetermination meeting within ten (10) days of the date the notice is received or delivery is attempted.

(b) If the firm fails to request a predetermination meeting within the ten (10) days, it shall be decertified.

(4) [(3)] The predetermination meeting, if requested, shall be held in accordance with the procedures specified in Section 11 [(+0)] of this administrative regulation.

(5) [(4)] If the Transportation Cabinet's decision after the predetermination meeting is that the firm shall be decertified, the firm may appeal that decision in accordance with Section 12 [(+1)] of this administrative regulation.

(6)(a) [(5)] The effective date of the decertification shall be thirty (30) days after the date the notice of decertification is mailed to the firm providing the firm does not appeal the decertification to the Transportation Cabinet.

(b) If a firm appeals the decertification, the effective date of the decertification shall be the date of the final ruling of the Secretary of the Transportation Cabinet as set forth in Section 12 [(+1)] of this administrative regulation.

(7) Decertification shall be for a specific period of time but not less than one (1) year.

## ADMINISTRATIVE REGISTER - 1883

Section 10. [9:] Challenge of DBE Certification. (1)(a) A [Any] third party may challenge the socially and economically disadvantaged status of an [any] individual, except an individual who has a current certification from the Small Business Administration issued pursuant to 15 USC [Section] 637, rebuttably presumed to be socially and economically disadvantaged if that individual is an owner of a firm certified by or seeking certification from the Transportation Cabinet, Office of Minority Affairs as a DBE.

(b) The challenge shall be made in writing to the Office of Minority Affairs.

(2) With its letter, the challenging third party shall include all information available to it which is relevant to a determination of whether the challenged party is in fact socially and economically disadvantaged.

(3) The Transportation Cabinet shall determine, on the basis of the information provided by the challenging party, if there is reason to believe that the challenged party is in fact not socially and economically disadvantaged.

(4) If the Transportation Cabinet determines that there is not reason to believe that the challenged party is not socially and economically disadvantaged, the office shall so inform the challenging party in writing. This shall terminate the proceeding.

(5)(a) If the Transportation Cabinet determines that there is reason to believe that the challenged party is not socially and economically disadvantaged, the office shall notify the challenged party that his status as a socially and economically and disadvantaged individual has been challenged. The notice shall:

1. Identify the challenging party;

2. [and] Summarize the grounds for the challenge; and

3. [-The notice shall also] Require the challenged party to provide to the Office of Minority Affairs, within a specified reasonable time, information sufficient to evaluate his status as a socially and economically disadvantaged individual.

(b) Failure to provide the requested information within the time limit shall be cause for the DBE to be decertified or to be denied certification.

(6) If the social and economic disadvantaged status of a new applicant is challenged, the challenge proceedings shall be completed prior to completion of the certification.

(7) The Transportation Cabinet shall evaluate the information available and make a proposed determination of the social and economic disadvantage of the challenged party. The office shall notify both parties of this proposed determination, setting forth the reasons for its proposal.

(8) Either party may request a predetermination meeting within ten (10) days of the date of the notice. If neither party requests a predetermination meeting within the ten (10) days, the proposed determination of the Transportation Cabinet shall become the final determination, i.e., the challenged party shall either be decertified or continue to be certified.

(9) The predetermination meeting, if requested, shall be held in accordance with Section 11 [10] of this administrative regulation. However, both parties shall be allowed to attend the meeting or respond in writing to the proposed determination.

(10) In making the determinations called for in subsections (3) and (7) of this section and Section 11 [10] of this administrative regulation as it relates to challenge, the Transportation Cabinet shall use the standards set forth in 49 CFR Part 23, Subpart D, Appendix C.

(11) During the pendency of a challenge under this section, the presumption that the challenged party is a socially and economically disadvantaged individual shall remain in effect.

(12) The decision of the Transportation Cabinet in subsection (4) of this section or after an appeal and hearing before the Secretary of the Transportation Cabinet as set forth in Section 12 [11] of this administrative regulation may be appealed to the United States Department of Transportation, by the adversely affected party to the

proceeding under the procedures of 49 CFR Part 23.55.

Section 11. [10:] Predetermination Meeting. (1) A predetermination meeting with the Transportation Cabinet may be requested by any party as set forth in Sections 7, 9, and 10 [6, 8, and 9] of this administrative regulation. The request shall be made in writing, signed and dated.

(2) The Transportation Cabinet, Office of Minority Affairs shall schedule the date for the predetermination meeting to be between five (5) and ten (10) days after receipt of the request for the predetermination meeting. Upon agreement between the Office of Minority Affairs and all affected parties the meeting may be scheduled later than the ten (10) days.

(3) The Transportation Cabinet shall notify all affected parties in writing of the date, time and location of the predetermination meeting.

(4) The predetermination meeting shall be an informal proceeding. The predetermination meeting shall provide the opportunity for the affected parties to present evidence or arguments, either written or oral, on the matter being considered by the Transportation Cabinet. The affected parties may be represented by legal counsel.

(5) The Transportation Cabinet shall render a written decision within seven (7) days of completion of the predetermination meeting. In making this decision, the Transportation Cabinet shall use the standards set forth in Section 4 of this administrative regulation. The affected parties shall be notified of the decision of the Transportation Cabinet.

Section 12. [11:] Appeal and Hearing. (1) Any party in Section 7(2), 9(4), or 10(10) [6(2), 8(4) and 9(10)] of this regulation adversely affected by a decision of the Transportation Cabinet may appeal that decision within thirty (30) days of the notice of determination. The appeal shall be filed in writing with the Transportation Cabinet.

(2)(a) The Transportation Cabinet shall schedule the date for the hearing on the appeal to be between fifteen (15) and thirty (30) days after the appeal is received unless otherwise agreed to by all parties.

(b) If an appeal hearing is rescheduled beyond the thirty (30) days from the date of the notification to deny certification at the request of the applicant firm and the firm is not currently certified, the firm's annual certification has expired, or the firm's request for recertification has been denied, the Office of Minority Affairs shall not approve as part of an established DBE goal any of the work contracted by the applicant.

(3) The Transportation Cabinet shall conduct the administrative hearing pursuant to the provisions of KRS Chapter 13B.

(4) The hearing officer's findings of fact shall be based on conditions existing at the time the on-site inspection or owner interview was conducted by the Transportation Cabinet. Changes made in an applicant's firm since the on-site inspection or owner interview shall not be considered by the Transportation Cabinet or a hearing examiner in determining the eligibility of the firm.

(5) An appeal from the Transportation Cabinet's final decision may be made to the United States Department of Transportation in accordance with the provisions of 49 CFR 23.55 and 49 CFR 23 Subpart D, Appendix A, Decertification Procedures.

Section 13. [12:] Joint Ventures. (1) Any joint venture which includes a certified DBE, MBE, or WBE may apply to be certified as a joint venture eligible to participate in the DBE, MBE, or WBE program. Application for certification shall be on Transportation Cabinet Form TC 10-5 DBE/WBE Joint-venture Eligibility Application, Schedule B. The application procedure, eligibility standards, and certification procedure followed shall be as set forth in this administrative regulation.

(2) Application from a joint venture which includes a disadvantaged, minority or women business enterprise which has not been certified shall not be considered by the Transportation Cabinet as a joint venture eligible to participate in the DBE, MBE, or WBE program.

(3) If all firms involved in the joint venture are certified DBEs, MBEs, or WBEs, there shall not be a need for the joint venture to request certification as a joint venture eligible to participate in the DBE, MBE, or WBE program.

~~[(4) The form TC 10-5, DBE/WBE Joint Venture Eligibility Application, Schedule B, last revised in February, 1992 is incorporated by reference in Section 16 of this administrative regulation.]~~

Section 14. [13:] Additional Program Guidelines. 13 CFR 121 as effective on October [March] 1, 1997 [1996], as amended at 63 Fed. Reg. 4532, January 29, 1998, is adopted without change. The federal regulation sets standards for the size of small businesses as established by the Small Business Administration. These size standards, when less than \$16.6 million, are required by 49 CFR Part 23 Subpart D, Appendix A to be used to determine when a firm has graduated from the certification program, i.e., it is no longer considered to be a small business.

Section 15. [14:] Management Development Course. (1) Each owner of a Kentucky-based certified firm which is also prequalified by the Transportation Cabinet under the provisions of KRS 45A.825, 600 KAR Chapter 6, or 603 KAR 2:015 to engage in highway construction, design or right-of-way activities shall attend at least one (1), one (1) week management development course prior to being recertified for its third year as a DBE.

(2) DBE certified firms not based in Kentucky, ~~[but which are within a seventy-five (75) mile (120.7 kilometer) proximity,]~~ may be required by the Office of Minority Affairs to attend at least one (1) management development course. ~~[This attendance requirement shall be based on an assessment of the firm's managerial and operational capability in relationship to the regulatory requirements determined during the conduct of the on-site inspection, personnel interviews, and evaluation of the firm's prequalification status.]~~

(3) DBE certified firms which have previously attended a management development course and which have been cited for a violation of this administrative regulation or 600 KAR 4:020 may be required to attend an additional management development course.

(4) The management development course shall be offered free of charge by the Entrepreneurial Development Institute.

(5) All owners of firms required to attend a management development course shall attend the course.

(6) The owners of certified firms which are not required to attend the management development course may apply to attend. The Transportation Cabinet shall accommodate them on a space-available basis.

Section 16. [15:] Disadvantaged Business Enterprise Orientation Program. (1) The Transportation Cabinet shall offer a one (1) day orientation program for any certified DBE firm. The orientation program shall acquaint owners of DBE firms with the following:

(a) The organization, structure and expectations of the Transportation Cabinet;

(b) The requirements of the DBE program and with the provisions of the "Standard Specifications for Road and Bridge Construction" and "Standard Drawings"; and

(c) The supportive services and technical assistance available to the DBE.

(2) Each owner of a certified DBE firm which is also prequalified under KRS 45A.825, 600 KAR Chapter 6, or 603 KAR 2:015 to engage in highway construction, design or right-of-way activities shall attend an orientation program prior to competing for a U.S. Department of Transportation assisted project.

(3) If the certified DBE firm is based out of Kentucky, the orientation program may be completed by telephone and mail.

(4) The owners of certified firms which are not required to attend the orientation program may apply to attend. The Transportation Cabinet shall accommodate them on a space-available basis.

Section 17. [16:] Material Incorporated by Reference. (1) The following material is incorporated by reference unless designated as being adopted without change:

(a) 49 CFR 23, effective October 1, 1997 [June 1, 1992], is adopted without change;

(b) "The Disadvantaged Business Enterprise Program Administration Participants Manual", Chapters I-VI, U.S. Department of Transportation's Publication No. FHWA FHWA-CR-90-003, April 1990 edition [dated April 1990];

(c) Form TC 10-3, "Application for Certification Schedule A", January 1992 edition;

(d) Form TC 10-16, "Recertification Affidavit", June 1995 edition;

(e) Form TC 10-5, "DBE/WBE Joint Venture Application, Schedule B", February 1992 edition; ~~[and]~~

(f) 13 CFR 121, effective October [March] 1, 1997 [1996], adopted without change; and

(g) 63 Fed. Reg. 4532, January 29, 1998.

(2) Copies of all of the material incorporated by reference may be obtained, viewed or copied at the Transportation Cabinet, Office of Minority Affairs, 501 High Street, Frankfort, Kentucky 40622. The business hours of the Office of Minority Affairs are 8 a.m. to 4:30 p.m. eastern time, Monday through Friday, except state holidays. The telephone number is (502) 564-3601.

NORRIS BECKLEY, Executive Director  
J.M. YOWELL, P.E., State Highway Engineer  
JAMES C. CODELL, III, Secretary  
TODD SHIPP, Office of General Counsel

APPROVED BY AGENCY: December 5, 1997

FILED WITH LRC: December 9, 1997 at 11 a.m.

**CABINET FOR FAMILIES AND CHILDREN**  
**Department for Social Insurance**  
**Division of Management and Development**  
**(As Amended at ARRS, February 11, 1998)**

**904 KAR 2:006. Technical requirements for the Kentucky Transitional Assistance Program (K-TAP) [; AFDC].**

RELATES TO: KRS 205.010, 205.200(2), (3), 45 CFR 205.10, 205.52, 232.11-12, 232.40-48, 233.10, 233.40, 233.50, 233.90, 233.100, 8 USC 1611-1645, 42 USC 601 et seq., 602, "Expansion of Definition of Specified Caretaker Relative", Transmittal No. ACF-AT-91-33 (December 12, 1991), U.S. Department of Health and Human Services, Administration for Children & Families, Office of Family Assistance, "Determining AFDC Eligibility When the Only Dependent Child Receives Foster Care Benefits", Transmittal No. ACF-AT-94-5 (February 28, 1994), U.S. Department of Health and Human Services, Administration for Children and Families, Office of Family Assistance, PL 104-208

STATUTORY AUTHORITY: KRS 194.050(1), 205.010, 205.200(2), (3), 42 USC 601 et seq., EO 96-862

NECESSITY, FUNCTION, AND CONFORMITY: Executive Order 96-862, effective July 2, 1996, reorganized the Cabinet for Human Resources and placed the Department for Social Insurance and its programs under the Cabinet for Families and Children. The Cabinet for Families and Children [Human Resources] has the responsibility under the provisions of KRS Chapter 205 to administer the assistance program of Aid to Families with Dependent Children, now named the Kentucky Transitional Assistance Program, the block grant program funded under 42 USC 601 et seq. KRS 205.200(2) requires that the conditions of eligibility to receive money grants from Aid to Families with Dependent Children, now named the Kentucky Transitional Assistance Program, be prescribed by administrative regulations in conformity with 42 USC 602 and federal regulations. This administra-



tive regulation sets forth the technical requirements of school attendance, residence, citizenship, deprivation, living with a relative, age, one (1) category of assistance, [work registration;] cooperation in child support enforcement activities, strikers, minor teenage parent provisions, time limits and potential entitlement for other programs for eligibility for benefits from the Kentucky Transitional Assistance Program [Aid-to-Families-with-Dependent-Children].

Section 1. Definitions. (1) "Battered or subjected to extreme cruelty" means an individual who has been subjected to:

(a) Physical acts that resulted in, or threatened to result in, physical injury to the individual;

(b) Sexual abuse;

(c) Sexual activity involving a dependent child;

(d) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;

(e) Threats of, or attempts at, physical or sexual abuse;

(f) Mental abuse; or

(g) Neglect or deprivation of medical care. ["Aid-to-Families-with-Dependent-Children (AFDC)" means a money payment program for children who are deprived of parental support or care due to death, continued absence, physical or mental incapacity of a parent.

(2) "Aid-to-Families-with-Dependent-Children-Unemployed-Parent (AFDC-UP)" means AFDC benefits are paid when both parents are in the home and at least one (1) parent is unemployed;]

(2) [(3)] "Child" means an individual;

1. Age fifteen (15) or under;

2. Age sixteen (16) or seventeen (17) in regular full-time attendance in elementary, junior high, or high school or equivalent level of vocational or technical school;

3. Age [or under or, if] eighteen (18), in regular full-time attendance in high school or equivalent level of vocational or technical school and expected to complete a course of study;

a. Before reaching age nineteen (19); or

b. During the month of the 19th birthday; or

4. Under age eighteen (18) and a high school graduate.

(3) "Domestic violence" means "battered or subjected to extreme cruelty" as defined in subsection (1) of this section.

(4) "Kentucky Transitional Assistance Program (K-TAP)", Kentucky's Temporary Assistance for Needy Families (TANF) program, means a money payment program for children who are deprived of parental support or care due to:

(a) Death, continued voluntary or involuntary absence of a parent;

(b) Physical or mental incapacity of one (1) parent when both parents are in the home; or

(c) Unemployment of at least one (1) parent when both parents are in the home.

[(4)] "Deprivation" means loss of parental support due to the unemployment, death, voluntary or involuntary absence, or incapacity of a child's natural or adoptive parent;]

(5) "Kentucky Works" means a program which assists recipients of K-TAP in obtaining education, training, experience and employment necessary to leave public assistance. [gainful employment and self-support;] ["Job Opportunities and Basic Skills (JOBS)" means a program which assists recipients of AFDC in obtaining the necessary education and training that will lead to gainful employment and self-support;]

(6) "Minor teenage parent" means an individual who:

(a) Has not attained eighteen (18) years of age;

(b) Is not married or is married and not living with the spouse; and

(c) Has a minor child in the applicant's or recipient's care.

(7) "Parent" means the natural, adoptive, or adjudicated (including administrative establishment of paternity) parent of the child.

(8) [(7)] "Principal wage earner (PWE)" means the parent who earned the greater amount of income in the twenty-four (24) months immediately preceding the month of application for K-TAP [AFDC] benefits based on the deprivation of unemployment.

(9) [(8)] "Prior labor market attachment (PLMA)" means the parent has earned not less than fifty (50) dollars during each of six (6) or more calendar quarters ending on March 31, June 30, September 30 or December 31, with any thirteen (13) calendar quarter period ending within one (1) year of the application, for K-TAP [AFDC] benefits based on the deprivation of unemployment.

(10) "Qualified alien" means an alien who, at the time the alien applies for, receives, or attempts to receive K-TAP, is:

(a) Lawfully admitted for permanent residence under 8 USC 1101 et seq.;

(b) Granted asylum under 8 USC 1158;

(c) A refugee who is admitted to the United States under 8 USC 1157;

(d) Paroled into the United States under 8 USC 1182(d)(5) for a period of at least one (1) year;

(e) An alien whose deportation is being withheld under 8 USC 1253(h);

(f) Granted conditional entry pursuant to 8 USC 1153(a)(7) as in effect prior to April 1, 1980; or

(g) Lawfully residing in any state and is:

1. A veteran as defined in 38 USC 101 with a discharge characterized as an honorable discharge and not on account of alienage;

2. On active duty other than active duty for training in the Armed Forces of the United States; or

3. The spouse or unmarried dependent child of an individual described in paragraph (g)1 or 2 of this subsection;

(h) Battered or subjected to extreme cruelty in the United States by:

1. A spouse or a parent; or

2. A member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented to, or acquiesced in, the battery or cruelty; or

(i) A child of an alien who has been battered or subjected to extreme cruelty in the United States by:

1. A spouse or a parent of the alien without the active participation of the alien in the battery or cruelty; or

2. A member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to the battery or cruelty.

(j) Provisions in paragraph (h) and (i) of this subsection shall apply only if:

1. The alien no longer resides in the household with the individual responsible for the battery or cruelty;

2. There is a substantial connection between the battery or cruelty and the need for the benefit; and

3. The alien has been approved or has a petition pending for:

a. Status as a spouse or child of a United States citizen pursuant to clause (ii), (iii), or (iv) of 8 USC 1154(a)(1)(A);

b. Classification pursuant to clause (ii) or (iii) of 8 USC 1154(a)(1)(B); or

c. Suspension of deportation and adjustment of status pursuant to 8 USC 1254(a)(3).

(11) "Second chance home" means an entity that provides a minor teenage parent a supportive and supervised living arrangement in which a minor teenage parent is required to learn parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote long-term economic independence and the well-being of the child of the minor teenage parent.

(12) [(9)] "Striker" means an employed individual who is participating in:

(a) A work stoppage;

(b) A concerted slowdown of work; or

(c) An interruption of operations at his place of employment.

(13) [(10)] "Supplemental Security Income (SSI)" means monthly cash payments made under the authority of:

(a) 42 USC 1381 to 1385 to the aged, blind and persons with a disability;

## ADMINISTRATIVE REGISTER - 1886

(b) 42 USC 1382e; or

(c) 42 USC 1382.

(14) "Unemployed parent" (UP) case means K-TAP benefits paid to a family when both parents are in the home and at least one (1) parent is unemployed.

(15) "Work" means the following:

(a) Except for two (2) parent cases, for all families work means at least twenty (20) hours or more per week of:

1. Unsubsidized employment;
2. Subsidized employment;
3. Work experience training;
4. Community services; or
5. Participation in work programs established by the cabinet.

(b) For two (2) parent cases work means at least thirty-five (35) hours or more per week of:

1. Unsubsidized employment;
2. Subsidized employment;
3. Work experience training;
4. Community services; or
5. Participation in work programs established by the cabinet.

Section 2. Age and School Attendance. (1) The definition of a "child", as specified in Section 1 of this administrative regulation shall be met for at least one (1) person in the home.

(2) Verification of school attendance shall be required for:

(a) A child who is sixteen (16), seventeen (17), or eighteen (18) years of age, in order to determine his continuing eligibility; or

(b) A minor teenage parent pursuant to Section 18(1) of this administrative regulation, [A child who is sixteen (16) to eighteen (18) years of age and living in an active JOBS county, in order to determine his status as exempt or nonexempt for participation in the JOBS program, as specified in 904 KAR 2:370.]

(3) Full- and part-time school attendance is defined in 904 KAR 2:016, Standards for need and amount for K-TAP [AFDG].

(4) Unless the parent states the child shall not reenter school, a child shall be considered in regular attendance in months in which he is not attending because of:

- (a) Official school or training program vacation;
- (b) Illness;
- (c) Convalescence; or
- (d) Family emergency.

(5) Verification of a high school diploma for a child under age eighteen (18) who is a high school graduate shall be required.

Section 3. Enumeration. (1) Each person included in the K-TAP [AFDG] case shall furnish his Social Security number or apply for a number if one has not been issued.

(2) Refusal to furnish the Social Security number or apply for a number shall result in the ineligibility of the person whose Social Security number is not furnished [verified].

(3) The agency shall assist an individual in making application for a Social Security number, if needed.

Section 4. Residence and Citizenship. (1) Residence. A resident shall be [is] anyone who:

(a) Is living in the state voluntarily and not for a temporary purpose; or

(b) Entered the state with a job commitment or seeking employment; and

(c) Is not receiving assistance funded by a block grant program under 42 USC 601 et seq. [AFDG benefits] from another state.

(2) Citizenship.

(a) Except as provided in paragraphs (b) and (c) of this subsection, K-TAP [AFDG] shall be provided only to United States[1.] citizens.

(b) A qualified alien, as defined in Section 1(10) of this administrative regulation, who entered the United States before August

22, 1996, who is otherwise eligible for K-TAP, shall be eligible for assistance.

(c) A qualified alien, as defined in Section 1(10) of this administrative regulation, who entered the United States on or after August 22, 1996, shall not be eligible for K-TAP for a period of five (5) years beginning on the date of the alien's entry into the United States. The following exceptions apply to this provision:

1. An alien who is admitted to the United States as a refugee under 8 USC 1157.

2. An alien who is granted asylum under 8 USC 1158.

3. An alien whose deportation is being withheld under 8 USC 1253(h); or

4. An alien who is lawfully residing in Kentucky and is:

a. A veteran as defined in 38 USC 101 with a discharge characterized as an honorable discharge and not on account of alienage;

b. On active duty other than active duty for training in the Armed Forces of the United States; or

c. The spouse or unmarried dependent child of an individual described in clause a or b of this subparagraph.

(d) [2- Aliens lawfully admitted for permanent residence; or

3- Aliens otherwise permanently residing in the United States under color of law.

(b)] Failure of the parent or other adult, applying for or receiving benefits, to sign a citizenship or alien status declaration shall cause the needs of the parent or other adult to be removed from the case.

Section 5. Deprivation. (1) To be eligible for K-TAP [AFDG], a child shall be in need and shall be deprived of parental support or care [meet the definition of deprivation] as specified in Section 1(4) of this administrative regulation.

(2) A specific deprivation factor shall be verified for each child for whom assistance is approved.

Section 6. Deprivation Due to Death. The death of either parent shall qualify a child as deprived due to death.

Section 7. Deprivation Due to Absence. (1) To be considered deprived due to absence, a needy child shall be physically separated from the parent and:

(a) The nature of the absence of the parent interrupts or terminates the parent's functioning as a provider of maintenance, physical care, or guidance for the child; and

(b) The known or indefinite duration of absence precludes counting on the parent's performance of his function in planning for the present support or care of the child.

(2) Absence may be voluntary or involuntary.

(a) Voluntary absence includes:

1. Divorce;
2. Legal separation;
3. Marriage annulment;
4. Desertion;

a. Of thirty (30) days or more if:

(i) The parent voluntarily leaves; or

(ii) The parent refuses to accept the child into his home; or

b. Of less than thirty (30) days if:

(i) The child leaves the parent because the parent was requiring the child to live under circumstances hazardous to the health or morals of the child; or

(ii) One (1) of the parents in the home is required by the court to leave the home because that parent was requiring the child to live under circumstances hazardous to the health or morals of the child; or

(iii) The child is voluntarily placed with relatives following a finding by the Department for Social Services that the home is unsuitable; or

(iv) The child is placed by the court with a specified relative other than the parent; or

(v) The child is eligible and receiving benefits based on the



unemployment or the incapacity of a parent and one (1) of the parents subsequently leaves the home; or

- (vi) Both parents are absent from the home;
- 5. Forced separation of seven (7) days or more; or
- 6. Birth out-of-wedlock.

(b) Involuntary absence includes:

- 1. Commitment to a penal institution for thirty (30) days or more;
- 2. Long-term hospitalization;
- 3. Deportation; or
- 4. Single parent adoption.

(3) A parent who is a convicted offender but is permitted to live at home while serving a court-imposed sentence by performing unpaid public work or unpaid community service during the workday shall be [is] considered absent from the home.

Section 8. Deprivation Due to Incapacity. (1) Each determination of a deprivation of incapacity shall be based on a full consideration and assessment of the following factors affecting the claimant:

- (a) Medical;
- (b) Social; and
- (c) Economic.

(2) If a verified medical condition exists, then all relevant social and economic factors shall be considered to determine whether the parent's condition is the cause of and results in the parent's inability to support or care for the child.

(3) Incapacity exists in a case when the following criteria are met:

(a) It is medically determined that one (1) parent has a physical or mental disability, illness or impairment which was:

- 1. Present at the time of application; and
- 2. Which has continued or is expected to last for a period of at least thirty (30) calendar days.

(b) The thirty (30) day period may include a period in which the claimant is undergoing:

- 1. Planned diagnostic studies; or
- 2. Evaluation of rehabilitation potential; and

(c) It is determined by nonmedical evaluation that the disability, illness or impairment is debilitating to the extent of reducing substantially or eliminating the parent's ability to support or care for an otherwise eligible child.

(4) A determination regarding incapacity shall be made by:

- a. Field staff if the following criteria are met:
  - 1. The parent declares physical inability to work;
  - 2. The worker observes some physical or mental limitation; and
  - 3. The parent:
    - a. Is receiving SSI; or
    - b. Is age sixty-five (65) or over; or
- c. Has been determined to meet the definition of blindness as contained in 42 USC 1382c or 42 USC 416 by the Social Security Administration; or
- d. Has been determined to meet the definition of permanent and total disability as contained in 42 USC 1382c or 42 USC 416 by either:
  - (i) The Social Security Administration; or
  - (ii) The medical review team of the Department for Social Insurance; or
- e. Has previously been determined to be incapacitated or permanently and totally disabled by the medical review team, hearing officer, appeal board, or court of proper jurisdiction with no reexamination requested and there is no visible improvement in condition; or
- f. Is receiving Retirement, Survivors and Disability Insurance, federal black lung benefits, or railroad retirement benefits based on disability as evidenced by an award letter; or
- g. Is receiving Veterans Administration benefits based on 100 percent disability, as verified by an award letter; or
- h. Is currently hospitalized and a statement from the attending physician indicates that incapacity will continue for at least thirty (30) days. If application was made prior to the admission, the physician is

also requested to indicate if incapacity existed as of application date; or

i. Is recovering from surgery, illness or injury which requires a period of time for recovery, up to six (6) weeks, as specified by a physician statement. Periods longer than six (6) weeks shall be determined through the medical review team; or

j. Is on approved sick leave recovering from surgery, illness or injury for the duration of the approved sick leave if the employer is holding the job for the individual's return, as verified by the employer; or

k. Is a woman in a high risk pregnancy, during the duration of the pregnancy, as verified by physician statement.

(b) The medical review team, consisting of a licensed physician and a social worker employed by the agency, if a determination by field staff is precluded.

(5) Factors to be considered by the medical review team in making the medical determination shall include:

(a) The claimant's medical history and subjective complaints regarding an alleged physical or mental disability, illness or impairment; and

(b) Competent medical testimony relevant to:

1. Whether a physical or mental disability, illness or impairment exists;

2. Whether the disability, illness or impairment is sufficient to reduce the parent's ability to support or care for a child; and

3. Whether the disability, illness or impairment is likely to last thirty (30) days.

(6) Factors to be considered in making the nonmedical evaluation shall include:

(a) The claimant's:

- 1. Age;
- 2. Employment history;
- 3. Vocational training;
- 4. Educational background; and
- 5. Subjective complaints regarding the alleged effect of the physical or mental condition on the claimant's ability to support or care for the child; and

(b) The extent and accessibility of employment opportunities available in the claimant's area of residence.

(7) In determining the extent and accessibility of available employment opportunities, the limited employment opportunities of individuals with a disability shall be taken into account; and

(a) Available printed materials that provide information regarding available employment opportunities shall be researched;

(b) The local Department for Employment Service office shall be contacted regarding accessible employment opportunities within the claimant's area of residence; and

(c) The claimant shall be referred, if necessary, for further appraisal of his abilities.

(8) A written report shall be made of the determination under this subsection.

(9) Each claimant shall be provided timely and adequate notice of and an opportunity for a fair hearing as provided in 904 KAR 2:055.

Section 9. Deprivation Due to Unemployment. (1) The determination that a child is deprived of parental support due to the unemployment of a parent when both parents are in the home shall be based on the determination that the principal wage earner meets the criteria of unemployment and has a PLMA.

(2) The determination of the PWE shall include the following:

(a) If the agency is unable to secure primary evidence of earnings to determine which parent is the PWE, the agency shall designate the PWE using the best evidence available.

(b) [b:] If both parents earned identical amounts of income, or no income, the agency shall designate the parent meeting the criteria of unemployment, as specified in subsection (3) of this section.

(c) Earnings of each parent shall be considered in determining the

## ADMINISTRATIVE REGISTER - 1888

PWE regardless of when their relationship began.

(d) The PWE designation shall remain with the same parent as long as assistance is received on the basis of the same application.

(3) Unemployment. A parent shall be considered to be unemployed if:

(a) Employed less than 100 hours in a calendar month; or

(b) Employment exceeds 100 hours in a particular month, but the work is intermittent and the excess is of a temporary nature. This would be evidenced by the fact that the parent:

1. Was under the 100 hour standard in the prior two (2) months; and

2. Is expected to be under the 100 hour standard in the following month.

(4) PLMA shall be established if the parent:

(a) Attests to an employment history meeting the definition in Section 1(9) [(5)] of this administrative regulation;

(b) Within twelve (12) months prior to application, received unemployment compensation; or

(c) Is currently receiving unemployment compensation or if potentially eligible, has made application for and complies with the requirements to receive unemployment insurance benefits.

(5) In determining whether or not criteria in subsection (4) of this section is met, the following shall be taken into consideration:

(a) Participation in the Kentucky Works [JOBS] Program shall be considered as earning an income in determining PLMA.

(b) Full-time attendance, as defined by the school or institution, may be substituted for two (2) of the six (6) calendar quarters. Qualifying activities shall be:

1. An elementary;

2. Secondary; or

3. Vocational or technical training course designed to prepare the individual for gainful employment.

(c) Gross income from self-employment and farming qualify as earned income in determining PLMA. The self-employed individual does not have to realize a profit to meet this requirement.

(6) Restrictions. Unemployment shall not exist if the PWE:

(a) Is on strike;

(b) Is temporarily unemployed:

1. Due to weather conditions or lack of work;

2. If there is a job to return to; and

3. Return can be anticipated within thirty (30) days or at the end of a normal vacation period;

(c) Is unavailable for full-time employment;

(d) Is under contract for employment, unless a written statement from the employer verifies that the individual is subject to release from the contract if full-time employment is secured;

(e) Has not met the criteria of unemployment for at least thirty (30) days;

(f) Is not:

1. Registered for work pursuant to 904 KAR 2:370, Section 4(3); or [under Section 14 of this administrative regulation; or]

2. Subject to Kentucky Works [JOBS], as specified in 904 KAR 2:370; or

(g) Has refused a bona fide offer of employment or training for employment without good cause in the thirty (30) days prior to [AFDC] UP eligibility or during the course of receipt of [AFDC] UP benefits. Good cause exists if criteria specified in 904 KAR 2:016, Section 4(4)(a) 1, 2, 3, or 4 are met.

Section 10. Living with a Specified Relative. To be eligible for K-TAP [AFDC] a needy child shall be living in the home of a relative as follows:

(1) A blood relative, including:

(a) Father;

(b) Mother;

(c) Grandfather;

(d) Grandmother;

(e) Brother;

(f) Sister;

(g) Uncle;

(h) Aunt;

(i) Nephew;

(j) Niece;

(k) First cousin; and

(l) First cousin once removed;

(2) A relative of the half-blood;

(3) Preceding generations denoted by prefixes of:

(a) Grand;

(b) Great;

(c) Great-great; or

(d) Great-great-great;

(4) A stepfather, stepmother, stepbrother, stepsister;

(5) Any person listed in subsections (1) through (4) of this section if the alleged father has had paternity established through the administrative determination process as specified in Section 11 of this administrative regulation.

(6) An adoptive parent, the natural and other legally adopted child and other relative of the adoptive parent.

(7) The husband or wife of any person listed in subsections (1) through (6) of this section, even if the marriage may have terminated, providing termination occurred after the birth of the child.

(a) For K-TAP [AFDC] eligibility purposes, a couple that has been considered married by a state with common-law marriage provisions shall be considered married.

(b) The statement of the applicant or recipient that he resides in a state which recognizes common-law marriage shall be accepted as verification by the agency.

(8) Cash assistance shall not be provided for a child who is absent, or expected to be absent, from the home for a period of thirty (30) consecutive days or more unless good cause exists. Good cause for absence, or expected absence, of the child from the home for a period of thirty (30) consecutive days or more, shall exist if the parent continues to exercise care and control of the child and the child is absent due to: [if the specified relative continues to exercise control over the child, a child is considered as living in the home even when temporarily absent for:]

(a) Medical care;

(b) Attendance at school including boarding school;

(c) College or vocational school;

(d) Emergency foster care, as verified by the Department for Social Services; or

(e) If it is intended that the child will return to the home and the parent or specified relative maintains parental control of the child, short visits with friends or relatives.

(9) A child shall be removed from the benefit group the first administratively feasible month following thirty (30) consecutive days from the date the child is placed in emergency foster care. If the only eligible child in the benefit group is absent due to emergency foster care, the otherwise eligible parent or parents in the benefit group shall:

(a) Remain eligible for sixty (60) days from the date the child is placed in emergency foster care; and

(b) If no other eligible child is in the benefit group, be discontinued the first administratively feasible month following sixty (60) days from the date the child is placed in emergency foster care.

(10) If a specified relative fails to notify the agency of a thirty (30) consecutive day or more absence of the child for a reason other than one (1) of the good cause reasons listed in subsection (8) of this section, the specified relative shall not be eligible for his share of K-TAP benefits during the period of the child's unreported absence of thirty (30) consecutive days or more. Ineligible benefits received by the specified relative and child during the period of the child's unreported absence of thirty (30) consecutive days or more shall be recouped pursuant to Section 10 of 904 KAR 2:016.

## ADMINISTRATIVE REGISTER - 1889

Section 11. Administrative Establishment of Paternity. (1) An administrative determination of paternity as set forth in this administrative regulation shall be used only to establish relationship for K-TAP eligibility and shall be [is] limited to situations in which the following types of evidence are present:

- (a) A birth certificate listing the alleged parent; or
- (b) Legal documents such as:
  - 1. Hospital records;
  - 2. Juvenile court records;
  - 3. Wills; and
  - 4. Other court records which clearly indicate the relationship of the alleged parent or relative; or
- (c) Receipt of statutory benefits as a result of the alleged parent's circumstances; or
- (d) A sworn statement or affidavit of either parent acknowledging paternity plus one (1) of the following:
  - 1. School records;
  - 2. Bible records;
  - 3. Immigration records;
  - 4. Naturalization records;
  - 5. Church documents, such as baptismal certificates;
  - 6. Passport;
  - 7. Military records;
  - 8. U.S. Census records; or
  - 9. Notarized [Sworn] statement or affidavit from an individual having specific knowledge about the relationship between the alleged parent and child.

(2) Rebuttal of administrative paternity may occur if:

- (a) The parent or, in the absence of the parent, the caretaker relative alleges the evidence present in subsection (1)(a) or (b) of this section is erroneous and provides substantiation of the erroneous information; and
- (b) The parent or caretaker relative provides a notarized [sworn] statement or affidavit acknowledging the erroneous information and containing the correct information on the actual alleged parent.
- (3) Presence of the notarized [sworn] statement or affidavit specified in subsection (2)(b) of this section shall [will] serve as rebuttal to the evidence present in subsection (1)(a) or (b) of this section and a determination of paternity shall [will] not be acknowledged.

Section 12. One (1) Category of Assistance. (1) A child or adult relative shall not be eligible for K-TAP [AFDG] if receiving SSI.

(2) If a child who receive SSI meets the K-TAP [AFDG] requirements of age, deprivation and living in the home of a specified relative, the specified relative may be approved for K-TAP [AFDG] if all other eligibility factors are met.

(3) If a child who receives foster care benefits meets the K-TAP [AFDG] requirements of age, deprivation and living in the home of a specified relative, the specified relative may be approved for K-TAP [AFDG] if all other eligibility factors are met.

Section 13. Strikers. (1) A family shall be ineligible for benefits for any month in which the parent, with whom the child is living is, on the last day of the month, participating in a strike; and

(2) A specified relative other than the parent shall be ineligible for benefits for any month if, on the last day of the month, the relative is participating in a strike.

Section 14. Work Registration. ~~[(+)] An adult applicant or recipient of the K-TAP benefit group [in a case based on the deprivation of unemployment, the PWE and the second parent] shall register for work pursuant to 904 KAR 2:370, Section 4(3), [except for a member who is:~~

- ~~(a) Under age eighteen (18);~~
- ~~(b) Age sixty (60) or over;~~
- ~~(c) Age eighteen (18) or nineteen (19) years old in full-time school~~

~~attendance as set forth in Section 1(11) of 904 KAR 2:016;~~

~~(d) Receiving benefits based on 100 percent disability;~~

~~(e) An individual who has received benefits based on 100 percent disability within the past twelve (12) months but lost the benefits due to income or resources and not an improvement in the disability; or~~  
~~(f) Employed thirty (30) hours or more per week at minimum wage or more; [with the Department for Employment Services if:~~

~~(a) He resides in a non-JOBS county; or~~

~~(b) He resides in a JOBS county and is exempt from participation as specified in 904 KAR 2:370.]~~

~~(2) Unless an exception in subsection (1) of this section applies, failure of an adult member in the assistance group [the PWE or the second parent] to register for work shall result in:~~

~~(a) Prior to April 1, 1998 for an applicant, denial of the application for the benefit group; or~~

~~(b) Prior to April 1, 1998 for a recipient, pro rata reduction of the grant for the benefit group, [removal of the needs of the individual who fails to register.]~~

~~(c) On or after April 1, 1998, pro rata reduction of the K-TAP grant for the benefit group.]~~

Section 15. Kentucky Works. [JOBS Training Program:] The technical requirements for participation in the Kentucky Works [JOBS] Program are specified in 904 KAR 2:370.

Section 16. Cooperation in Child Support Enforcement Activities.

(1) The Department for Social Insurance shall attempt to secure parental support, and if necessary establish paternity, for children receiving K-TAP [AFDG] based on the following voluntary absence deprivation factors:

- (a) Divorce;
- (b) Desertion;
- (c) Birth out-of-wedlock;
- (d) Legal separation;
- (e) Forced separation; or
- (f) Marriage annulment.

(2) With the exception of good cause reasons, specified in subsection (4) of this section, avoidance of the twenty-five (25) percent reduction of the amount of the payment maximum in K-TAP benefits pursuant to subsection (7) of this section shall be [inclusion of a specified relative in the AFDC budget is] dependent upon the applicant's or recipient's [his] cooperation in child support activities. This includes[-, but is not limited to]:

- (a) Identifying the noncustodial [absent] parent or obligor;
- (b) Providing information to assist in the location of the noncustodial [absent] parent or obligor;
- (c) Establishing paternity; and
- (d) Forwarding child support payments received to the agency.

(3) The Cabinet for Families and Children [Human Resources] shall provide written notice to the applicant or recipient that he may claim good cause for refusing to cooperate.

(4) The applicant or recipient shall be determined to have "good cause" for failing to cooperate only when one (1) or more of the following criteria is met:

(a) The applicant or recipient's cooperation is reasonably anticipated to result in physical or emotional harm of a serious nature to the child; or

(b) The applicant or recipient's cooperation is reasonably anticipated to result in physical or emotional harm of a serious nature to himself to such an extent that it would reduce his capacity to care for the child adequately; or

(c) The child was conceived as a result of incest or forcible rape and the department believes it would be detrimental to the child to require the applicant's or recipient's cooperation; or

(d) Legal proceedings for adoption of the child by a specific family are pending before a court of competent jurisdiction and the department believes it would be detrimental to the child to require the

## ADMINISTRATIVE REGISTER - 1890

applicant's or recipient's cooperation; or

(e) The applicant or recipient is being assisted by a public or licensed private social service agency:

1. To resolve whether to keep the child or release him for adoption; and

2. Discussion has not gone on for more than three (3) months; and

3. The cabinet believes it would be detrimental to the child to require the applicant's or recipient's cooperation.

(5) Unless an extension is granted, the applicant or recipient shall have twenty (20) days from the date the good cause claim is filed to provide evidence to substantiate the claim.

(a) Evidence upon which a determination of good cause shall be made includes ~~[but is not limited to;]~~ the following:

1. Birth certificates, medical, or law enforcement records indicating that the child was conceived as a result of incest or forcible rape;

2. Court documents or other records indicating legal proceedings for adoption of the child by a specific family are pending before a court of competent jurisdiction;

3. Records (court, medical, criminal, child protective services, social services, psychological or law enforcement) indicating the noncustodial parent or obligor, ~~[absent]~~ or the alleged parent might inflict physical or emotional harm on the child or caretaker relative;

4. A written statement from a public or licensed private social service agency that assistance is being given to the applicant or recipient to resolve the issue of whether to keep the child or relinquish the child for adoption and the issue has not been pending more than three (3) months; or [and]

5. Notarized statements from individuals, other than the applicant or recipient, with knowledge of the circumstances which provide the basis for the "good cause" claim.

(b) In each good cause determination based upon anticipation of serious emotional harm to the child or caretaker relative, the following shall be considered:

1. The present emotional state of the individual subject to emotional harm;

2. The emotional health history of the individual;

3. The extent and probable duration of the individual's emotional impairment; and

4. The extent of involvement required by the individual in establishing paternity or enforcing support obligations.

(c) When the good cause claim is based on the anticipation of physical harm to the child or caretaker relative, and corroborative evidence is not submitted:

1. The agency shall conduct an investigation if it is believed that:

a. Corroborative evidence is not available; and

b. The claim is credible without corroborative evidence.

2. If the agency conducts an investigation of a good cause claim, it shall not contact the noncustodial parent or obligor, or the ~~[absent or]~~ alleged parent regarding support unless the contact is necessary to establish the good cause claim.

3. If it is necessary for the agency to make the contact, the worker shall notify the applicant or recipient of the proposed contact to either:

a. Obtain permission for the contact; or

b. To enable the applicant or recipient to:

(i) Present additional evidence or information so that such contact is unnecessary;

(ii) Withdraw the application for assistance or request discontinuance of K-TAP [AFDG]; or

(iii) Have the good cause claim denied.

(6) After receipt of evidence to substantiate the good cause claim or conducting an investigation, the agency shall:

(a) Document the case;

(b) Determine that:

1. Good cause exists and support activities cannot be initiated without endangering:

a. The best interests of the child; or

b. The physical or emotional health of the child or the relative; or

2. ~~[Good cause exists and support activities can be initiated without endangering the physical or emotional health of the child or the relative; or~~

3. ~~Good cause does not exist.~~

(c) Advise the applicant or recipient [specified relative] in writing of the result of the good cause claim determination; and

(d) Identify each case in which good cause is established, but may be subject to change, for subsequent review.

(7) If the specified relative refuses to cooperate without good cause criteria being claimed, or claimed but not deemed to be met by the agency:

(a) K-TAP benefits shall be reduced by twenty-five (25) percent of the amount of the maximum payment for the appropriate family size pursuant to Section 8 of 904 KAR 2:016; [The relative shall be ineligible for benefits;] and

(b) The agency shall attempt to obtain a protective payee to administer the K-TAP [AFDG] payment on behalf of the child.

(8) If, after the reduction of the K-TAP payment [exclusion from the grant] for failure to cooperate, the specified relative states he will cooperate, the agency shall:

(a) Remove the twenty-five (25) percent reduction in benefits effective the first administratively feasible month if the individual states he will cooperate and verification of cooperation is provided timely; [Add the specified relative to the case effective with the date the individual states he will cooperate;]

(b) Remove the protective payee from the case; and

(c) Not authorize back payments for the period of time for which the individual did not cooperate.

Section 17. Potential Entitlement for Other Programs. (1) An applicant or recipient shall apply for and comply with the requirements to receive any benefit if potential entitlement exists.

(2) Except for the PWE in an [AFDG] UP case, failure to apply for another benefit or comply with its requirements shall result in ineligibility for K-TAP [AFDG].

(3) If a PWE or second parent in an [AFDG] UP case fails to apply for unemployment insurance benefits or comply with its requirements, the PWE or second parent shall have his needs removed from the case.

(4) If an applicant or recipient voluntarily reduces the amount of benefits received from another source, other than for the purpose of reimbursing the source for a previous overpayment, this action shall result in ineligibility.

Section 18. Minor Teenage Parents. (1) A minor teenage parent shall participate in educational activities directed toward the attainment of a high school diploma, or its equivalent, or a cabinet approved alternate education or training program if the minor teenage parent:

(a) Has a minor child at least twelve (12) weeks of age in his care; and

(b) Has not completed a high school education (or its equivalent).

(2) Except as provided in subsection (4) of this section, a minor teenage parent and his minor child shall reside in:

(a) A place of residence maintained by:

1. A parent;

2. A legal guardian;

3. An adult relative as described in Section 10 of this administrative regulation; or

(b) An appropriate adult supervised supportive living arrangement, that includes a second chance home or maternity home, taking into consideration the needs and concerns of the minor teenage parent.

(3) The cabinet shall provide or assist the minor teenage parent in locating a second chance home, maternity home, or other appropriate adult supervised supportive living arrangement if:

(a) The minor teenage parent does not have:

## ADMINISTRATIVE REGISTER - 1891

1. A parent, legal guardian or appropriate adult relative as described in Section 10 of this administrative regulation who is living or whose whereabouts are known; or

2. A living parent, legal guardian, or other appropriate adult relative as described in Section 10 of this administrative regulation who otherwise meets applicable state criteria to act as the legal guardian of the minor teenage parent, who would allow the minor teenage parent to live in the home of the parent, guardian, or relative as described in Section 10 of this administrative regulation; or

(b) The cabinet determines:

1. The minor teenage parent or the minor child of the teenage parent is being or has been subjected to serious physical or emotional harm, sexual abuse, or exploitation in the residence of the minor teenage parent's own parent or legal guardian; or

2. Substantial evidence exists of an act or failure to act that presents an imminent or serious harm if the minor teenage parent and the minor child lived in the same residence with the minor teenage parent's own parent or legal guardian.

(4) The requirement in subsection (2) of this section shall be waived if:

(a) The cabinet determines living in the place of residence maintained by the parent, legal guardian, or adult relative as described in Section 10 of this administrative regulation is not in the best interest of the minor child taking into consideration the needs and concerns of the minor child; or

(b) The cabinet determines the minor teenage parent's current living arrangement is appropriate.

(5) If circumstances change and the current arrangement ceases to be appropriate based on the needs and concerns of the minor teenage parent, the cabinet shall assist the minor teenage parent in finding an alternate appropriate arrangement.

(6) The minor teenage parent shall complete a "Teen Parent Personal Responsibility Plan", form PA-202TP.

(7) If the minor teenage parent is determined to be ineligible for K-TAP as a result of not complying with provisions found in Section 18 of this administrative regulation, payments to a protective payee shall continue for the eligible child of the minor teenage parent.

(8) Even if exemption criteria is met and the cabinet determines the minor teenage parent's current living arrangement is appropriate, a minor teenage parent and his child, who do not reside in a place of residence maintained by a parent, legal guardian, other adult relative as described in Section 10 of this administrative regulation, second chance home or maternity home, shall be considered an adult regarding benefit time limitations pursuant to Section 19 of this administrative regulation.

Section 19. Benefit Time Limits. (1) K-TAP shall not be provided to a benefit group, as defined by Section 1 of 904 KAR 2:016, that includes an adult, or minor teenage parent pursuant to Section 18(8) of this administrative regulation, who has received assistance for sixty (60) months from a federally-funded program funded under 42 USC 601 et seq., whether or not consecutive.

(2) A month or months of assistance received by an otherwise eligible benefit group shall not be counted toward the sixty (60) months lifetime limit:

(a) If the benefit group contains an adult who is battered or subjected to extreme cruelty pursuant to Section 23 of this administrative regulation; or

(b) During a month or months the benefit group is not issued a K-TAP check in accordance with 904 KAR 2:050.

(3) After assistance has been received for sixty (60) months, an otherwise eligible benefit group containing one (1) of the following individuals shall be allowed an extension of the sixty (60) months time limit, during the period the individual:

(a) Is battered or subjected to extreme cruelty;

(b) Has a physical or mental disability prohibiting work as determined by the cabinet;

(c) Is required to provide constant care of a household member who is a parent, spouse or child with a disability and no alternative care arrangement is available; or

(d) Is a grandparent caring for an eligible child who would otherwise be placed in foster care.

(4) If otherwise eligible, a benefit group containing a member who has lost a job within thirty (30) days of reaching the sixty (60) month time limit shall receive a three (3) month extension of the time limitation.

(5) Each month of participation in the wage supplementation component of Kentucky Works, pursuant to 904 KAR 2:370, Section 2 shall count toward the sixty (60) month lifetime limit.

(6) Within twenty-four (24) months of receiving K-TAP assistance, whether or not consecutive, a parent or caretaker relative receiving assistance, shall work or participate in approved work activities, if available, as defined in Section 1(15) of this administrative regulation.

(7) Time limitations shall apply to a sanctioned or penalized individual as defined in 904 KAR 2:016, Section 1.

Section 20. Receiving Assistance in Two (2) or More States. K-TAP assistance shall be denied for ten (10) years to a person who has:

(1) Been convicted in federal or state court of having made a fraudulent statement or representation committed after August 22, 1996, with respect to the place of residence of the individual in order to receive assistance simultaneously from two (2) or more states:

(a) Under a program funded under:

1. 42 USC 601 et seq.;

2. 42 USC 1396; or

3. 7 USC 2011 et seq.; or

(b) For benefits received under supplemental security income.

(2) The requirement in subsection (1) of this section shall not apply to a conviction for any months beginning after the granting of a pardon by the President of the United States with respect to the conduct which was the subject of the conviction.

Section 21. Fugitive Felons. (1) K-TAP assistance shall not be provided to:

(a) An individual fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or an attempt to commit a crime, committed or attempted to be committed after August 22, 1996, which is a felony; or

(b) Violating a condition of probation or parole imposed under federal or state law.

(2) Subsection (1) of this section shall not apply with respect to conduct of an individual for any month beginning after the President of the United States grants a pardon with respect to the conduct.

Section 22. Denial of Assistance for Drug Felons. (1) An individual convicted under federal or state law of an offense committed after August 22, 1996, classified as a felony by the law of the jurisdiction involved and which has as an element the possession, use or distribution of a controlled substance as defined in 21 USC 802(6), shall not be eligible for K-TAP benefits.

(2) Each individual applying for K-TAP benefits shall be required to state in writing whether the individual or any member of the household has been convicted of a crime described in subsection (1) of this section.

Section 23. Domestic Violence. (1)(a) A K-TAP applicant or recipient shall be screened for a history of domestic violence.

(b) If the applicant or recipient is identified as a victim of domestic violence or with a history of domestic violence and at risk of further domestic violence as determined by the cabinet, the individual shall be referred to counseling and supportive services.

(2) If compliance with the following K-TAP requirements would make it more difficult for an individual receiving K-TAP to escape

## ADMINISTRATIVE REGISTER - 1892

domestic violence or unfairly penalize the individual who is or has been victimized by domestic violence, or an individual who is at risk of further domestic violence, as determined by the cabinet, the individual shall not be required to meet:

(a) Residency requirements pursuant to Section 4 of this administrative regulation;

(b) Child support cooperation requirements pursuant to Section 16 of this administrative regulation;

(c) Time limitations, for so long as necessary and otherwise eligible, pursuant to Section 19 of this administrative regulation; or

(d) Participation in Kentucky Works requirements pursuant to 904 KAR 2:370.

Section 24. Immunizations. (1) Except as provided under KRS 214.036, a recipient of K-TAP shall maintain current immunizations for an under school age child, pursuant to the Cabinet for Health Services, Department for Public Health Immunization Schedule in 902 KAR 2:060.

(2) The parent or caretaker relative shall be sanctioned, as defined in 904 KAR 2:016, Section 1, for failure to maintain current immunizations.

Section 25. Material Incorporated by Reference. (1) Forms necessary to establish technical eligibility requirements for the K-TAP [AFDG] program, with the exception of Kentucky Works [JOBS] participation, are being incorporated [effective December 1, 1993]. These forms include:

(a) PA-1C Supplement D, "Qualifying Parent Fact Sheet, edition 5/97" [revised 3/92];

(b) PA-14, "Declaration of citizenship or Alien Status, edition 8/97" [revised 11/91];

(c) PA-33D, "Child's Certification of School Enrollment/Attendance, edition 8/97" [revised 1/92];

(d) PA-121, "Good Cause Claim/Determination, edition 8/97" [revised 8/87];

(e) PA-202TP, "Teen Parent Personal Responsibility Plan, edition 2/97" [PA-125, revised 6/83];

(f) PA-219, "Kentucky Works Program Fact Sheet, edition 4/97" [PA-125 Supplement A, revised 6/83];

(g) PA-125 Supplement B, revised 12/82;

(h) PA-125-1, revised 5/90;

(g) [(h)] [PA-511, "Work Registration Form, edition 10/92" [revised 10/92];

(j) KA-125, revised 7/92;

(k) KA-125, Supplement A, revised 1/93;

(l) KA-125, Supplement B, revised 7/92;

(m) KA-125, Supplement C, revised 7/92;

(h) [(n)] CS-333, "Facts About the Child Support Enforcement Program, edition 5/97" [revised 10/91]; and

(h) [(i)] [(o)] CS-333.1, "Facts About the Right to Claim Good Cause, edition 5/97" [revised 9/86].

(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.

JOHN L. CLAYTON, Commissioner

VIOLA P. MILLER, Secretary

CHARLES P. LAWRENCE, Attorney

APPROVED BY AGENCY: January 9, 1998

FILED WITH LRC: January 15, 1998 at 11 a.m.

### CABINET FOR FAMILIES AND CHILDREN

#### Department for Social Insurance

#### Division of Management and Development

(As Amended at ARRS, February 11, 1998)

#### 904 KAR 2:370. Technical requirements for Kentucky Works [; job opportunities and basic skills].

RELATES TO: 42 USC 601 et seq. [45 CFR 250.0, 250.10, 250.11, 250.30, 250.32, 250.33, 250.34, 250.35, 250.36, 250.41, 250.43, 250.44, 250.45, 250.46, 250.48, 250.60, 250.61, 250.63]

STATUTORY AUTHORITY: KRS 194.050(1), 205.200(2), 42 USC 601 et seq., EO 96-862

NECESSITY, FUNCTION, AND CONFORMITY: Executive Order 96-862, effective July 2, 1996, reorganized the Cabinet for Human Resources and placed the Department for Social Insurance and its programs under the Cabinet for Families and Children. The Cabinet for Families and Children [Human Resources] has the responsibility under the provisions of KRS Chapter 205 to administer the assistance program of Aid to Families with Dependent Children, which is now called the Kentucky Transitional Assistance Program, the block grant program funded under 42 USC 601 et seq. [(AFDG);] KRS 205.200(2) requires that the conditions of eligibility to receive [AFDG] money grants from the Kentucky Transitional Assistance Program be prescribed by administrative regulations in conformity with 42 USC 601 et seq. [602] and federal regulations. This administrative regulation sets forth the technical requirements of the Kentucky Works [Job Opportunities and Basic Skills (JOBS)] Program participants as they relate to eligibility for receiving assistance from the Kentucky Transitional Assistance Program. [AFDG;]

Section 1. Definitions. (1) "Assessment" means the ongoing evaluation of an individual's strengths and needs relative to achieving self-sufficiency. [educational and vocational potential;]

(2) "Cabinet" means the Cabinet for Families and Children. ["Barriers" are any hardships the individual shall overcome to participate in education, training or employment;]

(3) "Concerns" means a hardship the individual shall overcome to become employed and self-sufficient. ["Case manager" means the Department for Social Insurance (DSI) individual or contractor who:

(a) Aids the JOBS participant by brokering services for the participant;

(b) Identifies and resolves barriers to the extent possible; and

(c) Delivers JOBS related services to the participant;]

(4) "Conciliation" means [is] a process in which participation problems in the Kentucky Works [JOBS] Program can be resolved.

(5) "Kentucky Transitional Assistance Program (K-TAP)", Kentucky's Temporary Assistance for Needy Families (TANF) program, means a money payment program for children pursuant to 904 KAR 2:006, Section 1.

(6) "Kentucky Works" ["JOBS"] means a program which assists recipients of K-TAP [AFDG] in obtaining education, training, experience and employment necessary to leave public assistance. [the necessary education and training that will lead to] [gainful employment and self-support;]

(7) "Vocational education" means a training program which prepares the individual for employment.

(8) "Wage supplementation" means a component in which employers hire participants and receive reimbursement from the cabinet for a portion of wages paid to the participant.

[(6) "Target population" means that group composed of each individual who:

(a) Is receiving AFDG, and who has received AFDG for any thirty-six (36) of the preceding sixty (60) months;

(b) Makes application for AFDG and has received AFDG for any thirty-six (36) of the sixty (60) months immediately preceding the most recent month for which application has been made;



- (c) Is a custodial parent under the age of twenty-four (24) who:
1. Has not completed a high school education and, at the time of application for AFDC, is not enrolled in high school or a high school equivalency course of instruction; or
  2. Had little or no work experience in the preceding year; or
- (d) Is a member of a family in which the youngest child is within two (2) years of being ineligible for AFDC because of age;]

Section 2. Program Participation. (1) [Exemptions:] All adult and teenage parent Kentucky Transitional Assistance Program [AFDC] recipients shall be [are] required to participate in the Kentucky Works [JOBS] Program [if the program is available in the county of residence] unless the recipient meets the exception criteria in Section 3 of this administrative regulation;

(2) All adult Kentucky Transitional Assistance Program recipients who do not meet the exception criteria in Section 3 of this administrative regulation shall be required to participate in the Kentucky Works Program as follows:

(a) For a one (1) parent household a minimum of twenty (20) hours per week shall be required in specific activities listed in paragraph (c) of this subsection;

(b) For a two (2) parent household:

1. A minimum of thirty-five (35) hours per week shall be required for one (1) parent with at least thirty (30) hours of the required thirty-five (35) hours per week in specific activities listed in paragraph (c) of this subsection; and

2. A minimum of twenty (20) hours per week shall be required for one (1) parent in a two (2) parent household with all twenty (20) hours per week in specific activities listed in paragraph (c) 1, 2, 3, 4, and 6 of this subsection if:

a. The family receives federally-funded child care assistance; and

b. An adult in the family is not disabled pursuant to 904 KAR 2:006; or

c. An adult is not needed to care for a child in the home with a severe disability pursuant to 904 KAR 2:006.

3. If the family does not receive federally-funded child care assistance, a minimum of thirty-five (35) hours per week shall be required for both parents combined.

(c) Specific activities to be in compliance with program participation requirements in Kentucky shall include:

1. Unsubsidized employment;
2. Subsidized employment;
3. Work experience;
4. On-the-job training;
5. Job search and job readiness assistance;
6. Community service;
7. Vocational education not to exceed twelve (12) months and

after that time coupled with work or work activities for the amount of hours per week specified in paragraphs (a) and (b) of this subsection;

8. Full-time enrollment, as defined by the school, in post secondary education not to exceed twelve (12) months and after that time coupled with work or work activities for the amount of hours per week specified in paragraphs (a) and (b) of this subsection;

9. Satisfactory attendance at secondary school or equivalent in the case of a recipient who has not completed secondary school or equivalent coupled with work or work activities in the amount of hours per week specified in paragraphs (a) and (b) of this subsection;

10. Provision of child care services to an individual participating in community service;

11. Based on the findings of the assessment, the agency or cabinet designee and the participant may determine placement in a work preparation activity which includes:

- a. Domestic violence counseling;
- b. Life skills training;
- c. A substance abuse program;
- d. Mental health counseling;
- e. Vocational rehabilitation;

f. Literacy; and

g. Adult education;

h. Wage supplementation, which shall be available in limited areas and shall expand into additional areas until statewide implementation is complete; and

i. Participation in work programs approved by the cabinet.

Section 3. Exceptions to Program Participation. (1) A Kentucky Transitional Assistance Program recipient who is a single head of household, who has not obtained a high school diploma or a graduate equivalency diploma and has not attained twenty (20) years of age shall be deemed to be engaged in work for any month in a fiscal year if the recipient:

(a) Maintains satisfactory attendance at a secondary school or the equivalent during the month; or

(b) Participates in education that is directly related to employment for at least twenty (20) hours a week.

(2)(a) An adult Kentucky Transitional Assistance Program recipient shall not be required to comply with program participation requirements for up to twelve (12) months if the adult is an individual caring for a child who has not attained twelve (12) months of age;

(b) The twelve (12) months of exemption from work participation requirements shall be limited to a total of twelve (12) months in a lifetime for the adult and may be:

1. Consecutive; or
2. Cumulative.

(3) For a Kentucky Transitional Assistance Program recipient where compliance with program participation would make it difficult to escape domestic violence or unfairly penalize the individual who is or has been victimized by domestic violence or who is at risk of further domestic violence, as determined by the cabinet, compliance shall not be mandated.

(4) An applicant of K-TAP shall be informed in writing of the availability of the exceptions to participation in Kentucky Works listed in Section 3 of this administrative regulation. [:

(1) Is a child who:

(a) Is under age sixteen (16); or

(b) Attends, full-time, an elementary, secondary, vocational or technical school (unless he was enrolled in school through the JOBS Program);

(2) Is ill and the illness or injury is serious enough to temporarily prevent entry into employment or training;

(3) Is incapacitated to the extent that the physical or mental impairment would prevent the recipient from participating in the JOBS Program. This may include a period of recuperation after childbirth if prescribed by a woman's physician;

(4) Is sixty (60) years old or older;

(5) Resides in a county which offers the JOBS Program but in a location in which travel time to the JOBS activity would exceed two (2) hours round trip by reasonably available public or private transportation, exclusive of time necessary to transport children to and from a child care facility;

(6) Is needed in the home because another member of the household requires the individual's presence due to illness or incapacity;

(7) Is working at least thirty (30) hours per week prior to determination of JOBS status;

(8) Is pregnant and the child is expected to be born within the following six (6) month period;

(9) Is the parent or other relative who is personally providing care for a child under age three (3), except as specified in Section 5(3) of this administrative regulation;

(10) Is a full-time Volunteers in Service to America (VISTA) volunteer;

(11) Is the parent age twenty (20) years or older or other relative personally providing care for a child under six (6) years of age unless:

(a) The agency assures that child care will be guaranteed; and

## ADMINISTRATIVE REGISTER - 1894

(b) The state agency guarantees that required program participation will not exceed twenty (20) hours per week.

Section 3. Volunteers. All persons in active JOBS counties as specified in Section 2 of this administrative regulation may volunteer to participate in the JOBS Program.

(1) The DSI shall give first priority for JOBS services to volunteers within the target population to be served, as described in Section 1 of this administrative regulation.

(2) A volunteer who is exempt, as specified in Section 2 of this administrative regulation, and who stops participating without good cause shall lose priority status for JOBS services if he volunteers at a later time.

(3) A volunteer who is not exempt and who stops participating without good cause shall be subject to sanctions, as specified in Section 10 of this administrative regulation.

Section 4. Components. With the exception of the component described in subsection (8) of this section, all JOBS counties shall offer the following services and activities:

(1) Education below the postsecondary level shall include:

(a) High school education or education designed to prepare a person to qualify for a high school equivalency certificate;

(b) Basic and remedial education that shall provide an individual with a basic literacy level, equivalent to at least grade 8-9; and

(c) Education in English proficiency to allow employment commensurate with his employment goal for an individual who is not sufficiently competent to:

1. Understand;
2. Speak;
3. Read; or
4. Write the English language.

(2) Job skills training which includes vocational training for a participant in technical job skills and equivalent knowledge and abilities in a specific occupational area.

(3) Job readiness activities that help prepare a participant for work by familiarizing him with workplace expectations, attitudes and appropriate behavior.

(4) Job development and job placement activities for soliciting public and private employers' job openings, marketing participants, and securing job interviews for a participant.

(5) Job search which provides group and individual assistance and training with job seeking activities.

(a) Job search shall be provided in a group setting where a participant is taught job seeking skills, and may include a phone bank from which he contacts potential employers;

(b) Individual job search shall be offered as needed to provide on a one-to-one basis:

1. Counseling;
2. Information;
3. Dissemination; and
4. Support;

(c) Participation in the job search component shall not exceed eight (8) weeks in any period of twelve (12) consecutive months unless it is required as part of another educational, training, or employment component designed to improve the individual's employment prospects.

(6) On-the-job training (OJT) in which a JOBS participant is hired by a private or public employer and receives job training or skills essential to the full and adequate performance of that job.

(a) A participant in OJT shall be compensated by the employer at the same rate as a similarly situated employee or trainee;

(b) The wage shall be subsidized through payments to the employer for OJT, not to exceed an average of fifty (50) percent of the wages paid to the participant during the training;

(c) At the conclusion of the OJT, the participant shall be retained as a regular employee.

(7) Community Work Experience Program (CWEP) which provides unpaid work experience and training in nonprofit organizations to assist a participant to move promptly into regular public or private employment.

(a) A CWEP assignment shall be limited to projects which serve a useful public purpose in a field such as:

1. Health;
2. Social service;
3. Environmental protection;
4. Education;
5. Urban and rural development;
6. Welfare;
7. Recreation;
8. Public facilities;
9. Public safety; and
10. Day care;

(b) The maximum number of hours of participation shall be determined by dividing the family's monthly AFDC grant amount by the greater of the federal or state minimum wage;

(c) The agency shall reassess and revise, if necessary, the individual's employability plan:

1. After each six (6) months of CWEP participation; and
2. At the conclusion of participation in the component.

(d) After an individual has been assigned to CWEP for nine (9) months, the individual shall not be required to continue in that assignment unless the maximum number of hours of participation is no greater than the family's grant divided by the highest of:

1. Federal minimum wage;
2. State minimum wage; or
3. The rate of pay for an individual employed in the same or similar occupations by the same employer at the same site.

(8) Alternative Work Experience Program (AWEP) which provides unpaid work experience and training to assist a participant to move promptly into regular public or private employment.

(a) An AWEP assignment shall be made with for-profit entities.

(b) AWEP placements shall be developed and monitored by the Department for Social Insurance or contracting agencies.

(c) Placements shall be made in conjunction with the participant's assessment and employability development plan to ensure that the placement meets the participant's training needs.

(d) The AWEP component shall not be mandatory in every JOBS county.

(e) AWEP participants are required to participate a minimum of twenty (20) hours per week.

(f) The agency shall reassess and revise, if necessary, the individual's employability plan at the conclusion of participation in the component.

(9) Other work experience program (OWEP) which provides unpaid work experience and training in nonprofit organizations to assist a participant to move promptly into regular public or private employment.

(a) An OWEP assignment shall be limited to projects which serve a useful public purpose in a field such as:

1. Health;
2. Social service;
3. Environmental protection;
4. Education;
5. Urban and rural development;
6. Welfare;
7. Recreation;
8. Public facilities;
9. Public safety; and
10. Day care;

(b) OWEP placements shall be developed and monitored by the Department for Social Insurance or contracting agencies;

(c) Placements shall be made in conjunction with the participant's assessment and employability development plan to ensure that the



placement meets the participant's training needs;

(d) OWEF participants shall be required to participate a minimum of twenty (20) hours per week;

(e) The agency shall reassess and revise if necessary, the individual's employability plan at the conclusion of participation in the component.

(10) Post-secondary education may be provided if:

(a) The occupational assessment indicates that the participant has the aptitude to perform a specific job for which this education and training is required;

(b) The participant has or is capable of achieving the basic literacy skills required by the occupation; and

(c) Jobs are available in the specific occupation for which education and training is needed.]

Section 4. Program [5. JOBS] Participation Requirements. (1) Assessment.

(a) [When an AFDC recipient has been identified as a JOBS participant, the individual shall be referred to a JOBS case manager;

(b)] The cabinet or another entity designated by the cabinet [case manager] shall make an assessment of the individual's employability;

(b) [(e)] Other agencies shall [will] assist in the assessment process as needed;

(c) [(d)] The assessment shall include:

1. Consideration of basic skills;

2. [work skills;] Occupational skills; and

3. Concerns and other relevant factors. [barriers;

(e) The assessment shall be based on:

1. Education, child care and other supportive service needs;

2. The individual's proficiencies, skills deficiencies, and prior work experience;

3. The needs of the family of the participant; and

4. Any other relevant factors.]

(2) The self-sufficiency [Employability] plan. Based on the findings of the assessment, the agency or cabinet designee and participant shall jointly develop a self-sufficiency [an employability] plan by completing the Transitional Assistance Agreement. This plan shall contain:

(a) An employment goal for the participant;

(b) Services to be provided by the agency (including child care);

(c) [JOBS] Activities to be undertaken by the recipient to achieve the employment goal; and

(d) Other needs of the family.

(3) An adult applicant or recipient of the K-TAP benefit group shall register for work except for a member who is:

(a) Under age eighteen (18);

(b) Age sixty (60) or over;

(c) Age eighteen (18) or nineteen (19) years old in full-time school attendance as set forth in Section 1(11) of 904 KAR 2:016;

(d) Receiving benefits based on 100 percent disability;

(e) An individual who has received benefits based on 100 percent disability within the past twelve (12) months but lost the benefits due to income or resources and not an improvement in the disability; or

(f) Employed thirty (30) hours or more per week at minimum wage or more.

[(3) Special participation requirements for education:

(a) An AFDC parent under age twenty (20) who resides in a JOBS county shall be required to participate in educational activities if:

1. The parent is not otherwise exempt; and

2. The parent lacks a high school diploma or has basic skills in reading or math below the 8.9 grade level.

(b) The agency may require a parent aged eighteen (18) or nineteen (19) to participate in work or training activities instead of education if:

1. The parent fails to make good progress in successfully

completing educational activities; or

2. Prior to any assignment of the individual to educational activities it is determined, based on an educational assessment and the employment goal established in the individual's employability plan, that participation in education activities is inappropriate for the parent.

(c) For purposes of this requirement, the exemption contained at Section 2(9) of this administrative regulation shall not qualify the participant for exemption from JOBS activities.

Section 6. Self-initiated JOBS Activities. The agency shall consider an individual self-initiated if the definition specified in 904 KAR 2:017 is met. This shall include the following provisions:

(1) These individuals shall be in good standing at an institution of higher education or school or other entity offering a course of vocational or technical training:

(2) Enrollments in postsecondary programs shall be full time as defined by the education or training institution.

(3) Both exempt and nonexempt individuals may be approved for self-initiated education or training for their JOBS activity.

(4) The participant shall be attending:

(a) A JTPA-funded training program; or

(b) A public source or private institution that is:

1. Licensed by the Kentucky Board for Proprietary Education; or

2. Recognized by the appropriate regulatory agency or licensing body for the state in which the training is located; or

(c) A program which will qualify the participant for a recognized occupation; or

(d) Other education or training which would otherwise be an approved JOBS activity unless the participant resides in a JOBS county and is enrolled less than twenty (20) hours in:

1. GED;

2. Adult basic education;

3. Literacy; or

4. Other educational activities which could lead to employment.

Section 7. Good and Satisfactory Progress. (1) Each participant in an education or training component shall meet good and satisfactory progress requirements:

(2) Good and satisfactory progress criteria for all JOBS education activities and approved self-initiated education is established by the educational institution.

(3) Good and satisfactory progress shall be measured and reported to the DSI at the following intervals:

(a) Literacy, adult basic education, or general educational development. Good and satisfactory progress is measured at intervals determined by the educational providers.

(b) High school. Good and satisfactory progress shall be measured at the end of each semester or quarter.

(c) Vocational school. Good and satisfactory progress shall be measured at regularly scheduled intervals, as defined by the institution.

(d) Proprietary school. Good and satisfactory progress shall be measured at the end of each regularly scheduled grading period as defined by the institution, not to exceed a twelve (12) month period.

(e) College. Good and satisfactory progress shall be measured at the end of a semester or quarter.

(f) JTPA funded training. Good and satisfactory progress shall be measured at intervals determined by the providers.]

Section 5. [8.] Conciliation. (1) Conciliation shall be conducted:

(a) At the request of a Kentucky Works [JOBS] participant;

(b) At the request of a service [component] provider; or

(c) When a situation is identified which could result in a penalty [sanction] (as specified in Section 7 [40] of this administrative regulation).

(2) The conciliation shall be conducted by the cabinet or contractor:

## ADMINISTRATIVE REGISTER - 1896

- (a) ~~The DSI;~~
- (b) ~~The DES; or~~
- (c) ~~Both agencies jointly.~~

~~1.] During conciliation, the agency shall determine if additional services are needed to assist with Kentucky Works [JOBS] participation.~~

~~(b) During conciliation, [2.] participation shall be monitored for up to fifteen (15) days following the issuance of form KW [JOBS]-204, "Conciliation Contract".~~

~~(c) [3.] The fifteen (15) day period may be extended for an additional fifteen (15) days, if necessary.~~

~~(3) At the conclusion of the conciliation period, the participant shall be notified in writing of the results of the conciliation.~~

Section 6. Excused from Penalties. (1) A (K-TAP) recipient shall be excused from penalties for failure to comply with the Kentucky Works Program, as specified in Section 7 of this administrative regulation, if one (1) of the following good cause criteria is met: [9: Good Cause. (1) Good cause for noncompliance in the JOBS Program or refusal to accept employment shall be found if:]

~~(a) The individual is a single custodial parent caring [participant is personally providing care] for a child under age six (6) and child care is unavailable, as determined by the cabinet; [employment or JOBS participation would require the individual to work more than twenty (20) hours per week;]~~

~~(b) Dependent care is:]~~

~~1. Not available for a dependent child;~~

~~2.] not available for any incapacitated individual living in the same household as a dependent child;~~

~~[3. Not available or nonreimbursable for a nondependent child over age six (6).]~~

~~(c) [The agency determines that employment would result in a net loss of cash income:~~

~~1. The family's gross income less necessary actual work-related expenses is less than the cash assistance the individual was receiving at the time the offer of employment was made; and~~

~~2. Child care costs exceeding the child care disregard shall be considered in the determination;~~

~~(d) The individual is unable to engage in employment or training for mental or physical reasons as verified by the cabinet. Deprivation based on incapacity is determined according to 904 KAR 2:006, Section 8; [including participation in a drug and alcohol rehabilitation program;~~

~~(e) Unavailability of transportation (including unavailability due to costs which exceed the reimbursement) with no readily accessible alternative means of transportation available;~~

~~(f) Travel time to the work site or JOBS component site exceeds two (2) hours round trip daily;]~~

~~(d) [(g)] Illness of another household member requiring the presence of the participant as documented by medical evidence or by reliable information from other sources as verified by the cabinet;~~

~~(e) [(h)] The participant is temporarily incarcerated or institutionalized for thirty (30) days or less;~~

~~(f) [(i)] The agency determines there is discrimination by an employer and a formal complaint has been filed based on:~~

- 1. Age;
- 2. Race;
- 3. Sex;
- 4. Color;
- 5. Disability;
- 6. Religious beliefs;
- 7. National origin; or
- 8. Political beliefs;

~~(g) [(j)] Work demands or conditions render continued employment unreasonable, such as:~~

- 1. Consistently not being paid on schedule; or
- 2. The presence of a risk to the individual's health or safety;

~~(h) [(k)] Wage rates are decreased subsequent to acceptance of employment;~~

~~(i) [(l)] The participant accepts a better job which, because of circumstances beyond the control of the recipient, does not materialize;~~

~~(m) A household emergency occurs, such as:~~

~~1. Death of a member of the immediate family;~~

~~2. Entry into a spouse abuse center;~~

~~3. Natural disaster;~~

~~4. Court appearance;~~

~~5. Victim of crime; or~~

~~6. Flooded basement;~~

~~(n) The participant receives a temporary military assignment;~~

~~(o) The participant leaves employment in an attempt to improve skills, become self-sufficient and leave the AFDC rolls;~~

~~(p) The participant is enrolled in a component activity which is not scheduled for the entire month, such as:~~

~~1. Summer school break; or~~

~~2. July break for adult education providers;~~

~~(q) The participant is employed and receiving wages for thirty (30) or more hours per week].~~

~~(2) The duration of good cause criteria may vary according to individual circumstances.~~

Section 7. Penalties. [10: Sanctions:] (1) When a Kentucky Transitional Assistance Program [a nonexempt AFDC] recipient fails to comply with the requirements of the Kentucky Works [JOBS] Program, he shall be subject to Kentucky Works and Kentucky Transitional Assistance Program penalties. [JOBS and AFDC sanctions:] Failure to comply shall be found when the participant:

(a) Fails without good cause, pursuant to Section 6 of this administrative regulation, to participate in required activities, including [but not limited to]:

1. An assessment interview;

2. An assessment; or

3. Self-sufficiency [Employability] plan development including completion of the Transitional Assessment Agreement, KW-202;

(b) Fails without good cause, pursuant to Section 6 of this administrative regulation, to participate in the program activities as defined in the Transitional Assessment Agreement, KW-202;

(c) Refuses without good cause, pursuant to Section 6 of this administrative regulation, to accept employment; [or]

(d) Terminates employment or reduces earnings without good cause, pursuant to Section 6 of this administrative regulation; or

(e) Unless an exception in Section 4(3) of this administrative regulation applies, fails to register for work.

(2)(a) Except for requirements listed in paragraph (b) of this subsection, a K-TAP recipient [A person] who has failed to comply with Kentucky Works requirements without good cause, pursuant to Section 6 of this administrative regulation, or register for work unless an exception in Section 4(3) of this administrative regulation applies, shall be penalized by reducing the amount of the assistance otherwise payable to the benefit group on a pro rata basis; or

(b) [Beginning on or after January 1, 1998:] Assistance to the benefit group shall be discontinued if the K-TAP recipient, fails, without good cause pursuant to Section 6 of this administrative regulation, to:

1. Keep appointment for an assessment interview; or

2. Complete an assessment, pursuant to Section 4 of this administrative regulation.

(c) The penalty in paragraph (a) or (b) of this subsection shall continue to be applied until the participant complies with program requirements.

(d) The penalty in paragraph (a) or (b) of this subsection shall not be applied until after conciliation procedures are conducted pursuant to Section 5 of this administrative regulation. [sanctioned, as follows:

## ADMINISTRATIVE REGISTER - 1897

- (a) The participant is excluded from JOBS activities and services:
1. For the first failure to comply, until the failure to comply ceases;
  2. For the second failure to comply, until the failure to comply ceases, or three (3) months, whichever is longer; and
  3. For any subsequent failure to comply, until the failure to comply ceases, or six (6) months, whichever is longer.

(b) In determining the amount of the AFDG grant, the agency shall not take into account the needs of the sanctioned individual, beginning with the first administratively feasible month after JOBS sanctions begin.

(c) In a case based on unemployment, the agency shall not take into account the needs of the second parent, unless the second parent:

1. Is exempt for reasons other than those in Section 2(6), (9) and (11) of this administrative regulation;
2. Is participating; or
3. Has volunteered to participate in JOBS.

(d) A sanctioned individual shall participate in a designated activity for two (2) weeks before the failure to comply is considered to have ceased. At that time, the sanctions shall be terminated.]

Section 8. Hearings and Appeals. Applicants or recipients of benefits under programs described herein who are dissatisfied with any action or inaction on the part of the cabinet shall have the right to a hearing under 904 KAR 2:055.

Section 9. Work Experience Program Training Site Agreement.  
(1) Costs incurred by the training site agency because of participation in WEP shall not be reimbursed.

(2) A WEP participant shall not be involved in partisan politics.

(3) A WEP participant shall not be removed from training without prior notice to the Department for Social Insurance.

(4) A WEP participant shall not infringe upon the promotional opportunities of a currently employed individual.

(5) An individual shall not be subjected to discrimination, or denied training or employment or benefits, in the administration of, or in connection with, the training program because of:

- (a) Race;
  - (b) Color;
  - (c) Religion;
  - (d) Sex;
  - (e) National origin;
  - (f) Age;
  - (g) Disability; or
  - (h) Political belief or affiliation;
- (6) A training site agency shall:

(a) Complete Department for Social Insurance questionnaires relating to the operation of the training site agreement;

(b) Not displace a currently employed worker by a WEP participant, including a partial displacement such as a reduction of the:

1. Hours of nonovertime work;
  2. Wages; or
  3. Employment benefits;
- (c) Comply with the Americans with Disabilities Act;  
(d) Shall report a personnel problem to the departmental representative designated by department;

(e) Shall maintain accurate time and attendance records for each WEP participant;

(f) Verify time and attendance records for each WEP participant on Form PA-33, "Certification of Education or Training, Child Care and Transportation" that will be submitted by a WEP participant;

(g) Shall grant access for the Department for Social Insurance to the training site during working hours to counsel participants and to monitor the site;

(h) Shall immediately report an injury to the designated representative;

(i) Shall conduct investigations and submit reports upon the request of the Department for Social Insurance;

(j) Not encourage or require a WEP participant to take part in partisan political activity, or involve a WEP participant in partisan political activity;

(k) Except as authorized by law, or in writing by a WEP participant, shall maintain the confidentiality of information, in any form, provided by or about a WEP participant who seeks or receives services under the Training Site Agreement;

(l) Hold the cabinet harmless from losses, claims, expenses, actions, causes of action, costs, damages, and obligations arising from a negligent act or omission of the training site agency, its agents, employees, licensees, invitees, or WEP participants that results in injury to a person, or damages or losses relative to a person, corporation, partnership, or other entity;

(m) Provide:  
(1) Sufficient training to ensure development of appropriate skills;

2. New tasks after mastery of each skill; and
3. Adequate participation instruction and supervision at all times.

(7) A training site agency shall:  
(a) Provide participants a safe training place;

(b) Assure that if participants are engaged in activities that are not covered under the Occupational Safety and Health Act of 1970, as amended, they shall not be required or permitted to be trained, or receive services, in buildings, or surroundings, or under training conditions that are unsanitary, hazardous, or dangerous to the health and safety of participants; and

(c) Provide adequate material to complete each training activity in a safe environment;

(8) A WEP participant shall have the right to request a public hearing relating to a grievance or complaint.

(9) A training site agency shall sign a "WEP Training Site Agreement" with the cabinet containing a statement of:

(a) Each of the conditions established by subsections (1) through (8) of this section; and

(b) The period covered by the agreement, including the number of hours of participation required each week.

Section 10. [11.] Material Incorporated by Reference. (1) Forms necessary for participation in the Kentucky Works [JOBS] Program are being incorporated [effective May 1, 1993]. These forms include:

(a) PA-33, "Certification of Education or Training, Child Care and Transportation (4/97)";

(b) [PA-33G, revised 1/92;

(b)] PA-33D, "Child's Certification of School Enrollment/Attendance, edition 8/97" [revised 1/92];

(c) [(b)] [(c)] PA-218A, "New Chance Referral, edition 4/97" [revised 7/94];

(d) [(c)] [(d)] PA-219, "Kentucky Works Program Fact Sheet, edition 5/97" [revised 7/94];

(e) [(d)] KW [(e)] JOBS-105, "Kentucky Works Referral Form (Participant), edition 4/97" [revised 6/91];

(f) [(e)] KW-200, "Kentucky Works Assessment Form, edition 4/97";

(g) [(f)] KW JOBS-201, revised 1/91;

(g) JOBS-202, "K-TAP Transitional Assistance Agreement, edition 4/97" [revised 10/94];

(h) [(g)] KW [(h)] JOBS-204, "Conciliation Contact, edition 5/97" [revised 1/94];

(i) [(h)] KW [(i)] JOBS-205, "Conciliation Results, edition 5/97" [revised 8/91];

(j) [(i)] KW-211, "Noncompliance Contact, edition 5/97";

## ADMINISTRATIVE REGISTER - 1898

(k) [(j)] KW-240, "Work Experience Program-Participant Agreement, edition 1/98";

(l) [(k)] KW-244, "WEP Work Site Agreement Amendment, edition 1/98";

(m) [(j)] KW-241 "WEP Work Site Agreement, edition 2/98 [1/98]";

(n) [(m)] KW-245 "Notice of WEP Discontinuance, edition 1/98";

(o) [(n)] KW-246 "WEP Referral Form, edition 1/98".

[(j)] JOBS-241A, revised 5/94;

[(k)] JOBS-245A, revised 2/94; and

[(l)] JOBS-246A, revised 2/94.]

(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.

JOHN L. CLAYTON, Commissioner

VIOLA P. MILLER, Secretary

CHARLES P. LAWRENCE, Attorney

APPROVED BY AGENCY: December 17, 1997

FILED WITH LRC: December 29, 1997 at 11 a.m.

ADMINISTRATIVE REGULATIONS AMENDED AFTER PUBLIC HEARING  
OR RECEIPT OF WRITTEN COMMENTS

NATURAL RESOURCES AND  
ENVIRONMENTAL PROTECTION CABINET  
Department for Environmental Protection  
Division of Water  
(Amended After Hearing)

401 KAR 5:008. Swine feeding operations.

RELATES TO: KRS 224.10, 224.70, 224.73

STATUTORY AUTHORITY: KRS 224.10-100, 224.70-100,  
224.70-110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 requires the Natural Resources and Environmental Protection Cabinet to develop and conduct a comprehensive program for the management of water resources and to provide for the prevention, abatement, and control of water pollution. This administrative regulation provides administrative procedures for the issuance of permits for swine feeding operations and for the operation of these facilities authorized under KRS Chapter 224 and establishes conditions for the construction and operation of swine feeding operations. There is no federal regulation relating to the subject matter of this administrative regulation, therefore this administrative regulation is not more stringent than federal requirements.

Section 1. Applicability. The number of swine units used to determine the applicability of this administrative regulation shall be calculated according to the formula in subsection (3) of this section.

(1) This administrative regulation shall apply to the owner and operator of:

(a) A new swine feeding operation;

(b) An existing agricultural wastes handling system with less than 1,000 swine units, permitted or unpermitted, that increases the total number of swine units at the operation to 1,000 or more after the effective date of this administrative regulation. The provisions of this administrative regulation shall apply to that portion of an expanded operation from 1,000 swine units and above. However, the total number of swine units at the operation shall determine whether this administrative regulation applies to the new portion [if, after September 18, 1997, the agricultural wastes handling system increases the number of swine units at the system to 1,000 or more swine units]; and

(c) An existing swine feeding operation with 1,000 or more swine units, permitted or unpermitted, that increases the number of swine units at the operation after the effective date of this administrative regulation. The provisions of this administrative regulation shall apply to that portion of an expanded swine feeding operation above previous swine unit levels. However, the total number of swine units at the operation shall determine whether this administrative regulation applies to the new portion [by more than ten (10) percent after September 18, 1997].

(2) This administrative regulation shall not apply to the owner and operator of an existing swine feeding operation that does not increase the number of swine units [by more than ten (10) percent] if:

(a) The swine feeding operation was permitted before the effective date of this administrative regulation [July 25, 1997], for the construction or operation of an agricultural wastes handling system pursuant to 401 KAR 5:005 [for 1,000 or more swine units];

(b) The swine feeding operation submitted to the cabinet before the effective date of this administrative regulation [July 25, 1997, for 1,000 or more swine units], either the Kentucky No Discharge Operational Permit Application for Agricultural Wastes Handling Systems, Short Form B, or the Site Survey Request, both required in

401 KAR 5:005, Section 2(1)(e) and before July 1, 1999, applies for and receives a KNDOP pursuant to 401 KAR 5:005; or

(c) The swine feeding operation demonstrates by substantial evidence that:

1. On the effective date of this administrative regulation [July 25, 1997], it had an operating lagoon in place for the treatment of swine waste, otherwise conformed to the requirements of 401 KAR Chapter 5, and would have received a construction or operational permit for the swine feeding operation if it had applied for the permit;

2. On the effective date of this administrative regulation [July 25, 1997, it had 1,000 or more swine units on the immediate property;

3. ~~On July 25, 1997~~, it was engaged in the current daily operation of a swine feeding operation; and

3. [4:] The owner and operator:

a. Before July 1 [January 1], 1998, notifies the cabinet in writing that he intends to comply with 401 KAR 5:005. The notification shall include the number of swine units that are confined at the swine feeding operation; and

b. Before July 1 [25], 1999, applies for and receives a KNDOP pursuant to 401 KAR 5:005. This provision shall not exempt the owner or operator of an unpermitted facility from complying with 401 KAR 5:005 before that date.

(3) The number of swine units shall be determined by the following formula. The worksheet "Worksheet for Calculating Swine Units", incorporated by reference in Section 18 of this administrative regulation, may be used to assist the owner or operator in calculating the number of swine units at the operation.

$$\text{Swine units} = (0.1 \times N_n) + (0.4 \times N_i) + (0.45 \times N_b) + (3.55 \times N_{ff}) + (0.75 [1.33] \times N_{ffe}) + (0.41 [0.42] \times N_{fw}) + (0.35 \times N_{wf})$$

Where:

$N_n$  = Number of nursery pigs;

$N_i$  = Number of finishing pigs;

$N_b$  = Number of boars;

$N_{ff}$  = Number of sows, farrow to finish;

$N_{ffe}$  = Number of sows, farrow to feeder;

$N_{fw}$  = Number of sows, farrow to wean; and

$N_{wf}$  = Number of pigs, wean to finish.

(4)(a) The number of swine units at a swine feeding operation that is permitted for farrowing may vary by up to twenty (20) percent without requiring a modification pursuant to Section 2(8) of this administrative regulation; and

(b) The number of swine units at any other swine feeding operation may vary by up to ten (10) percent without requiring a modification.

(c) A variation in swine units shall be compared to those specified in the current permit issued pursuant to this administrative regulation or 401 KAR 5:005, whichever is the most recently issued permit.

Section 2. Swine Waste Management Permit. (1) No person shall construct, modify, or operate a swine feeding operation without having received a permit to do so from the cabinet. The permitted area shall include:

(a) The area where the swine are confined;

(b) The swine waste lagoon; and

(c) The land application areas.

(2) The owner and operator of a swine feeding operation shall obtain a swine waste management permit (SWMP) from the cabinet before:

## ADMINISTRATIVE REGISTER - 1900

- (a) Beginning construction of a swine waste lagoon or its related appurtenances;
- (b) Beginning operation of a swine waste lagoon; or
- (c) Beginning land application of the swine waste.
- (3) The SWMP shall be effective immediately upon issuance by the cabinet unless otherwise conditioned.
- (4) The owner and operator of a swine feeding operation shall apply for a permit pursuant to this administrative regulation before the operation commences construction, or for a permit renewal, ninety (90) days before the permit expires. The owner and operator shall not begin construction or operation at the planned site [operation] until he receives the permit from the cabinet.
- (5) The SWMP shall be valid for five (5) years from the date of issuance.
- (6) Failure to obtain a SWMP shall not relieve the owner or operator of a swine feeding operation subject to this administrative regulation from complying with the applicable requirements of this administrative regulation.
- (7) The owner and operator of the swine feeding operation shall submit to the cabinet a complete application for a SWMP. A complete application shall consist of two (2) copies of the following:
  - (a) A completed permit application form, "Kentucky Swine Waste Management Permit for Swine Feeding Operations Permit Application, DEP-7033-SFO (12/97)", incorporated by reference in Section 18 of this administrative regulation. The application shall include general facility information regarding its location, and owner and operator information;
  - (b) A set of detailed plans and specifications describing the design of the proposed swine waste lagoon, that has been prepared, stamped, signed, and dated by a professional engineer or the NRCS;
  - (c) Documentation of public notification as required in Section 4(1) of this administrative regulation;
  - (d) A USGS seven and one-half (7 1/2) minute topographic quadrangle map with the swine feeding operation location clearly marked;
  - (e) A site map with a scale of no less than 1" = 660' including a north arrow and legend, clearly showing the swine waste lagoon location, roads, setback features in Section 5 of this administrative regulation and their setbacks, easements if applicable, locations of buildings on the site, field number and acres of land application areas, filter strips, and existing and proposed monitoring wells and lysimeters;
  - (f) A monitoring plan as required by Section 7 of this administrative regulation, designed to monitor the integrity of the swine waste lagoon;
  - (g) An operation-specific nutrient management plan as required by Section 9 of this administrative regulation;
  - (h) A certified copy of a legal deed, easement, or contract if required by Section 5 or 9 of this administrative regulation;
  - (i) A demonstration that the lagoon complies with the siting requirements of Section 5 of this administrative regulation; and
  - (j) The results of the baseline soil analyses required by Section 10 of this administrative regulation for each field that will receive the swine waste.
- (k) The cabinet may request additional information concerning the swine feeding operation necessary to determine the ability of the swine feeding operation to comply with this administrative regulation, maintain water quality standards, and protect the waters of the Commonwealth.
- (l) If the applicant becomes aware that he failed to submit a relevant fact in a permit application, or submitted to the cabinet incorrect information in a permit application or in a report, he shall promptly submit to the cabinet these facts or information.
- (8) Permit modification.
  - (a) The permittee shall submit to the cabinet a complete application for modifying a SWMP and shall receive prior approval from the cabinet to make changes to the swine feeding operation if:

1. The swine waste lagoon design changes during construction or if an existing permitted swine waste lagoon is to be modified unless the repairs or changes are made pursuant to Section 8 of this administrative regulation;

2. The permittee intends to change the swine feeding operation, including a change in the maximum design capacity of the swine waste lagoon; or

3. There is a change in the permitted land application area that was not previously included in the permit application and approved by the cabinet.

- (b) A complete application for modifying a SWMP shall consist of two (2) copies of:

1. An updated application form cited in subsection (7)(a) of this section;

2. A set of updated attachments that show the modifications to the original application;

3. The public notice required by Section 4(1) of this administrative regulation; and

4. For a new land application area:

- a. The results of the baseline soil analyses required in Section 10 of this administrative regulation; and

- b. The legal documents required by Section 5 or 9 of this administrative regulation.

- (9) Permit renewal. For renewals of the SWMP, a complete application shall consist of two (2) copies of:

- (a) A set of updated attachments that show the modifications to the original application, including the updated application form cited in subsection (7)(a) of this section;

- (b) The most recent five (5) years of the sampling and analytical data and the land application rates, as required by Section 11 of this administrative regulation, unless the operation has had its permit for less than five (5) years. If the operation has had its permit for less than five (5) years, all required data shall be submitted; and

- (c) The public notice required by Section 4(1) of this administrative regulation.

- (10) Permit transfer. The permit is not transferable to a person except after notice to the cabinet. The notice of transfer shall be submitted on the "Change in Ownership Certification for Swine Waste Management Permit", incorporated by reference in Section 18 of this administrative regulation. The cabinet may require modification or reissuance of the permit to change the name of the permittee and incorporate other requirements as required by KRS Chapter 224.

- (11) Signatures. The permit application shall be signed and certified by the owner and operator of the swine feeding operation according to the certification in Section 15 of this administrative regulation.

Section 3. Related Agricultural Wastes Handling Systems. (1) If two (2) or more agricultural wastes handling systems are related, the number of swine units used to determine the applicability of this administrative regulation shall be the sum of the swine units at all related facilities.

- (2) Facilities are related if:

- (a) They share common swine waste lagoons;

- (b) They share common land application areas; or

- (c) They are physically related and under common ownership and control.

1. Physically related. Facilities are physically related if a portion of one (1) facility is located within one (1) mile of a portion of another.

2. Common ownership and control.

- a. Facilities are under common ownership and control if:

- (i) They are owned by the same person or are subsidiaries of the same corporation;

- (ii) The same person has the right to direct how operations will be conducted on the site; or

- (iii) More than fifty (50) percent of each facility is owned by the same person or corporation.

## ADMINISTRATIVE REGISTER - 1901

b. Facilities are presumed to be under common ownership and control if any of the following relationships exists. This presumption may be rebutted if the applicant demonstrates that there is no direct or indirect business relationship among the facilities.

(i) Facilities are under the same ownership or control of members of the same family;

(ii) Facilities have common partners, investors, officers, or directors;

(iii) Facilities have the same landowner, tenant, or operator; or

(iv) Facilities have common owners owning ten (10) to fifty (50) percent of each facility.

Section 4. Public Notification Requirements. (1) Applicant notification.

(a) At least fifteen (15) days before filing with the cabinet in Frankfort an application for a new SWMP, or a [renewal] modification of a SWMP, the applicant shall provide the following notification:

1. The applicant shall cause to be published a legal notice of its intent to apply for a permit. The notice shall be published pursuant to KRS Chapter 424.

2. The applicant shall also notify landowners of property adjacent to or directly across the road from, the proposed swine feeding operation and the land application areas. The notice shall be sent by certified mail to the address on the record at the property valuation administrator's office in the county in which the land is located.

(b) The notification shall contain the following information:

1. Name and address of the owner and operator and physical location of the operation, if different than the mailing address;

2. Number of swine that will be confined at the swine feeding operation; and

3. Address where a person may submit comments on the application to the applicant.

(c) A copy of the notice, proof of its publication, and proof of the mailings shall be included with the permit application.

**(d) This notice shall be required for a permit renewal only if the operation has changed in size or has changed its land application areas.**

(2) Cabinet notification. Before the issuance of a final permit action, the cabinet shall, pursuant to KRS Chapter 424, publish a notice of its intent to issue or deny the permit. A copy of the draft permit shall be available for review in the appropriate regional office.

(3) A person shall have up to thirty (30) days from the date of the publication of the cabinet's intended action to submit comments about the permit to the cabinet. A person who submits comments shall include the commentor's name and address. The cabinet shall notify each person who submitted comments to the cabinet on the draft permit of the cabinet's final action on the permit.

Section 5. Siting Requirements. (1) Siting restrictions.

(a) The barn, lagoon, or land application area shall not be located in:

1. A state or national park, state or national forest, or nature preserve; or

2. A wellhead protection area approved by the cabinet pursuant to 401 KAR 4:220.

(b) The barn or lagoon shall not be located in:

1. A 100-year floodplain unless permitted pursuant to 401 KAR 4:060;

2. A jurisdictional wetland as determined by the NRCS; or

3. A sinkhole or other enclosed depression where subsidence is evident.

(c) Swine waste shall not be land applied on:

1. Land with a slope greater than twelve (12) percent; or

2. Land that has less than eighteen (18) inches of soil to bedrock.

(d) A swine waste lagoon shall be located so that there is at least:

1. Three (3) feet of soil between the bottom of the lagoon liner and bedrock. This distance may be reduced with the use of an approved synthetic liner; and

2. Five (5) feet separation distance between the bottom of the lagoon liner and the zone of saturation. This distance may be reduced with the use of an approved synthetic liner.

(2) Setbacks.

(a) Each swine feeding operation shall be designed and constructed so that the barns and swine waste lagoons are located at least the minimum distance in paragraph (c) of this subsection from each existing setback feature; and

(b) Each swine feeding operation shall be operated so that the land application of the swine waste is at least the minimum distance in paragraph (c) of this subsection from each existing setback feature, for the applicable method of land application.

(c) Minimum distance. Distance shall be the shortest distance measured from the nearest edge of the barn, lagoon, or land application area to the nearest edge of the setback feature. An existing setback feature shall be existing as of the date that the applicant notifies the public pursuant to Section 4(1) of this administrative regulation.

Existing Setback Feature	Barn and Lagoon	Land Application Area Land Application Method	
		Injection	Other Method
Dwelling not owned by applicant, church, school and school yard, business, other structure to which the general public has access, park	1,500 feet	500 feet	750 feet
Incorporated city limit	3,000 feet	1,000 feet	1,500 feet
Lake, river, blue-line stream, karst feature	150 feet	75 feet	150 feet
Water well not owned by applicant	300 feet	150 feet	150 feet
Property line	150 feet	50 feet	100 feet
Downstream* water listed in 401 KAR 5:030 as other than use protected, outstanding resource water**	1 mile	750 feet	1,500 feet
Downstream* public water supply surface water intake	5 miles	1 mile	1 mile

\* Measured along gradient

\*\* Designated outstanding resource waters are listed in 401 KAR 5:026



## ADMINISTRATIVE REGISTER - 1902

(d) The cabinet may grant a variance from the setbacks in paragraph (c) of this subsection for a dwelling not owned by the applicant, church, or property line if the applicant obtains from the owner of the property in question an easement, properly filed of record, granting the applicant a permanent exemption from the distance requirements in this administrative regulation. A certified copy of this easement shall be submitted to the cabinet with the permit application.

Section 6. Requirements for a Swine Waste Lagoon. Each swine feeding operation shall have at least one (1) anaerobic or aerobic lagoon, sized in accordance with this administrative regulation. No swine feeding operation shall have as its only means of treatment a holding pond or deep pit.

(1) Design and construction. Each swine waste lagoon shall be designed and constructed to meet the following:

(a) The lagoon shall have a maximum single-structure surface area of five (5) acres;

(b) The swine waste lagoon shall be able to hold a maximum design volume that is the sum of the volumes representing:

1. At least one (1) year's production of residual solids;
2. The minimum design volume for an anaerobic lagoon;
3. At least 120 days of swine waste production;
4. Twelve (12) inches of excess precipitation; and
5. Precipitation from one (1) twenty-five (25) year, twenty-four (24) hour rainfall event;

(c) The swine waste lagoon shall have an emergency spillway above the maximum design volume, with one (1) foot of freeboard above the spillway. The spillway shall have a slope with a vertical to horizontal ratio of no steeper than one to three (1:3) and shall be:

1. Designed to carry the flow from one (1) 100-year, twenty-four (24) hour storm event; and

2. At least ten (10) feet wide at the crest;

(d) The swine waste lagoon shall have a clearly marked staff gauge that shows the elevations of:

1. The maximum design volume;
2. The minimum design volume for an anaerobic lagoon; and
3. The crest of the spillway;

(e) Each swine waste lagoon shall be designed by a professional engineer or the NRCS;

(f) Each swine waste lagoon shall have either:

1. A compacted soil liner;

a. Of at least twelve (12) inches, deposited and compacted in at least two (2) six (6) inch lifts, with a maximum permeability of  $1 \times 10^{-7}$  cm/sec; and

b. So that the lagoon has a hydraulic gradient of no greater than eight and zero-tenths (8.0); or

2. A synthetic liner that provides at least equivalent protection;

(g) Swine waste shall not be placed directly in or be allowed to come in contact with groundwater;

(h) The inside and outside slopes shall have a vertical to horizontal ratio of no steeper than one to three (1:3), unless the cabinet approves a steeper slope;

(i) The discharge from the inlet pipes to the swine waste lagoon shall not erode the berm or the sides of the swine waste lagoon;

(j) The swine waste lagoon shall have a continuous berm of at least two (2) feet above grade to prevent surface water from entering the lagoon; and

(k) The berm shall have a vegetative cover.

(2) The swine waste lagoon shall also be permitted pursuant to KRS 151.250 before construction begins if:

(a) The lagoon is more than twenty-five (25) feet in height, measured from the downstream toe of the dam to the crest of the dam;

(b) The lagoon impounds more than fifty (50) acre-feet at the crest of the dam; or

(c) The lagoon is classified as a high-hazard water-impounding

structure pursuant to 401 KAR Chapter 4.

(3) Operation and maintenance. The permittee shall follow these procedures in operating and maintaining the swine waste lagoon.

(a) After construction of the lagoon and before beginning lagoon operation, the as-built construction of the lagoon shall be certified by a professional engineer or the NRCS as meeting the requirements of subsection (1) of this section and shall be submitted to the cabinet pursuant to Section 15 of this administrative regulation;

(b)1. Before introducing swine waste into an anaerobic lagoon, the lagoon shall be filled with water to at least one-half (1/2) of the minimum design volume; and

2. After the initial filling of an anaerobic lagoon, the lagoon level shall be maintained above the minimum design volume by adding water;

(c) Only swine waste and water required by paragraph (b) of this subsection shall be discharged to or disposed of in the swine waste lagoon;

(d) No other waste shall be disposed of in the swine waste lagoon, including dead animals;

(e) The contents of an anaerobic lagoon shall not be agitated, except during the removal of residual solids; and

(f) The swine waste lagoon shall be inspected periodically, the vegetative cover shall be kept mowed, and the embankment and berm shall be kept free of items that may compromise the integrity of the lagoon, such as shrubs, trees, holes, and animal burrows.

(4) Closure. A lagoon that was constructed or operated pursuant to this administrative regulation but that is no longer permitted for swine waste storage and treatment shall be closed according to this subsection.

(a) The owner and operator shall remove and land apply the entire contents of the lagoon in accordance with the operation's nutrient management plan;

(b) The empty lagoon shall be backfilled, graded, and revegetated unless the cabinet approves an alternative closure to keep the emptied lagoon as a permanent structure; and

(c) The owner and operator shall stabilize the site by using standard erosion control practices, unless the cabinet approves an alternative closure that complies with the environmental standards in Section 12 of this administrative regulation.

Section 7. Swine Waste Lagoon Performance Monitoring. The applicant shall develop a swine waste lagoon liner performance monitoring plan for detection of problems with the swine waste lagoon liner and to provide the opportunity to repair problems with the swine waste lagoon liner before a chronic failure of the lagoon develops or groundwater contamination occurs. The monitoring plan shall address the following items:

(1) The permittee shall conduct groundwater monitoring to measure the performance of the lagoon liner for each lagoon. **Except as provided in paragraphs (c) and (d) of this subsection, swine waste lagoon performance monitoring shall be conducted by monitoring the zone of saturation using monitoring wells. If the zone of saturation occurs at a depth of greater than twenty (20) feet below the bottom of the swine waste lagoon, or if bedrock is encountered below the bottom of the swine waste lagoon liner at a depth shallower than the zone of saturation, the owner or operator may monitor the vadose zone using lysimeters, instead of monitoring the zone of saturation. If the owner or operator monitors the vadose zone, the owner or operator shall follow the procedures in paragraph (b) of this subsection.**

**(a) Zone of saturation monitoring requirements. Zone of saturation monitoring shall be conducted using the following procedures.** A minimum of one (1) up-gradient and two (2) down-gradient [groundwater] monitoring wells shall be constructed for each **swine waste** lagoon. [The cabinet may require additional groundwater monitoring wells, based on geological considerations, and the lagoon size, shape, and structure to reasonably ensure that a leak



from the liner will be detected.]

1. [(2)] Location of [groundwater] monitoring wells.

a. [(a)] Each up-gradient monitoring well shall be constructed as close as possible to the lagoon in an area that is not hydrologically affected by the lagoon, land application activities, and animal feeding and storage activities that may contribute monitored constituents to the up-gradient well.

b. [(b)] Each down-gradient monitoring well shall be constructed in an area close to and hydrologically down-gradient of the lagoon in a location that maximizes the ability of the monitoring well to detect a lagoon liner failure.

2. [(3)-Groundwater] Monitoring well construction requirements.

A [groundwater] monitoring well shall be constructed in accordance with 401 KAR 6:310 and shall:

a. [(a)] Have a minimum diameter of two (2) inches;

b. [(b)] Prevent surface contaminants from entering groundwater by way of the monitoring well;

c. [(c)] Prevent unauthorized access to the monitoring well;

d. [(d)] Be protected from damage occurring from normal activities at the swine feeding operation; and

e. [(e)] Extend into the uppermost zone of saturation below the lowest point of the lagoon liner or be constructed to the soil-bedrock interface, if the monitoring well is able to capture groundwater at that depth.

**(b) Vadose zone monitoring requirements. Vadose zone monitoring shall be conducted using the following procedures. A minimum of one (1) up-gradient and two (2) down-gradient lysimeters shall be installed for each swine waste lagoon.**

1. Location of lysimeters.

a. Each up-gradient lysimeter shall be constructed as close as possible to the lagoon in an area that is not hydrologically affected by the lagoon, land application activities, and animal feeding and storage activities that may contribute monitored constituents to the up-gradient lysimeter.

b. Each down-gradient lysimeter shall be constructed in an area close to and hydrologically down-gradient of the lagoon in a location and depth that maximizes the ability of the lysimeter to detect a lagoon liner failure.

2. Lysimeter construction. If lysimeters are to be used to monitor the vadose zone, the lysimeters shall be constructed to:

a. Prevent surface contaminants from entering groundwater by way of the lysimeter;

b. Prevent unauthorized access to the lysimeter;

c. Be protected from damage occurring from normal activities at the swine feeding operation; and

d. Be at a total depth of no greater than twenty (20) feet. [-or]

(c) [2:] If conditions at the site are such that zone of saturation or vadose zone monitoring [groundwater is at a depth or of a condition such that monitoring the unsaturated zone] would not reflect a contribution from the swine waste lagoon, the applicant shall [may] submit an alternative monitoring plan to demonstrate the performance of the lagoon liner.

**(d) The cabinet may require additional monitoring, based on geological considerations and the lagoon size, shape, and structure, to reasonably ensure that a leak from the liner will be detected.**

**(2) [(4)] Analysis parameters. The permittee shall analyze each monitoring [groundwater] sample for the following parameters: chlorides, nitrate nitrogen, total phosphorus, and fecal coliform. However, if lysimeters are used to monitor the vadose zone, fecal coliform shall not be sampled and analyzed.**

(3) [(5)] Monitoring well and lysimeter sampling.

(a) Each monitoring [groundwater] sample shall be collected and analyzed according to the procedures in Section 11 of this administrative regulation.

(b) Each monitoring well shall be purged three (3) to five (5) well volumes prior to sampling. **Purging is not required for a lysimeter.**

(c) Each monitoring well and lysimeter shall be sampled semiannually after beginning lagoon operation. Samples from each monitoring well and lysimeter shall be analyzed for the parameters listed in subsection (2) [(4)] of this section.

(4) [(6)] Reporting and recordkeeping. **Monitoring sample** [Groundwater-sampling] results shall be recorded on the form "Groundwater Sample Analysis for Swine Feeding Operations", incorporated by reference in Section 18 of this administrative regulation and shall be submitted to the cabinet according to the procedures in Section 11 of this administrative regulation.

Section 8. Lagoon Liner Failure Response. (1) If a down-gradient monitoring [well] sample analysis result exceeds three (3) times the value of the up-gradient monitoring [well] sample analytical result and for nitrate nitrogen exceeds ten (10) mg/l or for chlorides exceeds 250 mg/l, then the permittee shall notify the cabinet immediately by calling 1-800-928-2380. The permittee shall also develop a plan to repair the swine waste lagoon or to determine the source of contamination.

(2) The permittee shall submit the plan to the cabinet for review and approval within forty-five (45) days of receiving the sampling results that exceed the value in subsection (1) of this section. The plan shall include a timetable for investigating the cause of the exceedances and all lagoon liner performance monitoring data required by this administrative regulation. The plan may include additional monitoring to demonstrate that the lagoon liner is performing as designed. If the lagoon liner is not performing as designed, the plan shall specify the methods for repairing the lagoon liner.

(3) The cabinet shall review the plan and the permittee shall make changes in the plan to conform with the cabinet's comments in accordance with this administrative regulation.

(4) If the cabinet approves a plan to repair the lagoon, the repairs to the liner or other corrections identified in the approved plan shall be completed no later than 120 days after the cabinet's approval of the plan or when requested by the cabinet if the failure is imminent.

(5) Groundwater contamination that occurs as a result of a discharge from the lagoon shall be addressed and corrected so that groundwater contaminant levels do not exceed ten (10) mg/l for nitrate nitrogen or 250 mg/l for chlorides, or ambient background groundwater quality conditions at the property line of the swine feeding operation.

(6) Before restarting lagoon operation, the permittee shall have a professional engineer or the NRCS certify that the repairs have been made in accordance with the approved plan and shall notify the cabinet that the repairs have been made and so certified.

(7) After restarting the lagoon operation following the procedures specified in Section 6 of this administrative regulation or following the procedures in the approved plan, the permittee shall return to the original sampling frequency required in Section 7 of this administrative regulation or the frequency specified in the approved plan.

Section 9. Land Application. (1) The permittee shall dispose of the swine waste in the swine waste lagoon by land application, unless an alternative practice is approved by the cabinet pursuant to Section 13 of this administrative regulation. The permittee shall apply waste only on areas that are included in the SWMP.

(2) Nutrient management plan.

(a) Each swine feeding operation shall develop a nutrient management plan that describes how the swine waste generated by the swine feeding operation will be used for the benefit of the surrounding land, and how and where the swine waste will be land applied.

(b) The nutrient management plan shall contain the following information:

1. The proposed swine waste land application rate per acre, based on crop nitrogen requirements, method of application, expected quantity of nitrogen in the swine waste, residual nitrogen from previous waste application, and other sources of nitrogen applied as

## ADMINISTRATIVE REGISTER - 1904

fertilizer;

2. Total number of acres needed for land application including the:

a. Number of acres needed to land apply the swine waste based on the land application rate per acre in subparagraph 1 of this paragraph [~~including the acreage necessary to comply with subsection (3)(e) of this section~~]; and

b. Number of acres needed to comply with the siting restrictions for land application in Section 5 of this administrative regulation;

3. A demonstration that the applicant has adequate land available to comply with the land application requirements of subparagraph 2 of this paragraph. The demonstration shall consist of a certified copy, duly filed of record, of at least one (1) of the following that demonstrate legal right to apply waste to the proposed land application area or legal right to the variance on the setback allowed by Section 5 of this administrative regulation:

a. The deed to the property;

b. The lease for the property of at least five (5) years' duration, evidencing the right to use another's property for land application; or

c. An easement evidencing the right to use another's property for land application or legal right to the variance in the setback allowed by Section 5 of this administrative regulation; and

4. A swine waste lagoon management plan that describes:

a. The frequency of the supernatant removal;

b. The frequency of residual solids removal;

c. The type of equipment that will be used for land application; and

d. The odor control practices;

(c) The nutrient management plan shall be submitted with the permit application for the cabinet's approval. It shall be reviewed and updated as necessary and be maintained on site. The cabinet shall review the initial plan and the applicant shall make changes to conform with the cabinet's comments, in accordance with this administrative regulation.

(3) Land application management.

(a) For every land application event, the permittee shall sample the swine waste to be applied. The sample shall be collected and analyzed for the parameters listed in Section 10(2) of this administrative regulation.

(b) Supernatant and residual solids shall be land applied using irrigation, surface spreading, or injection techniques. Residual solids shall be incorporated into the soil within twenty-four (24) hours of land application or injected [land applied using only injection].

(c) Swine waste shall not be land applied:

1. On frozen or saturated soil or during a precipitation event; or

2. In excess of the amount needed to provide the nitrogen requirement of the crop being grown.

(d) Swine waste shall not reach waters of the Commonwealth by runoff, drift, manmade conveyances, direct application, or direct discharge.

(e) ~~[Swine waste shall be land applied on the same field only three (3) out of every four (4) years.]~~

(f) The document "Natural Resources Conservation Service, Conservation Practice Standard, Filter Strip (ACRE), Code 393, NRCS-KY-April 1997", incorporated by reference in Section 18 of this administrative regulation, shall be used to determine if a filter strip is required for a field that receives swine waste. If a filter strip is required, it shall be designed, installed, and maintained according to that document. This strip may be included as a part of the setback area.

Section 10. Swine Waste Lagoon and Land Application Sampling Analysis and Recordkeeping. The applicant shall conduct background and annual land application performance soil analysis and annual swine waste lagoon analysis specified in this section and maintain records of those analysis results according to the procedures specified in this section and Section 11 of this administrative

regulation.

(1) Soil sample analysis.

(a) Background sample analysis. Before the submittal of a permit application or permit modification and to establish the background conditions of the soil, the applicant shall conduct a baseline soil sample analysis for each field. The applicant shall analyze each soil sample for available phosphorus, available potassium, pH, and CEC.

(b) Annual sample analysis. The permittee shall perform an annual soil analysis on a composite sample from each field that will receive swine waste that year. The permittee shall analyze each soil sample for available phosphorus, available potassium, soil pH, and buffer pH.

(2) Swine waste analyses. The contents of the swine waste lagoon shall be analyzed for every land application event for the following parameters:

(a) Total kjeldahl nitrogen, nitrate nitrogen, and ammonia nitrogen;

(b) Total phosphorus;

(c) Total potassium;

(d) pH;

(e) Chloride; and

(f) Total solids.

(3) Each swine feeding operation shall maintain records of all swine waste that is land applied. The records shall be entered on the form "Swine Waste Land Application Log", incorporated by reference in Section 18 of this administrative regulation. Copies of the records shall be submitted with the permit renewal application. The records shall contain the following information:

(a) Soil and waste analytical results required in subsections (1) and (2) of this section; and

(b) For each land application event:

1. Field number and acreage;

2. Date applied;

3. Crop;

4. Quantity applied;

5. Method of application;

6. Type of swine waste applied; and

7. Percent of total solids of swine waste applied;

Section 11. General Monitoring, Analysis, and Reporting Requirements. (1) Reports.

(a) Groundwater monitoring, soil sampling, and swine waste analytical results shall be maintained by the swine feeding operation on site. The forms "Groundwater Sample Analysis for Swine Feeding Operations" and "Swine Waste Land Application Log", incorporated by reference in Section 18 of this administrative regulation, shall be used to record the data.

(b) A minimum of five (5) years of data shall be maintained, unless the operation has had its permit for less than five (5) years. If the operation has had its permit for less than five (5) years, all required data shall be maintained. These data shall be made available to the cabinet upon request.

(c) Copies of the analytical and monitoring data for the most recent five (5) years shall be submitted to the cabinet with an application to renew or modify the permit, unless the operation has had its permit for less than five (5) years. If the operation has had its permit for less than five (5) years, all required data shall be submitted.

(2) Monitoring, analysis, and records.

(a) Sampling shall be conducted and the analysis shall be performed according to the procedures in 40 CFR Part 136, "Guidelines Establishing Test Procedures for the Analysis of Pollutants", adopted without change in Section 19 of this administrative regulation, unless other procedures have been specified in the permit.

(b) Samples and measurements shall be representative of the monitored activity.

(c) Monitoring records shall include:

1. The date, exact place, and time of sampling or measurements;

2. The individuals who performed the sampling or measurements;

## ADMINISTRATIVE REGISTER - 1905

3. The dates analyses were performed;
4. The laboratories that performed the analyses;
5. The analytical techniques or methods used; and
6. The results of the analyses.

(d) A person who falsifies, tampers with, or knowingly renders inaccurate a monitoring device or method required to be maintained under the permit shall, upon conviction, be subject to penalties under KRS 224.99.

Section 12. General Environmental Conditions. (1) No permit shall be issued to a swine feeding operation authorizing [that permits] a direct discharge into the waters of the Commonwealth except a [unless that] discharge [is] caused by a rainfall event exceeding a twenty-five (25) year, twenty-four (24) hour rainfall event.

(2) The applicant shall demonstrate to the cabinet that the swine feeding operation will:

(a) Protect those minimum conditions found in 401 KAR 5:031 applicable to all waters of the Commonwealth;

(b) Not cause those waters classified by 401 KAR 5:026 or 5:030 to be of a lesser quality than the criteria applicable to those waters in 401 KAR 5:031 or the requirements of 401 KAR 5:030;

(c) Be in accordance with any of the general or particular swine feeding operation requirements mandated by this administrative regulation.

(d) Not create an environmental or a public health hazard;

(e) Not result in the contamination of public or private drinking water source or supply;

(f) Not result in the destruction of endangered or threatened species or contribute to the taking of a federally endangered or threatened species of fish or wildlife; and

(g) Conform to other handling, treatment, and management and removal requirements deemed necessary by the cabinet to implement this administrative regulation and protect the waters of the Commonwealth.

(3) Dead animals shall be disposed of in accordance with KRS 257.160 and Chapter 263.

Section 13. Variance for Experimental or Alternative Practices. A swine feeding operation may obtain a variance from Sections 5, 6, 7, and 9 of this administrative regulation with the use of an experimental or alternative practice or technology that deviates from the requirements of this administrative regulation. The variance shall be submitted as a new permit, permit modification, or permit renewal.

(1) The applicant shall submit a request for the variance explaining the alternative or experimental practice or technology and documenting how the practice will be implemented.

(2) The cabinet may request additional technical information. The cabinet will review the alternative or experimental practice or technology and may request additional review from the most appropriate technical agency to determine if the practice or technology is appropriate.

(3) The variance may be granted if the applicant demonstrates the practice or technology will comply with the requirements of Section 12 of this administrative regulation, will not pollute the waters of the Commonwealth, will not result in additional problems with odors from the operation, and will not cause additional health or environmental problems.

(4) If the alternative or experimental practice or technology fails to provide adequate environmental protection, the cabinet may revoke the variance and require the owner or operator to comply with the provisions of this administrative regulation.

Section 14. Compliance. If the swine feeding operation is not in compliance with the requirements of this administrative regulation or the conditions of its permit, the cabinet may:

- (1) Revoke or modify the permit;
- (2) Initiate enforcement action;

- (3) Issue a notice of intent to deny a new permit;
- (4) Issue a new permit under Section 2 of this administrative regulation with appropriate conditions; or
- (5) Take other actions authorized by KRS Chapter 224 and the administrative regulations in 401 KAR Chapter 5.

Section 15. Standard Permit Conditions. The following conditions shall apply to all permits for swine feeding operations.

(1) Duty to comply. The permittee shall comply with all conditions of the permit. A permit noncompliance constitutes a violation of KRS Chapter 224, among which are the following remedies: enforcement action, permit revocation, permit modification, or denial of a permit renewal application. A person who violates a permit condition as set forth in this administrative regulation is subject to penalties under KRS 224.99.

(2) Duty to reapply. If the permittee wishes to continue an activity regulated by the permit after the expiration date of the permit, the permittee shall apply for and obtain a new permit as required by Section 2 of this administrative regulation.

(3) Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit. The structural stability of a unit or part of the permitted swine feeding operation is the sole responsibility of the permittee. The failure of a structural unit or part of the swine feeding operation shall not relieve the permittee of the responsibility of complying with each term and condition of the permit.

(4) Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent a discharge in violation of the permit.

(5) Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances that are installed or used by the permittee to achieve compliance with the conditions of the permit.

(6) The filing of a request by the permittee for a permit modification, renewal, or reissuance or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(7) Property rights. The permit does not convey a property right of any kind, or an exclusive privilege.

(8) Duty to provide information. The permittee shall furnish to the cabinet, within a reasonable time, any information which the cabinet may request to determine whether cause exists for modifying, reissuing, or revoking the permit, or to determine compliance with the permit. The permittee shall also furnish to the cabinet, upon request, copies of records required to be kept by the permit.

(9) Inspection and entry. The permittee shall allow the cabinet, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

(a) Enter upon the permittee's premises where a regulated swine feeding operation is located or conducted, or where records pertinent to the permit are or may be kept;

(b) Have access to and copy, at reasonable times, any records that shall be kept under the conditions of the permit;

(c) Inspect at reasonable times a swine feeding operation including monitoring and control equipment, practices, or operations regulated or required under the permit; and

(d) Sample or monitor at reasonable times, for the purposes of assuring compliance with this administrative regulation or as otherwise authorized by KRS Chapter 224, any substances or parameters at any location.

(10) After construction of the swine waste lagoon is completed and before beginning lagoon operation, the permittee shall submit to the cabinet the as-built certification required by Section 6 of this administrative regulation. The cabinet shall notify the permittee within ten (10) days of receipt of the certification of any problems associated with the certification or the construction of the lagoon.

## ADMINISTRATIVE REGISTER - 1906

(11) Signatures. Each application, report, or other information submitted to the cabinet shall be signed and certified by the owner or operator of the swine feeding operation. A person who knowingly makes a false statement, representation, or certification in a record or other document submitted or required to be maintained under this administrative regulation, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be subject to penalties under KRS 224.99.

Section 16. Compliance Reporting Requirements. (1) Planned changes. The permittee shall give notice to the cabinet as soon as possible of a planned physical alteration or addition to the permitted swine feeding operation.

(2) Anticipated noncompliance. The permittee shall give advance notice to the appropriate regional office and the Division of Water's central office in Frankfort of a planned change in the permitted swine feeding operation which may result in noncompliance with permit requirements.

(3) Lagoon discharge reporting. If there is a direct discharge from the lagoon, a direct discharge during land application to the waters of the Commonwealth, or a discharge through the spillway or over the berm, the permittee shall immediately notify the cabinet at 1-800-928-2380. The permittee shall provide the following information in the notification:

(a) A description and cause of the discharge, including a description of the flow path to the receiving water body;

(b) An estimate of the flow rate and volume discharged;

(c) The period of discharge, including exact dates and times, and if not already corrected, the anticipated time the discharge is expected to continue; and

(d) Steps taken to reduce, eliminate, and prevent recurrence of the discharge.

(4) Noncompliance endangering human health and environment. The permittee shall orally report any noncompliance which may endanger human health or the environment, immediately when the permittee becomes aware of the circumstances by calling 1-800-928-2380. This report shall be in addition to and not in lieu of another reporting requirement applicable to the noncompliance. A written submission shall also be provided within seven (7) days of when the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The cabinet may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(5) Other noncompliance. The permittee shall report all instances of noncompliance not reported under subsection (4) of this section, with the next permit application.

Section 17. Permit Timetables. This section shall apply to permits issued pursuant to this administrative regulation.

(1) Within thirty (30) calendar days of initial receipt of an application for a SWMP the cabinet shall notify the applicant as to whether the application is administratively complete, or if not complete, of the deficiencies that make the application administratively incomplete. A determination that the application is administratively complete shall not mean that the application is complete in every detail, nor shall it mean that every aspect of the application is technically sufficient or approvable.

(2) If the application is determined to be administratively incomplete, the applicant shall correct identified deficiencies within thirty (30) calendar days of the date of notification. If the applicant does not correct identified deficiencies within the time frame, the cabinet may return the application.

(3) After the notification that the application is administratively

complete, if the cabinet determines that the application is technically deficient, the cabinet shall notify the applicant of deficiencies that make the application technically incomplete or unapprovable. The applicant shall correct the technical deficiencies within thirty (30) calendar days of the notification, or other time as agreed upon in writing by the applicant and cabinet. If the technical deficiencies are not corrected within thirty (30) calendar days or the agreed upon time frame, the cabinet may deny the permit.

(4) The cabinet shall issue its final decision on a complete permit application within ninety (90) calendar days after receipt of an administratively complete permit application. A complete permit application shall contain all the administrative and technical information required by this administrative regulation.

(5) Timetable exclusions. Time periods which shall not be included in the cabinet's consideration of its decision on a SWMP application shall include:

(a) Time waiting for the applicant to respond to a notice of deficiency;

(b) Time during which an opportunity for public comment period on a draft permit is given; and

(c) Other times as agreed to in writing by the applicant and the cabinet.

Section 18. Documents Incorporated by Reference. The following documents and forms are incorporated by reference. Except as noted, the documents may be obtained from the Division of Water, 14 Reilly Road, Frankfort, Kentucky. The material is available for inspection and copying, subject to copyright laws, at the Division of Water. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday, excluding state holidays.

(1) Forms.

(a) "Kentucky Swine Waste Management Permit for Swine Feeding Operations Permit Application, DEP 7033-SFO (12/97)", Kentucky Division of Water;

(b) "Change in Ownership Certification for Swine Waste Management Permit, DEP 7033-CO (12/97)", Kentucky Division of Water;

(c) "Swine Waste Land Application Log, DEP 7033-LOG (2/98 [12/97])", Kentucky Natural Resources and Environmental Protection Cabinet, Department for Environmental Protection, Division of Water;

(d) "Groundwater Sample Analysis for Swine Feeding Operations, DEP 7033-GW (2/98 [12/97])", Kentucky Natural Resources and Environmental Protection Cabinet, Department for Environmental Protection, Division of Water; and

(e) "Worksheet for Calculating Swine Units, DEP 7033-W (2/98 [12/97])", Kentucky Natural Resources and Environmental Protection Cabinet, Department for Environmental Protection, Division of Water.

(2) "Natural Resources Conservation Service, Conservation Practice Standard, Filter Strip (Acre), Code 393, NRCS-KY-April 1997". This document may be obtained from the NRCS, 771 Corporate Drive, Suite 110, Lexington, Kentucky 40503, 606/224-7350.

Section 19. Adoption Without Change. The following federal regulation is adopted without change: "40 CFR Part 136, "Guidelines Establishing Test Procedures for the Analysis of Pollutants", as in effect July 1, 1997".

(a) The federal regulation may be obtained from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402-9328; and

(b) The federal regulation is available for inspection and copying, subject to the copyright laws, at the Division of Water, 14 Reilly Road, Frankfort, Kentucky. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday, excluding state holidays.

JAMES E. BICKFORD, Secretary

GLENN A. JO CURRY, General Counsel

APPROVED BY AGENCY: February 12, 1998

## ADMINISTRATIVE REGISTER - 1907

FILED WITH LRC: February 13, 1998 at 9 a.m.

### REGULATORY IMPACT ANALYSIS

Contact Person: Robert W. Ware, Assistant Director

(1) Type and number of entities affected: This administrative regulation applies to a new swine feeding operation. A swine feeding operation is an operation that confines 1,000 swine units or more and is not a concentrated animal feeding operation.

This administrative regulation does not apply to existing agricultural wastes handling systems, which will be allowed to continue under the Kentucky No-Discharge Operational Permit (KNDOP) program pursuant to 401 KAR 5:005, as long as they do not increase up to or beyond 1,000 swine units after the effective date of this administrative regulation. Upon exceeding the 1,000 swine unit threshold, the new portion of the operation will be subject to this administrative regulation.

This administrative regulation does not apply to an existing swine feeding operation that obtained a permit under the KNDOP program, or had applied for the permit before the effective date of this administrative regulation, unless the swine feeding operation increases the number of swine units after the effective date of this administrative regulation.

This administrative regulation applies to an existing swine feeding operation that confines 1,000 or more swine units and that failed to obtain a permit under the KNDOP program and failed to apply for the permit before the effective date of this administrative regulation, unless it notifies the Cabinet in writing by July 1, 1998, that it wishes to be governed under the KNDOP program. In this instance, the swine feeding operation must apply for and receive a permit under the KNDOP program by July 1, 1999. Once permitted, changes to the swine feeding operation would be regulated as if the facility had obtained a permit under the KNDOP program or had applied for the permit before the effective date of this administrative regulation.

The number of new swine feeding operations seeking to locate in Kentucky is unknown. However, some large integrator swine feeding operations have expressed an interest in obtaining a permit to locate in Kentucky. If large integrator swine feeding operations locate in Kentucky and obtain permits, they will require contract growers.

Large integrators confine a large number of sows for breeding purposes at a central swine feeding operation ("farrowing"). The sows give birth to an average of 2.3 litters per year with approximately 10 piglets born with each litter. The piglets are often housed at swine nursery facilities until they reach a certain weight (approximately 55 pounds) at which time they are transferred to a "finishing" swine feeding operation where they are raised to market weight. Swine finishing operations are commonly "contract growers" for the large integrators. Nursery facilities may also work under contract with large integrators.

With integrators locating in Kentucky, the need for contract growers will likely be addressed to some extent by the expansion of some existing operations permitted under the KNDOP program; however, some new swine feeding operations will likely be established.

The cabinet can only estimate the number of existing agricultural wastes handling systems currently permitted under the KNDOP program seeking to expand up to or beyond the 1,000 swine unit threshold. The cabinet estimates there are fewer than 150 agricultural wastes handling systems that are near or above the 1,000 swine unit threshold, or 6% of the total number of swine operations in Kentucky. This estimate is based on the cabinet's KNDOP program database and a survey conducted by researchers at the University of Kentucky's Department of Agricultural Economics.

Researchers at the University of Kentucky's Department of Agricultural Economics indicate the number of swine produced has generally declined in Kentucky since 1982; however, eleven counties in the central portion of the state have seen a 25% increase in the

number of hogs produced during this period. Over the same period, there has been a 45% decrease in the number of farms producing hogs in these counties. This suggests that swine production facilities have become larger in terms of the number of swine produced at any given site. If this trend continues, the number of affected entities will continue to rise over time, though the total number of swine-producing operations may actually decrease.

The cabinet tracks existing permit-holders based on the number of head of swine at each permitted operation. The cabinet presently permits 143 agricultural wastes handling systems with 1,000 or more head of swine, all of which are located in the western part of the state (west of Interstate 75). The top four largest swine operations are in Nelson (16,400 swine), Graves (12,000 swine), Allen (11,200 swine), and Butler (11,020 swine) counties, respectively. Most permitted agricultural wastes handling systems with 1,000 or more swine are west of Interstate 65.

The cabinet can only estimate the number of existing agricultural wastes handling systems expected to choose to become regulated under the less stringent requirements of 401 KAR 5:005. According to Kentucky Agricultural Statistics 1996-97 there are approximately 2,500 swine operations in Kentucky. The KNDOP program currently lists 394 permittees. Using these estimates, there are roughly 2,106 unpermitted swine operations within the Commonwealth, though not all of these operations require a permit under this administrative regulation.

(2) Direct and indirect costs or savings on the affected entities: This administrative regulation will require affected entities to comply with siting, permitting, design, operation, and public notification requirements.

All affected entities will be required to have under their control land of suitable acreage to allow for the required setbacks and the proper disposition of swine waste. These costs could be significant depending on the size and location of the operation.

This administrative regulation includes siting restrictions for swine feeding operations in wellhead protection areas, jurisdictional wetlands, and 100-year floodplains. Land application of swine waste is prohibited in areas with slopes steeper than 12%, and in areas with less than 18 inches of soil to bedrock. Land application of swine waste is not to exceed the agronomic capacity of the receiving fields. In some instances of existing operations seeking to expand, the land may be unsuitable, or unavailable, for the increased waste to be applied, thus necessitating a greater amount of acreage for land application.

Furthermore, setback requirements constrain the acreage of available land for swine waste application. These factors will limit availability of suitable land for swine waste application. With this regulation in effect, certain areas may experience upward pressure on property values (and taxes) if demand for suitable sites increases. Land acquisition costs would increase accordingly.

Land acquisition costs will vary depending on the amount of land already under control of the affected entity, the setbacks applicable to the site, and the agronomic characteristics of the land application areas. Farm property values average \$1,077 per acre (1992 Census of Agriculture). This administrative regulation may require the purchase of additional land to meet all setback and siting requirements.

However, these costs could be reduced or nonexistent, depending on the amount of land under the operator's control. Costs can also be minimized through a negotiated lease or other agreement between the owner or operator of the swine feeding operation and the owner of acreage suitable for land application of the swine waste. Furthermore, these costs can be offset through income generated by the sale of row crops grown on the land application areas, or through renting the land to farmers of row crops.

Considering the extent of environmentally sensitive areas and other restricted sites, the installation of swine feeding operations in many areas of Kentucky will be prohibited, possibly creating a

## ADMINISTRATIVE REGISTER - 1908

premium for those lands that are suitable.

If large integrator swine feeding operations do not locate in Kentucky, there could be less demand for associated agricultural operations such as grain suppliers and contract growers. However, it is unclear whether the installation of large integrator swine feeding operations in Kentucky will cause a positive or negative net economic impact on small-scale swine operators. Anecdotal evidence from Oklahoma indicates large integrators tend to drive up demand for land application acreage to the point that small-scale swine operators cannot purchase land needed for expansion of their operations.

Researchers from the University of Kentucky's Department of Agricultural Economics indicate the community and regional economic impacts associated with large integrator swine feeding operations could be significant if these integrators acquire building materials, feed, labor, and other production inputs from the local economy. However, there is anecdotal evidence from the Corn-Belt region indicating large integrators tend to contract building materials, feed, and veterinary services out to larger companies not necessarily located in the community where the feeding operations reside. If so, then the economic benefit to the host community from large integrators would be diminished. Data are insufficient to conclude the economic impacts large swine feeding operations will have on communities. However, even if all construction, feeding and veterinary services are obtained from outside the host community, there will be expenditures. Hence, if large integrator swine feeding operations do not locate in Kentucky, this will have the negative effect of these foregone expenditures in host communities although the scale of this impact is difficult to predict.

Compliance standards will require a swine feeding operation to conduct lagoon liner performance testing to adequately determine the integrity of waste lagoons. Lagoon liner performance testing for the first year will require two samples at three points (one up-gradient and two down-gradient of the lagoon(s)). Installation of three wells for lagoon liner performance testing will cost an estimated \$1,200 to \$9,000. Tests conducted for the prescribed parameters will cost an estimated \$67 to \$200 per well per sampling event, including labor costs. With these estimates, lagoon liner performance testing costs, including well installation, are estimated at between \$1,600 and \$10,200 for the first year. These costs could be less if the site is suitable for the use of lysimeters, instead of wells, for groundwater monitoring. Installation of three lysimeters is estimated to cost \$1,500.

Expanding swine feeding operations may be required to modify their existing lagoon if the lagoon fails to conform to the requirements of this administrative regulation. The liner requirements and depth to bedrock requirements for lagoons, along with the setbacks required, may preclude expansion of existing operations in certain circumstances, depending on land availability. Liners must have a minimum of 12 inches of compacted soil or a synthetic liner to meet permeability standards. Liner costs will vary depending on the availability of suitable soils near the lagoon. Estimates for a clay liner for a 5-acre lagoon range from \$20,000-\$30,000 and twice this figure for a synthetic liner. Permeability tests for the liner cost an estimated \$75.

For the second and subsequent years, swine feeding operations affected by this regulation will be required to incur a minimal cost (approximately \$400 to \$1,200 total per year) to test for lagoon liner leaks at three (3) detection points twice per year. If leaks are detected, the permittee must develop a plan for repair or further monitoring. The swine feeding operation may perform additional monitoring to verify that the liner is performing as designed and potentially avoid liner replacement costs for properly performing lagoons. Testing costs will be dependent on the extent of lagoon leakage.

A swine feeding operation is also required to develop and implement a nutrient management plan to ensure proper disposition of lagoon waste. Currently a nutrient management plan is a standard part of any large-scale agricultural operation. This requirement is not

expected to create significant new costs for the affected entities.

Baseline and annual soil testing, as part of the overall nutrient management plan, will be required at each field targeted to receive swine waste. Cost for the affected entities are estimated at \$50 per year per field. Total costs will vary depending on the number of fields to be sampled. Swine waste testing is required prior to each land application event. If a swine feeding operation applies waste 5 times in a year, the testing costs would total an estimated \$50 per event, or \$250 for the year.

Costs of compliance will vary dramatically depending on several factors. These include the existing infrastructure at the operation and the amount of land under the operator's control. The cabinet has prepared the following general breakdown of new costs to the affected entities.

### First Year:

Suitability assessment of lagoon site	\$5,000
Permit application preparation and development of nutrient management plan*	\$4,000
Lagoon construction with compacted soil liner	\$25,000
If synthetic liner is required, add	\$25,000
Lagoon liner permeability test	\$75
Groundwater monitoring well installation	\$5,100
If lysimeters are appropriate, the cost is lowered to	\$1,500
Semiannual groundwater monitoring	\$800
Lagoon waste testing (for 5 land application events)	\$250
Soils testing (per field)	\$50

### Second and Subsequent Years:

Semiannual groundwater monitoring	\$800
Lagoon waste testing (for 5 land application events)	\$250
Soils testing (per field)	\$50

\*Could be less if conducted by the NRCS.

Additional land may be necessary to meet setbacks and siting requirements. Costs are dependent on the amount of land under the control of the swine feeding operation, the cropping system employed on the land application areas, and whether the land is leased or purchased.

(a) Effect on the cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: The cabinet can only estimate the extent to which this regulation will impact the cost of living and employment for new swine feeding operations. The cabinet received comments from the public concerning the local or regional impacts of this regulation. Comments received focused primarily on the location decisions of large swine feeding operations, and their effects on local communities.

It is unclear whether this administrative regulation will deter the installation of large swine feeding operations. Operations of this size (an estimated \$2 million - \$5 million investment) are believed to factor in the costs of environmental compliance into their operations. Furthermore, the limited studies that have been conducted regarding this issue provide mixed reviews as to whether the installation of large swine feeding operations would produce an overall positive or negative effect on the cost of living and employment.

Because this regulation does not apply to existing swine feeding operations operating under their current permit, there are no foreseen impacts on the cost of living or employment levels for existing swine feeding operations.

All affected entities will incur costs to come into compliance with this regulation. This cost could have an effect on the employment levels of these operations. Employment levels, however, are dependent on many factors including market demand for swine, and the management practices of the affected entities.

(b) Effect on the 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 cabinet can only estimate the extent to which this regulation will impact the cost of doing business. This regulation does not apply to agricultural wastes handling systems operating under their currently permitted capacity. Therefore, there are no foreseen impacts on the cost of doing business for existing agricultural wastes handling systems, unless they increase up to or beyond the 1,000 swine unit threshold.

The cabinet received several comments from the public questioning the impact of this regulation on the viability of small farms. By tiering the regulation to apply only to those operations confining 1,000 or more swine units, the cabinet attempts to ensure that those operations generating less swine waste are not required to bear the costs of complying with the regulation.

(c) Effect on the compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition), to the extent available from the public comments received, for the:

1. First year following implementation: Reporting and paperwork will be greater for the affected entities under the new SWMP program, compared to the existing KNDOP program. Increased reporting and paperwork result from the requirements for site suitability assessments, monitoring well installation, soil testing, lagoon liner performance testing, lagoon waste testing, and nutrient management plans. For more detailed information on first year costs, see section (2) above.

2. Second and subsequent years: Increased reporting and paperwork result from the requirements for soil testing, lagoon liner performance testing, and lagoon waste testing. For more detailed information on costs for the second and subsequent years, see section (2) above.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The cabinet will be required to review applications and process permits for all swine feeding operations that are required to comply with this administrative regulation. If an existing unpermitted operation decides to comply with 401 KAR 5:005, the cabinet will be required to review and process permits to those facilities by July 1, 1999. There are an estimated 2,106 unpermitted swine operations in Kentucky, though not all of these facilities require a permit from the cabinet.

The cabinet currently devotes 0.2 person-years to the review and issuance of animal feeding operations covered under the KNDOP program governed by 401 KAR 5:005. Given the added complexity of the reviews required, the cabinet lacks the resources to fully implement the new SWMP program. Additional staff time will be required to conduct a thorough review of the reports submitted by permit applicants. The cabinet will require two new engineers to adequately process the expected permit load.

The cabinet also conducts site visits as part of the permitting process. Site inspections are necessary to determine the overall suitability of the site and verify that construction is commencing in accordance with the issued permit. There is an expected increase in the number of complaints to be investigated, compliance inspections, records reviews, and confirmation sampling. To meet expected demand, the cabinet will require four new field inspectors.

Total personnel costs for two additional engineers and four additional inspectors are estimated at \$215,000.

2. Continuing costs or savings: One additional biologist and one additional groundwater hydrologist will be needed to collect surface and groundwater ambient monitoring data to establish conditions and trends in areas associated with swine feeding operations. This information will provide the basis to assess nutrient levels and the presence of pathogenic contamination as it pertains to ecological and human health, and to determine the overall effectiveness of this administrative regulation. Total additional personnel costs for these two positions are estimated at \$72,000.

Additional staff time will be required on a continuing basis to

review soil test data, lagoon liner performance data, and nutrient management plans. Staff time will need to be increased by cabinet agronomists, geologists, and engineers. Inspectors' time will need to be increased to verify the operation and compliance of the swine feeding operations, particularly those in the jurisdictions of the cabinet's western regional offices.

3. Additional factors increasing or decreasing costs: If soil data or lagoon liner performance data indicate environmental degradation is occurring, additional testing and lagoon repairs may be required. These events would require further devotion of staff time to conduct a thorough review of the swine feeding operation.

However, these testing requirements may prevent a future lagoon breach or environmental degradation, thus preventing significant damages (financial and otherwise) to the affected entities, the promulgating agency, and the environment. North Carolina environmental officials have indicated a 22-million-gallon lagoon breach in North Carolina resulted in a \$62,000 fine for the operator, and a multimillion dollar assessment and cleanup effort.

(b) Reporting and paperwork requirements: There will be an increase in the number of permit applications and reports submitted by swine operations. Applications and reports will require a thorough review by cabinet staff. There will also be an increase in the number of inspection reports that must be completed by cabinet inspectors.

(4) Assessment of anticipated effect on state and local revenues: Permit fees are not required for this administrative regulation. Therefore, state General Fund revenue and federal grants will be used for implementation and enforcement of this administrative regulation.

Swine feeding operations may impact local revenues. New swine feeding operations could impact local tax revenues as provided by local tax ordinances. However, it is unclear whether this administrative regulation will affect the location decisions of swine feeding operations.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: General Fund revenue and federal grants will be used for implementation and enforcement of this administrative regulation. Existing resources are insufficient to fully implement the new SWMP program.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from the administrative regulation, on:

(a) Geographical area in which administration regulation will be implemented: The requirements of this administrative regulation apply throughout Kentucky.

(b) Kentucky: Most swine operations are located in western Kentucky, therefore the economic impacts are expected to be most prevalent in that region. Also, the siting restrictions, setbacks, and land application restrictions will further constrain the number of swine feeding operations locating in eastern Kentucky.

Economic impacts are dependent on many factors. One component is property values. A Minnesota study by Taff, Tiffany and Weisburg (1996) found that if newly locating swine feeding operations increase demand for housing through new hires or transferred labor, property values could increase. However, if swine feeding operations create negative effects on quality of life (odors, increased traffic, etc.) for the surrounding areas, property values could decrease. A Michigan study by Abeles-Allison and Connor found housing values decreased \$.43 for each additional hog within a five mile radius of the study area (or \$430 for each additional 1,000 swine).

Palmquist, Roka, and Vukina (1996) studied the impacts on nearby housing prices of new hog operations in southeastern North Carolina. This study shows that the proximity of hog operations has a statistically significant and negative impact on property values. The results also show that monetary damages decrease with the increasing distance from the swine production facility to the house. The results also show that expansion of swine production in areas where swine concentration is already high will have a smaller negative effect



on surrounding property values than when expansion occurs in low swine density areas. This regulation creates safeguards for proper operation and management of swine feeding operations. If implemented correctly by the affected entities, these negative effects can be minimized.

(7) Assessment of alternative methods; reasons why alternatives were rejected: The cabinet considered extending the applicability of this regulation to all swine feeding operations that had more than 300 swine units. However, the cabinet rejected that approach because the cabinet considers the smaller operations to be adequately addressed under the current KNDOP permitting program.

The cabinet also considered continuing the current permitting program for all operations regardless of their size, or establishing a threshold higher than 1,000 swine units. However those approaches were rejected since the volume of waste generated by the larger operations poses a threat to Kentucky's environment, and the potential environmental damage due to failure of a lagoon is greater for the larger operations.

The cabinet may approve an alternative or experimental technology if the applicant demonstrates that the alternative or experimental technology will comply with the general environmental conditions required in this regulation, not pollute the waters of the Commonwealth, will not result in additional problems with odors, and will not cause additional health or environmental problems.

(8) Assessment of expected benefits of the administrative regulation: Benefits take the form of potential damages avoided. Properly operated and maintained operations will result from promulgation of this regulation. For a description of property value losses that could be avoided through this regulation, see (6)(b) above.

In western Kentucky, the tourism industry is a major contributor to the regional economy. This regulation creates safeguards to assure the proper operation and maintenance of swine feeding operations. By addressing the impacts of swine odor, the potential for lagoon failure, and the potential contributions of nutrients and other pollutants to area waters, this regulation is expected to protect those factors so critical to a vibrant tourist industry and overall quality of life.

This administrative regulation requires adherence to strict construction standards for swine waste lagoons, along with semi-annual groundwater monitoring around the lagoons. These, and other, requirements are expected to prevent contamination of groundwater from leaking lagoons.

A Pennsylvania study by Abdalla (1990) indicated people undertake substantial averting actions in response to groundwater contamination and that such actions can have significant economic consequences. These averting actions can take the form of expenditures for point-of-use treatment systems, bottled water, and/or modifications to daily routines to avoid exposure to the contaminant. Abdalla found the total costs for the averting actions of households in the study area to be between \$252 and \$383 per household (in 1987 dollars).

These figures underestimate the lower bound measure of total welfare loss for this case. Costs are not incurred for behavior modifications alone. Health effects (morbidity/mortality) can be significant, though difficult to quantify. Contamination of groundwater can also increase the level of anxiety and fear in a community (diminished quality of life). Finally, groundwater contamination can also impact surface water quality, particularly in Kentucky where a large portion of the state has underlying karst geology. This administrative regulation is expected to prevent these damages through siting requirements, lagoon construction standards, and semiannual groundwater monitoring.

Surface water contamination is expected to be prevented through requirements on lagoon construction. This administrative regulation also establishes setback distances to allow for early warning of downstream areas in the event of a lagoon failure.

(9)(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky:

Public health and welfare in Kentucky will be safeguarded through this regulation. Potential damages avoided are described in (6)(b) and (8) above.

(b) State whether a detrimental effect on environment and public health would result if not implemented: This regulation is designed to provide safeguards to protect environmental and public health.

(c) If detrimental effect would result, explain detrimental effect: See discussion of potential damages in (6)(b) and (8) above.

(10) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, administrative regulation, or government policy that may be in conflict, overlapping, or duplication. Any potential conflict or overlapping will be removed with the redefining of an agricultural waste handling system in 401 KAR 5:001. That term will be defined to exclude swine feeding operations, thus removing the potential conflict or overlapping.

(a) Necessity of proposed regulation if in conflict: Not applicable since there is no conflict.

(b) If in conflict, was effort made to harmonize the proposed administration regulation with conflicting provisions: Not in conflict.

(11) Any additional information or comments: On July 25, 1997, Governor Paul E. Patton issued Executive Order 97-926 that ordered an immediate suspension on the acceptance of new applications of permits for agricultural waste handling systems and for Kentucky Pollution Discharge Elimination System permits for all facilities handling swine related waste. Governor Patton also directed the cabinet to develop a balanced regulatory program to maximize the benefits to the Commonwealth. The emergency regulation that the cabinet promulgated on September 18, 1997, represented that balanced regulatory program.

When the cabinet filed the emergency regulation with the Legislative Research Commission, it also filed two Notices of Intent to Promulgate (NOIs) on the same subject matter. Those NOIs represented the cabinet's intention to make the emergency regulation become a permanent regulation. The cabinet conducted a public hearing on the NOIs on November 25, 1997, and on December 15, 1997, filed the NOI Statement of Consideration document that responded to the comments received during the public comment period. The proposed regulation that is the subject of this Regulatory Impact Analysis is in response to the comments received on the Notices of Intent. Many suggestions received during the public comment period resulted in changes to the regulation. The cabinet is also proposing amendments to the definitions regulation for 401 KAR Chapter 5, to accommodate the new and amended terms that are used in the proposed regulation.

To develop the emergency and subsequent proposed regulation, the cabinet consulted with several agencies, organizations, and individuals in Kentucky and some state officials in Oklahoma and North Carolina. Some of the Kentucky contacts included the Natural Resources Conservation Service, the University of Kentucky, the Kentucky Geological Survey, the Sierra Club, the Kentucky Resources Council, and the Kentucky Pork Producers' Association.

(12) TIERING: Is tiering applied? Yes, tiering was applied in several instances in this regulation. The regulation applies only to those swine feeding operations that confine 1,000 or more swine units (about 2,500 finishing swine) or more, instead of all swine operations. Existing permitted swine feeding operations that increase the number of swine units to 1,000 or more would be subject to this administrative regulation. Existing operations that are currently under the 1,000 swine unit threshold would not be affected by this regulation, unless they expand above that threshold.

Another example of tiering is in the amount of land needed for land application of the swine waste. Less land is needed in some instances if the owner or operator uses soil injection instead of surface application or other methods. Also, the barns and lagoons and land application areas must be at least a specified distance from given setback features.

## ADMINISTRATIVE REGISTER - 1911

### 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 what unit, part or division of local government this administrative regulation will affect. Not applicable.

3. State the aspect or service of local government to which this administrative regulation relates. Not applicable.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation. There is no effect on the expenditures.

Revenues (+/-): None

Expenditures (+/-): None

Other explanation: None

### FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. There is no federal mandate.

2. State compliance standards. Not applicable.

3. Minimum or uniform standards contained in the federal mandate. There is no federal mandate.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements than those required by the federal mandate? There is no federal mandate.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

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

#### 401 KAR 50:032. Prohibitory rule for hot mix asphalt plants.

RELATES TO: KRS 224.10-100, 224.20-110, 224.20-120, 40 CFR Part 70, 42 USC 7661-7661f, 401 KAR 50:035

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

NECESSITY, FUNCTION, AND CONFORMITY: 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 operational limits for hot mix asphalt plants that do not hold a Title V or conditional major permit pursuant to 40 CFR Part 70 and 401 KAR 50:035.

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

(1) "Conditional major permit" means a permit issued to the owner or operator of a source that limits the source's PTE below the major source thresholds specified in 401 KAR 50:035, Section 1(23).

(2) "Batch mix plant" means a facility that produces hot mix asphalt by heating and drying the aggregate in a dryer before separating and mixing it with asphalt cement in separate batches.

(3) "Drum mix plant" means a facility that produces hot mix asphalt by heating, drying and mixing the aggregate with asphalt cement in one operation.

(4) "Hot mix asphalt plant" means a facility that manufactures hot mix asphalt by heating and drying aggregate and mixing it with

asphalt cements. Stationary plants and portable plants shall be treated as separate sources unless two (2) or more plants are located on one (1) or more contiguous or adjacent properties and under common control of the same person or persons under common control.

(5) "Part 70 permit" means a permit issued to the owner or operator of a source pursuant to 401 KAR 50:035 and Kentucky's Part 70 Operating Permit Program approved by the U.S. EPA on November 14, 1995, (60 FR 57186) and made effective on December 14, 1995.

(6) "PTE" or "potential to emit" means the maximum capacity of a stationary source to emit a regulated air pollutant given its physical and operational design. A physical or operational limit 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 limit is enforceable as a practical matter, as defined in 401 KAR 50:035, Section 1(15).

(7) "Waste oil" means a petroleum based or synthetic oil such as an engine lubricant, engine oil, motor oil, or lubricating oil for use in an internal combustion engine, or a lubricant for motor transmissions, gears, or axles which through use, storage, or handling has become unsuitable for its original purpose due to the presence of impurities or loss of original properties.

Section 2. Applicability. (1) This administrative regulation applies to owners and operators of hot mix asphalt plants:

(a) Whose PTE, absent the operational limits contained in Section 3 of this administrative regulation, would exceed one (1) or more of the major source thresholds defined in 401 KAR 50:035, Section 1(23); and

(b) That do not hold a Part 70 or conditional major permit; and  
(c) That operate in compliance with 401 KAR 59:010 or 401 KAR 61:020, whichever is applicable.

(2) Compliance with this administrative regulation shall exempt a source from the requirement to obtain a Part 70 permit (unless otherwise required to do so by the U.S. EPA) or a conditional major permit, but shall not exempt a source from the requirement to obtain a state origin permit, or to revise or renew an existing permit, if required to do so pursuant to 401 KAR 50:035.

(3) Compliance with this administrative regulation shall not relieve a source from the requirement to comply with all applicable requirements, including rate-based limits or other terms and conditions stated in a permit issued by the cabinet.

(4) A source may obtain a Part 70 or conditional major permit in lieu of complying with this administrative regulation.

Section 3. Operational Limits. Owners and operators of sources subject to this administrative regulation shall comply with the following operational limits and fuel usage requirements:

(1) Batch mix plants shall not produce more than 360,000 tons of asphalt during any consecutive twelve (12) month period;

(2) Drum mix plants shall not produce more than 500,000 tons of asphalt during any consecutive twelve (12) month period; and

(3) Hot mix asphalt plants shall not use waste oil as fuel in the production of asphalt unless it has been recycled and meets or exceeds the following specifications:

(a) No more than five (5) ppm of arsenic;

(b) No more than two (2) ppm of cadmium;

(c) No more than ten (10) ppm of chromium;

(d) No more than 100 ppm of lead;

(e) No more than 1000 ppm of total halogens; and

(f) Minimum flash point of 100°F.

Section 4. Recordkeeping Requirements. The owner or operator of a source subject to this administrative regulation shall maintain monthly logs of asphalt production and fuel usage.

## ADMINISTRATIVE REGISTER - 1912

(1) The production log shall show the amount of asphalt produced each month, in tons, and a rolling twelve (12) month total of asphalt production, obtained by adding each month's total to those for the previous eleven (11) months.

(2) The fuel usage log shall show the type and amount of fuels used each month.

(a) Gaseous fuels shall be identified as natural (NAT), liquid propane gas (LPG), or liquid butane gas (LBG); and fuel usage shall be expressed in cubic feet or gallons.

(b) Fuel oils shall be identified by number (i.e., #2, #4, etc.) and fuel usage shall be expressed in gallons. Material Safety Data Sheets (MSDS) shall be maintained with the fuel usage log for all fuel oils purchased and used.

(3) All logs and MSDS sheets shall be kept on site for five (5) years from the date of last entry and shall be made available, upon request, for inspection by the cabinet or the U.S. EPA.

JAMES E. BICKFORD, Secretary

GLENNA JO CURRY, General Counsel

APPROVED BY AGENCY: January 16, 1998

FILED WITH LRC: January 16, 1998 at noon

### REGULATORY IMPACT ANALYSIS

Agency Contact: Jerry Goebel

(1) Type and number of entities affected: This administrative regulation will affect approximately 122 hot mix asphalt plants located 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. There will be no measurable effect on the cost of living or employment in the geographical areas where this regulation will be implemented.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented. The cost of doing business in the geographical areas in which this regulation will be implemented will not be affected.

(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 122 asphalt plants affected by this regulation will each save from \$500 to \$25,000 in paperwork and administrative costs during the first year. This is the estimated cost of preparing a Title V or conditional major application, depending on the size and complexity of the source, and whether the application is prepared in-house or by using outside consultants.

2. Second and subsequent years: There will be some savings in paperwork and administrative costs to affected sources in subsequent years. Revising and renewing existing state origin permits is less complex and, therefore, less expensive than revising and renewing Title V or conditional major permits.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The Division for Air Quality will save an estimated 200 to 500 manhours for each Title V or conditional major permit it does not have to review and issue, depending on the size and complexity of the source and, in the case of conditional major permits, whether or not the limits exceed 50% of the major source thresholds. Without this administrative regulation, the division estimates that at least thirty (30) of the state's 122 hot mix asphalt plants would require a Title V permit, and the remainder would require conditional major permits. According to the schedule and procedures established by the Permit Review Branch, all conditional major permits would be reviewed and issued during the first year, and all Title V permits would be reviewed and issued in calendar year 1999.

2. Continuing costs or savings: As noted in (a)1 above, the division will save an estimated 6000 to 15,000 manhours in 1999 by

not having to review the thirty (30) or so Title V permits that would have been required. In addition, savings will accrue in all subsequent years because state origin permits can be revised and renewed in much less time than Title V or conditional major permits.

3. Additional factors increasing or decreasing costs: There are no additional factors increasing or decreasing costs.

(b) Reporting and paperwork requirements: There will be some decrease in reporting and paperwork requirements, because the division will have fewer Title V and conditional major permits to track, inspect, and report on.

(4) Assessment of anticipated effect on state and local revenues: This administrative regulation will have no known effect on state and local revenues.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: The cost of implementing and enforcing this administrative regulation will be absorbed in the division's operating budget.

(6) Economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: This administrative regulation will have no known impact on economic activities in the geographical location of affected sources.

(b) Kentucky: This administrative regulation will have no measurable economic impact anywhere in the Commonwealth.

(7) Assessment of alternative methods; reasons why alternatives were rejected: Following the U.S. EPA's finding that Kentucky's proposal to exempt hot mix asphalt plants from Title V because of inherent physical limits was not acceptable, the division considered all the possible alternatives, i.e., issue all the sources a Title V or conditional major permit, issue one or more general permits to cover all the asphalt plants, try to cover as many sources as possible under 401 KAR 50:031 (the 50% rule), or promulgate a prohibitory rule that would cover most or all of the plants. From the standpoint of cost to the asphalt industry and the division, as well as the time required to implement, the prohibitory rule is the alternative of choice.

(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 no perceivable effect on public health or environmental welfare anywhere in Kentucky.

(b) State whether a detrimental effect on environment and public health would result if not implemented: No detrimental effect on public health or the environment would result if this administrative regulation were 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 are no statutes, rules, regulations, or government policies which are in conflict, or which overlap or duplicate this administrative regulation.

(a) Necessity of proposed regulation if in conflict: The proposed regulation is not in conflict.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: The proposed regulation is not in conflict.

(10) Any additional information or comments: No additional information or comments are offered.

(11) TIERING: Is tiering applied? No. The compliance standards and recordkeeping requirements in this administrative regulation apply equally to all hot mix asphalt plants in Kentucky.

### FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 40 CFR Part 70 mandates that all major sources apply for a Title V permit within one year following approval of the state's Title V

## ADMINISTRATIVE REGISTER - 1913

permitting program, unless the source has taken steps to limit its potential to emit (PTE) below the major source thresholds. This prohibitory rule provides all of Kentucky's asphalt plants with a legal and enforceable vehicle for limiting their PTE, thereby avoiding the necessity of obtaining a Title V or conditional major permit.

2. State compliance standards. The compliance standards contained in this administrative regulation are calculated to ensure that affected sources do not exceed 90% of the major source thresholds for Title V. The U.S. EPA recommends a 10% safety factor in prohibitory rules of this nature.

3. Minimum or uniform standards contained in the federal mandate. This administrative regulation meets all the requirements for prohibitory rules and other methods for opting out of Title V contained in guidance documents published by the U.S. EPA.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No. The compliance standards and recordkeeping requirements contained in this administrative regulation are similar to and no more strict than those contained in model rules published by the U.S. EPA.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Stricter standards and requirements are not imposed.

### 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 what unit, part or division of local government this administrative regulation will affect. This administrative regulation does not affect any unit, part or division of local government.

3. State the aspect or service of local government to which this administrative regulation relates. This administrative regulation does not relate to any aspect or service of local government.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): There is no known effect on current revenues.

Expenditures (+/-): There is no known effect on current expenditures.

Other Explanation: There is no further explanation.

ADMINISTRATIVE REGISTER - 1914

PROPOSED AMENDMENTS RECEIVED THROUGH NOON, FEBRUARY 13, 1998

TOURISM DEVELOPMENT CABINET  
Department of Fish and Wildlife Resources  
(Amendment)

301 KAR 2:221. Waterfowl seasons and limits.

RELATES TO: KRS 150.010(40), 150.025(1), 150.305(1), 150.330, 150.340(1), (3), 150.600(1), 150.990, 50 [59] CFR Parts 20, 21

STATUTORY AUTHORITY: KRS 150.025(1), 150.600(1), 50 CFR Parts 20, 21

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) and 150.600(1) authorize the department to set waterfowl season dates and limits. This administrative regulation is necessary to set limits and dates within federal waterfowl hunting frameworks established by 50 CFR Part 20. This administrative regulation imposes a shorter season in the Western Goose Zone [Ballard Reporting Area] than permitted by federal frameworks in an effort to build Canada goose populations in that portion of the state.

Section 1. (1) Except as authorized by 301 KAR 2:222, a person shall not take waterfowl except on the dates and within the limits prescribed by this administrative regulation.

(2) [Zone Descriptions:] Hunting zones, special hunt areas and reporting areas are described in 301 KAR 2:224.

Section 2. Gun and Archery Season Dates and Bag Limits for Duck, Coot, and Merganser [Ducks, Goots and Mergansers]. (1) Season dates. Statewide, November 1 through November 2 and November 22 through January 18. [~~28 through December 1 and December 5 through January 19.~~]

(2) Gun and archery daily limits.

(a) Six (6) [Five (5)] ducks, which shall include no more than:

1. Four (4) mallards, which shall include no more than two (2) hen mallards. [~~one (1) hen mallard.~~]

2. Two (2) wood ducks.

3. One (1) black duck.

4. Two (2) redheads.

5. Three (3) pintails. [~~One (1) pintail.~~]

6. One (1) canvasback.

(b) Fifteen (15) coots.  
(c) Five (5) mergansers, which shall include no more than one (1) hooded merganser.

(d) The possession limits shall be double the daily limit. [Possession limits are double daily limits.]

(3) Youth hunt.

(a) Season date: October 12.

(b) Bag limits: as specified in subsection (2) of this section.

(c) A person sixteen (16) years old or older shall not hunt.

(d) A person over the age of eighteen (18) shall accompany the juvenile hunter.

(e) A person accompanying a juvenile hunter shall:

1. Not hunt.

2. Not be required to possess a hunting license or Kentucky waterfowl permit.

3. Remain in a position to take immediate control of the juvenile's firearm.]

Section 3. Gun and Archery Seasons Dates and Bag Limits for Geese. (1) White-fronted goose and brant season dates: [(a)] November 27 [28] through:

(a) January 20 in the Ballard Reporting Area;

(b) January 31 in the remainder of the state. [November 28

through January 31 in:

1. The remainder of the Western Goose Zone;

2. The Pennyroyal-Coalfield Goose Zone; and

3. The Eastern Goose Zone.]

(2) Snow goose and Ross' goose season dates.

(a) Ballard Reporting Area: November 27 through January 20 and February 14 through March 10.

(b) Remainder of state: November 27 through March 10. [Pennyroyal-Coalfield and Eastern Goose Zones: November 28-January 31.]

(b) Western Goose Zone:

1. Ballard Reporting Area: November 28 through January 20 and February 15 through March 10.

2. That portion of Fulton County in the Western Goose Zone: November 28 through March 10.

3. The remainder of the Western Goose Zone: November 28 through January 31 and February 15 through March 10.]

(c) The reporting requirements specified in 301 KAR 2:223 shall not apply when a Canada goose season is not open. [during the February 15-March 10 portion of the season.]

(3) Canada goose season dates.

(a) Eastern Goose Zone: December 13 through January 31.

(b) Pennyroyal/Coalfield Goose Zone: December 28 through January 31. [~~16 through January 19.~~]

(c) Western Goose Zone: December 6 [5] through:

1. January 20 in the Ballard Reporting Area;

2. February 15 in the portion of Fulton County in the Western Goose Zone;

3. January 31 in the remainder of the Western Goose Zone; unless

4. A quota [The quotas] specified in Section 6 [7] of this administrative regulation is [are] reached.

(d) West-Central and Northeast Special Hunt zones: January 23 [~~14~~] through January 31 [~~19~~].

(3) A person shall not goose hunt [geese] in:

(a) Breathitt, Knott, and Perry counties.

(b) The portions of Bell, Clay, Laurel, Pulaski and Whitley Counties owned by the U.S. Forest Service, including Laurel River Lake.

(c) McCreary County east of US 27.

(d) Cave Run Lake and the public land [lands] inside a boundary formed by Highways 801, 1274, 36, 211, US 60 and Highway 826.

(4) A person shall not hunt Canada geese in Christian County north of Highway 68/80.

(5) Daily limits.

(a) [Except in the Northeast Special Hunt Zone, ten (10) geese, which shall include no more than:

1.] Two (2) Canada geese.

(b) [2.] Two (2) white-fronted geese.

(c) [3.] Two (2) brant.

(d) Ten (10) snow geese.

[(b) In the Northeast Special Hunt Zone, two (2) Canada geese. A person shall not take snow geese, brant or white-fronted geese.]

(5) The possession limit shall be double the daily limit. [(6) Possession limits are double daily limits.]

Section 4. Shooting Hours. A person shall not hunt waterfowl except from one-half (1/2) hour before sunrise until:

(1) 2 p.m. in the Northeast Special Hunt Zone; or

(2) Sunset in the remainder of the state, except as specified in 301 KAR 2:222. [(1) Except as specified in this administrative regulation or on wildlife management areas as stipulated in 301 KAR 2:222, one-half (1/2) hour before sunrise until sunset.

(2) In the Northeast Special Hunt Zone, one-half (1/2) hour before

## ADMINISTRATIVE REGISTER - 1915

sunrise until 2 p.m.

Section 5. ~~Ballard Wildlife Management Area. (1) Ducks, coots and mergansers:~~

~~(a) December 5 through January 18 or until the Ballard Reporting Area goose quota is reached.~~

~~(b) During waterfowl hunts occurring before October 15.~~

~~(2) Geese, December 5 through January 18 or until the Ballard Reporting Area quota is reached:~~

~~(3) No hunting on Sundays, Mondays, Christmas Day or New Year's Day:~~

~~(4) Shooting hours: one-half (1/2) hour before sunrise until noon.~~

~~(5) A waterfowl hunter:~~

~~(a) Shall apply in advance as stipulated in 301 KAR 2:222.~~

~~(b) Shall not have more than ten (10) shotgun shells in his possession.~~

~~(c) Shall case his gun while using department-supplied transportation to and from blinds.~~

~~(d) Shall be accompanied by an adult if under eighteen (18) years old:~~

~~(6) More than four (4) person shall not occupy a blind.~~

~~(7) A person shall not hunt waterfowl on the Ohio River from fifty (50) yards upstream from Dam 53 to fifty (50) yards downstream from the southern border of the Ballard Wildlife Management Area from October 15 through March 15.]~~

Section 5. [6:] Falconry Waterfowl Season and Limits. (1) Season dates:

(a) Snow geese and Ross' geese: November 24 through March 10;

(b) Other waterfowl: November 5 through January 31. [statewide, November 5 through January 31 for ducks, coots, mergansers, Canada geese, and except in the Western Goose Zone, other geese:

(2) For other geese in the Western Goose Zone, November 24 through November 27 and during the open gun and archery season:]

(2) [(3)] Daily limit: three (3) waterfowl.

(3) [(4)] Possession limit: six (6) waterfowl.

Section 6. [7:] Quotas and Early Goose Season Closings. (1) If hunters reach a quota of 8,000 Canada geese in the Ballard Reporting Area before January 20, goose hunting shall cease in the Ballard Reporting Area.

(2) If hunters reach a quota of 3,135 [3,990] Canada geese in the Henderson-Union Reporting Area before January 31:

(a) Goose hunting shall cease in the Henderson-Union Reporting Area.

(b) In the counties associated with the Henderson-Union Reporting Area, goose hunting shall cease:

1. Seven (7) days later; or

2. On the scheduled closing date, whichever occurs first.

(3) If hunters reach a quota of 16,500 [24,000] Canada geese in the Western Goose Zone before January 31, goose hunting shall cease in the Western Goose Zone.

(4) The department shall provide at least a twenty-four (24) hour notice of the time and date of early closures.

(5) A closure [Closures as] stipulated in this section shall not apply after January 31 [to the February 15-March 10 portion of the snow goose season].

C. THOMAS BENNETT, Commissioner

ANN R. LATTA, Secretary

MIKE BOATWRIGHT, Chairman

DOUGLAS SCOTT PORTER, Assistant Attorney General

APPROVED BY AGENCY: August 21, 1997

FILED WITH LRC: February 9, 1997 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 27, 1998 at 9 a.m. at the Depart-

ment of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by March 20, 1998, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: John Wilson, Assistant Director, Division of Public Affairs/Policy, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601, (502) 564-4406, FAX (502) 564-6508.

### REGULATORY IMPACT ANALYSIS

Contact Person: John Wilson

(1) Type and number of entities affected: Approximately 14,000 persons hunt waterfowl annually in Kentucky.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments received. This administrative regulation should have no impact on costs 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 impacts are anticipated.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Waterfowl hunters must purchase licenses as well as state and federal waterfowl stamps. This is a continuing requirement that will impose no additional 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: No new direct or indirect costs or savings will be incurred.

2. Continuing costs or savings: Same as for first year.

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No additional reporting or paperwork requirements.

(4) Assessment of anticipated effect on state and local revenues: No increase or decrease on state or local revenues is anticipated.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Revenue from the sale of hunting and fishing licenses and from the Federal Aid to Wildlife Restoration will be used to implement this 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 received. Waterfowl hunting creates substantial economic activity in certain sections of the state. This administrative regulation will allow waterfowl hunting to continue by establishing hunting seasons within federal frameworks.

(b) Kentucky: The statewide impact of waterfowl hunting is minimal, but this administrative regulation does allow for the continuance of this activity.

(7) Assessment of alternative methods; reasons why alternatives were rejected: The alternative of not having a waterfowl season was

## ADMINISTRATIVE REGISTER - 1916

rejected because waterfowl represent a renewable natural resource which affords recreational opportunities and generates economic activity throughout the commonwealth.

(8) Assessment of expected benefits: Continuation of waterfowl hunting and short- and long-term conservation of waterfowl resources are the primary benefits.

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: Regulated harvest of waterfowl ensures the continuation of this important component of the Commonwealth's biological diversity.

(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: Inability to regulate waterfowl resource.

(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: None

(11) TIERING: Is tiering applied? Tiering was used to apply different season dates and harvest limits to various regions of the state. This was done to maximize hunter opportunity while conserving waterfowl resources.

### FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 50 CFR Parts 20 and 21, Federal Register, Vol. 62, No. 189, Tuesday, September 30, 1997.

2. State compliance standards. State seasons and bag limits are within the federal frameworks.

3. Minimum or uniform standards contained in the federal mandate. Ducks, coots and mergansers: Not more than a 60 day season with a six bird bag limit between the Saturday closest to October 1 and the Sunday closest to January 20. The state may be split into two zones with no more than two segments in each zone. The daily bag limit is 6 ducks and may not include more than 4 mallards (no more than 2 hen mallards), 1 black duck, 3 pintail, 2 wood ducks, 1 canvasback and 2 redheads. The possession limit shall be twice the daily bag. The coot daily bag shall be 15 with the possession limit being 30. The merganser limit shall be 5 daily (only 1 may be a hooded merganser) and the possession limit being twice the daily bag. Both the coot and merganser bag shall be in addition to the duck limit.

Geese: The season for light geese (snow geese) may extend for 107 days and the season for white-fronted geese may extend for 70 days. Season framework for light geese is between the Saturday nearest October 1 and March 10. The season framework for white-fronted geese is between the Saturday nearest October 1 and January 31.

The Canada goose season in the Western Goose Zone season may extend for 66 days (81 days in Fulton County) between October 1 and January 31 (except February 15 in Fulton County), or until the harvest of 16,500 birds is taken, whichever occurs first.

Pennyroyal/Coalfield Zone Canada goose season may extend for 35 days with a daily bag limit of 2 Canada geese.

The Canada goose season in the remainder of the state may extend for 50 days with a daily bag limit of 2 Canada geese.

The daily bag limit shall include no more than 10 snow geese, 2 Canada geese, 2 white-fronted geese and 2 brant. Possession limit is twice the daily bag limit.

Shooting hours shall be one-half hour before sunrise until sunset daily for all species.

Falconry season for migratory birds mentioned above shall fall between September 1 and March 10 and shall not exceed 107 days. Daily bag and possession limits shall not exceed 3 birds daily or 6 in

possession, singly or in the aggregate of species. Hunting hours shall be the same as for firearms hunting.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Seasons for light geese are shorter due to the paucity of birds wintering in Kentucky during the early parts of the framework dates. Exerting hunting pressure on so few birds could jeopardize long-term bird use in Kentucky.

The Ballard Wildlife Management Area season is shorter than the Western Goose Zone so that controlled hunts will not jeopardize goose and duck use. Scheduled resting periods during the framework is a good means of enhancing historic use patterns. Other wildlife management area season dates and shooting hours were adjusted to optimizing public use within sound waterfowl conservation practices.

### TOURISM DEVELOPMENT CABINET Department of Fish and Wildlife Resources (Amendment)

#### 301 KAR 2:222. Waterfowl hunting requirements.

RELATES TO: KRS 150.010(40), 150.025(1), 150.305(1), 150.330, 150.340(1), (3), 150.600(1), 150.990, 50 [59] CFR Parts 20, 21

STATUTORY AUTHORITY: KRS 150.025(1)(a), (b), 150.340(1), (2), (3), 150.600(1), 50 CFR Parts 20, 21

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) and 150.600(1) authorize the department to establish statewide waterfowl hunting requirements and to specify seasons and other requirements on wildlife management areas. Selected wildlife management areas have shorter seasons or more restrictive shooting hours than allowed by federal law to optimize public use within sound waterfowl conservation practices.

Section 1. Definitions. (1) "Blind" means:

(a) A concealing enclosure.

(b) A pit.

(c) A boat.

(2) "Party" means:

(a) A person hunting alone; or

(b) From two (2) to four (4) persons who share a blind.

(3) "Permanent blind" means a blind left in place more than twenty-four (24) hours.

(4) "Statewide waterfowl seasons" means the provisions of this administrative regulation and of 301 KAR 2:221.

(5) "Waterfowl" is defined by KRS 150.010(40).

Section 2. A waterfowl hunter shall not use or carry a shotgun shell:

(1) Longer than three and one-half (3 1/2) inches; or

(2) [Shotgun shells] Containing shot:

(a) Made of lead [shot]; [or]

(b) [Shot] Not approved by the U.S. Fish and Wildlife Service for waterfowl hunting; or

(c) [-

(2) [Shot] Larger than size "T."

(3) [Shot] longer than three and one-half (3-1/2) inches.]

Section 3. In [Requirements for waterfowl hunters in] the Ballard Reporting Area, as described in 301 KAR 2:224:

(1) A waterfowl hunter shall:

(a) [Shall] Hunt from a blind unless hunting in flooded, standing timber.



## ADMINISTRATIVE REGISTER - 1917

- (b) [Shall] Not hunt from or establish a blind:
1. Within 100 yards of another blind; or
  2. Within fifty (50) yards of a property line.
- (c) [Shall] Not possess more than one (1) shotgun while in a blind.
- (2) More than five (5) persons shall not occupy a blind.
  - (3) The requirements of subsection (1) of this section shall not apply after Canada goose season closes. [during the February 15-March 10 portion of the snow goose season:]

Section 4. [Blind Restrictions on Wildlife Management Areas:] (1) Except as specified in this section or in Section 5 of this administrative regulation, on a wildlife management area [areas]:

- (a) A waterfowl hunter shall not establish or hunt from:
  1. A permanent blind.
  2. A blind within 200 yards of:
    - a. Another blind; or
    - b. A waterfowl refuge.
- (b) A person shall not hunt in a designated recreation area [areas] or access point [points].
- (c) More than four (4) persons shall not occupy a blind.
- (d) A hunter shall remove decoys and personal effects from the wildlife management area daily.
- (2) A person wishing to establish a permanent blind [blinds] on Barkley Lake, Barren River Lake, Buckhorn Lake, Green River Lake, Nolin River Lake, Paintsville Lake, Rough River Lake or [and] Taylorsville Lake Wildlife Management Areas:
  - (a) Shall first obtain a permit from the U. S. Army Corps of Engineers.
  - (b) May designate one (1) other person as a partner.
  - (c) Shall participate in a drawing for a blind permit [permits] on the Barkley, Barren, Green, Paintsville, or [and] Taylorsville areas.
  - (d) Shall present a valid hunting license at the time of the drawing.
  - (e) Shall not hold more than one (1) permit per area.
  - (3) The holder of a blind permit shall:
    - (a) [Shall] Construct his blind before November 20 or forfeit the permit.
    - (b) [Shall] Not lock a blind. [blinds:]
    - (c) Unless an extension of time is granted, [shall] remove his blind within thirty (30) days of the close of waterfowl season or be ineligible for a permit the following year.
    - (4) A blind not occupied by the permit holder one-half (1/2) hour before sunrise shall be available to another hunter [other hunters] on a first-come, first-serve basis.
    - (5) A blind restriction [Blind restrictions] specified in this section shall not apply to a falconer [falconers] when a gun or archery season [seasons are] not open.

Section 5. On a wildlife management area: [Exceptions for Wildlife Management Areas:]

- (1)(a) Statewide waterfowl seasons shall apply unless otherwise stated in this section.
- (b) If specific hunting dates are given in this section, a person shall not hunt waterfowl except on those dates.
- (2) A person shall not:
  - (a) Hunt on an area or the portion of an area [areas or portions of areas] marked by a sign [signs] as closed to hunting;
  - (b) Enter an area or a portion of an area marked by signs as closed to public access; or
  - (c) Hunt a species on an area or a portion of an area marked by signs as closed to hunting for that species.
- (3) Wildlife management areas in Ballard County.
  - (a) On the wildlife management areas listing in this subsection:
    1. A person shall not:
      - a. Have in his possession more than fifteen (15) shotgun shells while waterfowl hunting; or

- b. Hunt past 12 noon;
2. At least one (1) person in a blind shall be eighteen (18) years old or older.
- (b) Ballard Wildlife Management Area:
  1. Duck, coot and merganser season dates shall be:
    - a. December 9 through January 17 or until the Ballard Reporting Area goose quota is reached.
    - b. During a waterfowl hunt occurring before October 15.
    2. Goose season dates shall be December 9 through January 20 or until the Ballard Reporting Area quota is reached.
    3. A person shall not hunt waterfowl on Sundays, Mondays, Christmas Day or New Year's Day.
    4. A waterfowl hunter shall:
      - a. Apply in advance as stipulated in Section 6 of this administrative regulation.
      - b. Case his gun while using department-supplied transportation to and from blinds.
      - c. Be accompanied by an adult if under eighteen (18) years old.
      - d. Not hunt waterfowl on the Ohio River from fifty (50) yards upstream from Dam 53 to fifty (50) yards downstream from the southern border of the Ballard Wildlife Management Area from October 15 through March 15.
  - (c) Barlow Bottoms Wildlife Management Area:
    1. A person shall:
      - a. Not hunt Mondays or Tuesdays;
      - b. During Canada goose season, check in and out daily at the designated check station.
    2. A department blind assignment shall be made as stipulated in Section 6 of this administrative regulation.
    3. When hunting from a blind assigned by the department:
      - a. At least one (1) person in the blind shall be eighteen (18) years old or older.
      - b. The blind of a person who has not checked in by 5 a.m. shall be available to another hunter on a first-come, first-served basis.
      - (d) In addition to the requirements of paragraph (c) of this subsection, on:
        1. Lower Bottoms Public Waterfowl Hunting Area a person shall not:
          - a. Hunt waterfowl except from a permanent department blind.
          - b. Except as authorized by the department, be on the area after 1 p.m. during waterfowl seasons.
        - c. During Canada goose season, hunt waterfowl except from a blind assigned by the department.
      2. Peal Public Hunt Lakes:
        - a. More than seven (7) parties shall not hunt at the same time on:
          - (i) Buck Lake; or
          - (ii) Flat Lake.
        - b. More than four (4) parties shall not hunt at the same time on Fish Lake.
        - c. More than three (3) parties shall not hunt at the same time on:
          - (i) First Lake; or
          - (ii) Second Lake.
      3. Swan Lake Unit, a person shall not hunt:
        - a. Duck, coot, merganser or a goose other than a Canada goose unless:
          - (i) The season for these species is open; and
          - (ii) The season for Canada goose is also open.
        - b. Except from a blind assigned by the department. [Seasons and hunting requirements for the Ballard Wildlife Management Area shall be as stipulated in 301 KAR 2:221.
    - (b) Barlow Bottoms Wildlife Management Area:
      1. A person shall:
        - a. Not hunt waterfowl after 12 noon;
        - b. Not possess more than fifteen (15) shotgun shells while waterfowl hunting;
        - c. Not hunt Mondays through Wednesdays;
        - d. During Canada goose season, check in and out daily at the

## ADMINISTRATIVE REGISTER - 1918

designated check station:

2. When hunting from blinds assigned by the department as stipulated in Section 6 of this administrative regulation:

a. At least one (1) person in the blind shall be eighteen (18) years old or older.

b. The blind of a person who has not checked in by 5 a.m. shall be available to other hunters on a first come, first served basis.

(c) Lower Bottoms Public Waterfowl Hunting Area. In addition to the requirements of paragraph (b) of this subsection:

1. A person shall not:

a. Hunt waterfowl except from permanent department blinds.

b. Except as authorized by the department, be on the area after 4 p.m. during waterfowl seasons.

2. During Canada goose seasons, permanent department blinds shall be allocated by advance application as specified in Section 6 of this administrative regulation.

(d) Peal Public Hunt Lakes. In addition to the requirements of paragraph (b) of this subsection:

1. More than seven (7) parties shall not hunt at the same time on:

a. Buck Lake; or

b. Flat Lake.

2. More than four (4) parties shall not hunt at the same time on Fish Lake.

3. More than three (3) parties shall not hunt at the same time on:

a. First Lake; or

b. Second Lake.

(e) Swan Lake Unit. In addition to the requirements of paragraph (b) of this subsection:

1. A person shall not hunt ducks, coots, mergansers or geese other than Canada geese unless:

a. The season for these species is open; and

b. The season for Canada geese is also open.

2. A waterfowl hunter shall use the blind assigned by the department as stipulated in Section 6 of this administrative regulation.]

(4) Barkley Lake Wildlife Management Area.

(a) A permanent blind [Permanent blinds] may be used as specified in Section 4 of this administrative regulation.

(b) A person shall establish a permanent blind [permanent blinds] within ten (10) yards of his assigned and numbered blind marker within:

1. An area bounded by the mouth of Donaldson Creek, the east side of the Cumberland River Channel and the boat ramp at Linton.

2. An area bounded by the Pryor's Creek Light, the west side of the Cumberland River Channel, Land Between the Lake Road 204 and river mile 73.5.

(c) The following refuge areas are closed to the public:

1. From November 1 through February 15 within an area west of the main river channel between river mile 51 (Hayes Landing Light) and river mile 57.3 (Crooked Creek Light);

a. Including the row of islands on the west side of the main river channel; and

b. Not including Taylor Bay and Jake Fork Bay.

2. From November 1 through March 15 within Honker Bay and Fulton Bay as marked by buoys and signs.

(d) From October 15 through March 15, a person shall not hunt:

1. Within 200 yards of; or

2. Within the area defined by the levee between river mile 68.4 and river mile 70.4.

(5) Barren River Lake Wildlife Management Area. A permanent blind [Permanent blinds] may be used as specified in Section 4 of this administrative regulation.

(6) Buckhorn Lake Wildlife Management Area. A permanent blind [Permanent blinds] may be used as specified in Section 4 of this administrative regulation.

(7) Cane Creek Wildlife Management Area shall be closed to goose [waterfowl] hunting.

(8) Central Kentucky Wildlife Management Area. A person shall

not hunt waterfowl from October 15 through January 15.

(9) Cumberland Lake Wildlife Management Area. The following sections shall be [are] closed to the public from October 15 through March 15:

(a) Wesley Bend, the area bounded by Fishing Creek, Beech Grove Road and Fishing Creek Road.

(b) Yellowhole, the area bounded by Fishing Creek Road and Hickory Nut Road.

(10) [(9)] Cyprus-AMEX Wildlife Management Area shall be closed to waterfowl hunting.

(11) [(10)] Grayson Lake Wildlife Management Area. A person shall not hunt waterfowl:

(a) Within the no wake zone at the dam site marina;

(b) From the shore [shores] of Camp Webb;

(c) From the shore [shores] of the state park; or

(d) On Deer Creek Fork of Grayson Lake.

(12) [(11)] Green River Lake Wildlife Management Area.

(a) A permanent blind [Permanent blinds] may be used as specified in Section 4 of this administrative regulation.

(b) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

[(12)] Higginson-Henry Wildlife Management Area. Portions marked by signs are closed to the public.]

(13) Kaler Bottoms Wildlife Management Area. Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

(14) Land Between the Lakes.

(a) The following portions shall be [are] closed to the public from November 1 through March 15:

1. Long Creek Pond.

2. The eastern one-third (1/3) of Smith Bay.

3. The eastern two-thirds (2/3) of Duncan Bay.

(b) The following portions shall be [are] closed to waterfowl hunting:

1. The Environmental Education Center.

2. Energy Lake.

(c) A person shall possess an annual Land Between the Lakes Hunting Permit when hunting waterfowl:

1. Inland from the water's edge of Kentucky Lake or Barkley Lake; or

2. From a boat [boats] over a flooded portion [portions] of Land Between the Lakes when the lake level is [lake levels are] above elevation 359.

(d) A person shall not hunt waterfowl on inland areas during a quota deer hunt [hunts].

(e) A person shall not establish or use a permanent blind [blinds]:

1. On inland areas; or

2. Along the Kentucky Lake shoreline of Land Between the Lakes.

(f) A waterfowl hunter shall remove decoys and personal effects daily.

(15) [Mill Creek Wildlife Management Area shall be closed to waterfowl hunting.

[(16)] Nolin River Lake Wildlife Management Area. A permanent blind [Permanent blinds] may be used as specified in Section 4 of this administrative regulation.

(16) [(17)] Obion Creek Wildlife Management Area. Shooting hours are one-half (1/2) hour before sunrise until 2 p.m.

(17) [(18)] Ohio River Waterfowl Refuge.

(a) A person shall not hunt from October 15 through March 15 on the Kentucky portion of the Ohio River from Smithland Lock and Dam upstream to a powerline crossing at approximately river mile 911.5.

(b) Stewart Island shall be closed to the public from October 15 through March 15, except for quota deer hunting.

(18) [(19)] Peabody Wildlife Management Area.

(a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

(b) The following portions, as posted by signs, are closed to the public from October 15 through March 15:

## ADMINISTRATIVE REGISTER - 1919

1. Gibraltar Mine, as bounded by Rockport Road, the Western Kentucky Parkway, Pond Creek and the P&M Haul Road.

2. Sinclair Mine, as bounded by railroad tracks, the haul road and posted signs.

3. Homestead, as bounded by the haul road and the Green River.

(19) [(20)] Pioneer Weapons Wildlife Management Area. A waterfowl hunter:

(a) [A waterfowl hunter] May use a breech-loading shotgun along the shoreline of Cave Run Lake.

(b) [A waterfowl hunter] Shall not use a breech-loading firearm [use a muzzle-loading shotgun] elsewhere on the area.

[(21) Redbird Wildlife Management Area shall be closed to waterfowl hunting.]

(20) [(22)] The main block of Robinson Forest Wildlife Management Area shall be closed to waterfowl hunting.

(21) [(23)] Sloughs Wildlife Management Area.

(a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

(b) On the Grassy-Pond Powells Lake Unit, a waterfowl hunter:

1. Shall use one (1) of the permanent blinds provided by the department.

2. Shall remove decoys and personal effects from a blind [blinds] or the vicinity of a blind [blinds] daily.

(c) On the Jenny Hole-Highlands Creek Unit, a waterfowl hunter:

1. Shall not establish or hunt from a blind closer than 200 yards from another hunting party.

2. Shall remove decoys and personal effects from blinds or the vicinity of blinds daily.

(d) If the Ohio River reaches a level that requires boat access, a waterfowl hunter:

1. May hunt from a boat without regard to department blinds.

2. Shall not hunt closer than 200 yards from another boat.

(e) A waterfowl hunter on the Crenshaw and Duncan Tracts of the Sauerheber Unit:

1. Shall hunt from the blind assigned by the department through a drawing as stipulated in Section 6 of this administrative regulation.

2. May occupy a blind not claimed by the permittee by the opening of shooting hours.

3. Shall not have more than fifteen (15) shotgun shells in his possession.

4. Shall be accompanied by an adult if under eighteen (18) years of age.

(f) The Crenshaw and Duncan tracts shall be closed to hunting except waterfowl from October 15 through March 15.

(g) The remainder of the Sauerheber Unit shall be closed to the public from October 15 through March 15.

(22) [(24)] Taylorsville Lake Wildlife Management Area.

(a) A permanent blind [Permanent blinds] may be used as specified in Section 4 of this administrative regulation.

(b) The portion east of Van Buren Boat Ramp as marked by a sign [signs] shall be closed to the public from the Monday following the scheduled quota deer hunt through the last day of February.

(23) [(25)] Westvaco Wildlife Management Area.

(a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

(b) The portion south of the Westvaco Road as posted by a sign [signs] shall be closed to the public from November 1 through March 15.

(c) A person shall obtain a Westvaco Permit before hunting.

(24) [(26)] White City Wildlife Management Area. Shooting hours shall be from one-half (1/2) hour before sunrise until 2 p.m.

(25) [(27)] Yellowbank Wildlife Management Area. The area designated by a sign [signs] and painted boundary marker [markers] shall be closed to the public from October 15 through March 15.

Section 6. [Applying for Waterfowl Hunts:] (1) A person wishing to apply to hunt waterfowl on Ballard, Swan Lake or the Sauerheber

unit of Sloughs wildlife management areas shall:

(a) Apply on a form [forms] provided by the department.

(b) Submit the completed application form [forms] before the deadline date on the form.

(2) A form which are not completed according to the instructions on the form shall be disqualified from the drawing.

(3) A person shall not apply more than one (1) time for each hunt.

(4) Each hunter drawn may bring up to three (3) additional hunters.

Section 7. Incorporation by Reference. (1) The following forms are incorporated by reference: [(5) The following application forms are incorporated by reference. They may be obtained from or examined at the Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky 40601, from 8 a.m. until 4:30 p.m. eastern time during business days.]

(a) Sloughs Wildlife Management Area Waterfowl Hunting Application, August, 1997 [1995].

(b) Ballard Wildlife Management Area Goose Hunt Application, August, 1997 [1995].

(c) Application for Lower Bottoms/Swan Lake Waterfowl Blind Drawings in Ballard County, August 1997 [1996].

(2) These forms may be inspected, copied or obtained at the Department of Fish and Wildlife, #1 Game Farm Road, Frankfort, Kentucky 40601 Monday through Friday from 8 a.m. through 4:30 p.m.

C. THOMAS BENNETT, Commissioner

ANN R. LATTA, Secretary

MIKE BOATWRIGHT, Chairman

DOUGLAS SCOTT PORTER, Assistant Attorney General

APPROVED BY AGENCY: August 21, 1997

FILED WITH LRC: February 9, 1997 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 27, 1998 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 being heard at this hearing shall notify this agency in writing by March 20, 1998, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: John Wilson, Assistant Director, Division of Public Affairs/Policy, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601, (502) 564-4406, FAX (502) 564-6508.

### REGULATORY IMPACT ANALYSIS

Contact Person: John Wilson

(1) Type and number of entities affected: Approximately 14,000 persons hunt waterfowl annually in Kentucky.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments received. This administrative regulation should have no impact on costs 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 impacts are anticipated.

## ADMINISTRATIVE REGISTER - 1920

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Waterfowl hunters must purchase licenses as well as state and federal waterfowl stamps. This is a continuing requirement that will impose no additional 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: No new direct or indirect costs or savings will be incurred.

2. Continuing costs or savings: Same as for first year.

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No additional reporting or paperwork requirements.

(4) Assessment of anticipated effect on state and local revenues: No increase or decrease on state or local revenues is anticipated.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Revenue from the sale of hunting and fishing licenses and from the Federal Aid to Wildlife Restoration will be used to implement this 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 received. Waterfowl hunting creates substantial economic activity in certain sections of the state. This administrative regulation will allow waterfowl hunting to continue by establishing hunting seasons within federal frameworks.

(b) Kentucky: The statewide impact of waterfowl hunting is minimal, but this administrative regulation does allow for the continuance of this activity.

(7) Assessment of alternative methods; reasons why alternatives were rejected: The alternative of not having a waterfowl season was rejected because waterfowl represent a renewable natural resource which affords recreational opportunities and generates economic activity throughout the commonwealth.

(8) Assessment of expected benefits: Continuation of waterfowl hunting and short- and long-term conservation of waterfowl resources are the primary benefits.

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: Regulated harvest of waterfowl ensures the continuation of this important component of the Commonwealth's biological diversity.

(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: Inability to regulate waterfowl resource.

(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: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? Tiering was used to apply different season dates and other specialized hunting requirements to various wildlife areas across the state. This was done to maximize hunter opportunity while conserving waterfowl resources.

### FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 50 CFR Parts 20 and 21, Federal Register, Vol. 62, No. 189, Tuesday, September 30, 1997.

2. State compliance standards. State seasons and bag limits are within the federal frameworks.

3. Minimum or uniform standards contained in the federal mandate. Ducks, coots and mergansers: Not more than a 60 day season with a six bird bag limit between the Saturday closest to October 1 and the Sunday closest to January 20. The state may be split into two zones with no more than two segments in each zone. The daily bag limit is 6 ducks and may not include more than 4 mallards (no more than 2 hen mallards), 1 black duck, 3 pintail, 2 wood ducks, 1 canvasback and 2 redheads. The possession limit shall be twice the daily bag. The coot daily bag shall be 45 with the possession limit being 30. The merganser limit shall be 5 daily (only 1 may be a hooded merganser) and the possession limit being twice the daily bag. Both the coot and merganser bag shall be in addition to the duck limit.

Geese: The season for light geese (snow geese) may extend for 107 days and the season for white-fronted geese may extend for 70 days. Season framework for light geese is between the Saturday nearest October 1 and March 10. The season framework for white-fronted geese is between the Saturday nearest October 1 and January 31.

The Canada goose season in the Western Goose Zone season may extend for 66 days (81 days in Fulton County) between October 1 and January 31 (except February 15 in Fulton County), or until the harvest of 16,500 birds is taken, whichever occurs first.

Pennyroyal/Coalfield Zone Canada goose season may extend for 35 days with a daily bag limit of 2 Canada geese.

The Canada goose season in the remainder of the state may extend for 50 days with a daily bag limit of 2 Canada geese.

The daily bag limit shall include no more than 10 snow geese, 2 Canada geese, 2 white-fronted geese and 2 brant. Possession limit is twice the daily bag limit.

Shooting hours shall be one-half hour before sunrise until sunset daily for all species.

Falconry season for migratory birds mentioned above shall fall between September 1 and March 10 and shall not exceed 107 days. Daily bag and possession limits shall not exceed 3 birds daily or 6 in possession, singly or in the aggregate of species. Hunting hours shall be the same as for firearms hunting.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Seasons for light geese are shorter due to the paucity of birds wintering in Kentucky during the early parts of the framework dates. Exerting hunting pressure on so few birds could jeopardize long-term bird use in Kentucky.

The Ballard Wildlife Management Area season is shorter than the Western Goose Zone so that controlled hunts will not jeopardize goose and duck use. Scheduled resting periods during the framework is a good means of enhancing historic use patterns. Other wildlife management area season dates and shooting hours were adjusted to optimizing public use within sound waterfowl conservation practices.

### NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET Department for Environmental Protection Division for Air Quality (Amendment)

401 KAR 58:005. Accreditation of asbestos professionals.  
[School asbestos abatement accreditations.]

RELATESTO: KRS224.10-100, 224.20-100, 224.20-110, 224.20-120, 224.20-300, 224.20-310, 224.20-320, 224.99-010, 40 CFR 763.80 through 763.99, [40 CFR 763.80, 763.84, 763.85, 763.86, 763.87, 763.88, 763.90, 763.91, 763.92, 763.93, 763.94, 763.95,

## ADMINISTRATIVE REGISTER - 1921

763.99;] Appendices A through E to 763, Subpart E, as published in the Code of Federal Regulations, July 1, 1996, 15 USC 2601 through 2692, as amended November 28, 1990 ( [B, and D (October 30, 1987);] Toxic Substances Control Act [H (15 USC 2601 and the related sections which follow, as in effect on July 18, 1988)]

STATUTORY AUTHORITY: KRS [Chapter 13A,] 224.10-100, 224.20-100, 224. 20-110, 224.20-120, 224.20-300, 224.20-310, 224.20-320, 224.99-010, 40 CFR 763.80 through 763.99, Appendices A through E to 763, Subpart E, as published in the Code of Federal Regulations, July 1, 1996, 15 USC 2601 through 2692 as amended November 28, 1990

NECESSITY, FUNCTION, AND CONFORMITY: 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. KRS 224.20-300 allows the cabinet to develop, adopt, and maintain a comprehensive statewide asbestos contractor accreditation program relating to asbestos [in schools]. This administrative regulation provides for the accreditation of persons [individuals] who inspect for asbestos in school, public, and commercial buildings; who design, supervise, or perform response actions in school, public, or commercial buildings, and who [schools;] prepare plans addressing potential and actual asbestos hazards in school buildings. Additionally, this administrative regulation provides for the review and approval of training courses that are prerequisites for accreditation. [schools, and design, supervise, or perform response actions in schools;]

Section 1. Definitions. Terms not defined in this section shall have the meaning given them in 401 KAR 58:001.

(1) "Abatement project design" means a plan specifying the scope of a proposed response action and the procedures, equipment, and controls to be used to conduct the response action, in compliance with applicable regulations, in a school, public, or commercial building.

(2) "Abatement project designer" means a person who prepares an abatement project design.

(3) "Accredited" means that a person is accredited in accordance with 15 USC 2646 (Section 206 of Title II of the Toxic Substance Control Act (TSCA), as amended November 28, 1990) and with this administrative regulation.

(4) "Asbestos abatement activity" means an inspection, a management plan, an abatement project design, or a response action.

(5) "Asbestos abatement supervisor" means the person responsible for the on-site supervision of a response action in a school, public, or commercial building. An asbestos abatement supervisor may also perform the duties of an asbestos abatement worker.

(6) "Asbestos abatement worker" means a person who performs a response action.

(7) "Compliance inspection" means activity performed by federal, state, or local regulatory agencies to determine adherence to statutes and administrative regulations.

(8) "Contingent approval" means temporary approval contingent upon a training course provider's submitting to a site audit.

(9) "Diploma" means a document that is issued by a training course provider to a course attendee pursuant to the Kentucky Asbestos Accreditation Program (KAAP). The KAAP document is incorporated by reference in Section 11 of this administrative regulation.

(10) "Discipline" means inspection, management planning, abatement project design, asbestos abatement supervision, or asbestos abatement work.

(11) "EPA-approved state" means a state which has been authorized by the U.S. EPA to approve training courses for accreditation purposes.

(12) "EPA-approved training course" means an initial or refresher training course for the discipline for which accreditation is requested and which is approved by the U.S. EPA or an EPA-approved state at the time the course is taken to comply with the requirements of 15

USC 2646 (Section 206 of the Toxic Substances Control Act (TSCA)), as amended November 28, 1990.

(13) "Management plan" means a document submitted or maintained by a local education agency (LEA) to satisfy the requirements of 40 CFR 763.93 and 401 KAR 58:010. Inspection findings, asbestos management strategies, and required records are among the contents of a management plan, pursuant to 40 CFR 763.93 through 763.94.

(14) "Management planner" means a person who develops management plans. A management planner may also perform the duties of an inspector.

(15) "State" means a state, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Marianas, the Trust Territory of the Pacific Islands, and the Virgin Islands.

Section 2. Applicability. This administrative regulation shall apply to:

(1) Persons required to be accredited pursuant to 401 KAR 58:010 and the Kentucky Asbestos Accreditation Program (KAAP); and

(2) Persons who provide accreditation training in the Commonwealth of Kentucky pursuant to the KAAP.

Section 3. Prohibitions. (1) The cabinet shall not consider a person for initial accreditation or accreditation renewal unless the training requirements of Section 9 of this administrative regulation are completed prior to application.

(2) A person shall not engage in, nor allow a person to engage in, an asbestos abatement project at a school on or after October 12, 1988, or at a public or commercial building on or after the effective date of this administrative regulation, unless an accreditation certificate to engage in these projects has been issued to the person by the cabinet, is currently in effect, and is maintained on the person at all times while the asbestos abatement project is being conducted.

(3) A person shall not provide accreditation training in Kentucky unless the requirements of Section 10 of this administrative regulation have been met.

Section 4. Applications for Accreditation. (1) Applications for initial accreditation and accreditation renewal shall be made on form DEP 6038, which is incorporated by reference in Section 11 of this administrative regulation. The application shall include all initial and current diplomas or other proof of satisfactory completion issued by an EPA-approved training course in the discipline for which accreditation is requested.

(a) In lieu of a diploma, the applicant may submit proof of training from an EPA-approved state pursuant to Unit H of the KAAP document.

(b) The diploma or other proof of satisfactory completion issued by the training provider shall be an original document and shall contain the information required in Unit I.C. of the KAAP document.

(c) Original diplomas or other original proofs of training shall be returned to the applicant when the requested accreditation certificate is provided or when the cabinet denies the request for accreditation in writing.

(2) Applications for accreditation shall be signed by the individual requesting accreditation. The signature shall constitute personal affirmation that the statements made in the application are true and complete.

(3) Applications shall be accompanied by the applicable accreditation fee as specified in Section 7(1) and (2) of this administrative regulation.

Section 5. Consideration of Applications. The cabinet shall make a determination regarding issuance or denial of accreditation based upon the information contained in the application and the qualification

## ADMINISTRATIVE REGISTER - 1922

requirements of Unit I.E. of the KAAP document. The cabinet may deny an application for accreditation if the cabinet determines that the applicant willfully made a misstatement in the application, or if the applicant has violated a provision of this administrative regulation, the KAAP document, 401 KAR 58:010, or 401 KAR 58:025, or for other good cause. Failure by an applicant to supply information required by the cabinet to act upon the renewal applications shall result in denial of that renewal.

(1) Application for initial accreditation. Within fifteen (15) days after receipt of an application for initial accreditation, the cabinet shall make a completeness determination concerning the application. If the application is not complete, the cabinet shall identify the additional information that is necessary in order to evaluate the application. Issuance by the cabinet of the accreditation certificate within this fifteen (15) day period shall have the effect of documenting the completeness of the application.

(a) Within fifteen (15) days after the application is deemed complete, the cabinet shall make a determination to issue or deny the accreditation certificate, unless the cabinet determines, and the applicant concurs, that an additional period of time is necessary.

(b) If the application is approved, the cabinet shall issue an accreditation certificate. If accreditation is denied, the cabinet shall notify the applicant, in writing, of the reason for denial and shall provide an opportunity for appeal.

(2) Application for renewal of accreditation. The cabinet shall make its determination to approve or deny a request for renewal within fifteen (15) days of receipt of a complete renewal application.

(a) If the renewal is approved, the cabinet shall issue a renewed accreditation certificate pursuant to this administrative regulation and 401 KAR 58:010.

(b) If the renewal is denied, the cabinet shall notify the applicant, in writing, of the reason for denial and shall provide an opportunity for appeal.

Section 6. Duration of Accreditation Certificates. Unless the cabinet revokes an initial accreditation certificate, pursuant to Unit I.G. of the KAAP document, the certificate shall remain in effect until expiration of the diploma issued pursuant to Unit I.D. of the KAAP document.

(1) An expired accreditation certificate may be renewed if the applicant completes all requirements for renewal of accreditation within one (1) year after the accreditation certificate has expired.

(2) If a person fails to renew an accreditation certificate within one (1) year of expiration of a previously-issued accreditation certificate, the individual shall complete all requirements for initial accreditation to receive accreditation.

Section 7. Fees. Fees shall be submitted to the cabinet by check or money order, made payable to the Kentucky State Treasurer.

(1) Initial accreditation.

(a) The fee for inspector, management planner, abatement project designer, or asbestos abatement supervisor accreditation shall be 100 dollars.

(b) The fee for asbestos abatement worker accreditation shall be twenty (20) dollars.

(c) The fee for accreditation in more than one (1) discipline shall be obtained by summing the fees for each of the requested accreditations.

(2) Renewal of accreditation. The fee for renewal of accreditation for each discipline shall be one-half (1/2) the initial accreditation fee.

(3) Course review fees. Training providers who request cabinet review for approval of training courses shall submit the required fee with the request for a course review. The formula for the fee for course review shall be 350 dollars per day of training times the total number of days of training. The minimum review fee for course approval shall be 350 dollars.

Section 8. Accreditation Revocation. The cabinet may revoke an accreditation issued under this administrative regulation pursuant to Unit I.G and IV. of the KAAP document.

Section 9. Training Requirements. (1) Initial accreditation. To be eligible for initial accreditation, an applicant shall successfully complete an EPA-approved training course in the discipline for which accreditation is requested within one (1) year prior to the date on which the application is filed. Eligibility for accreditation shall expire one (1) year after successful completion of the training course.

(2) Renewal of accreditation. Accreditation shall be renewed annually.

(a) To be eligible for accreditation renewal, an applicant shall successfully complete an EPA-approved refresher course in the discipline for which accreditation renewal is requested, pursuant to Unit I.E. of the KAAP document.

(b) An applicant may renew accreditation only in a discipline for which he has been accredited during the two (2) year period immediately preceding the date the application is filed.

Section 10. Approval of Training Courses. (1) Providers of courses that are not EPA-approved shall either gain approval from an EPA-approved state or apply for and receive contingent approval from the cabinet, pursuant to this administrative regulation and the KAAP document before presenting the course in Kentucky.

(2) EPA-approved training courses shall be considered approved by the cabinet at the same level as their approval by the U.S. EPA or an EPA-approved state (i.e., contingent or full).

(3) Training providers shall allow representatives of the cabinet to attend, evaluate, and monitor a training course presented in Kentucky without charge to the cabinet. Cabinet representatives shall not be required to give advance notice of their attendance to perform compliance inspections of training programs or to upgrade the approval of a course from contingent approval to full approval.

(a) The training provider shall provide written notification to the cabinet of:

1. An upcoming training course, at least ten (10) days before the course is presented;

2. The training provider's name, address, phone number, and a contact person;

3. Training course title;

4. Inclusive dates of the training course and examination;

5. Description of the training course as either a public offering, contract training, or in-house training for the provider's employees;

6. Location of and directions to the training facility; and

7. The language in which the course will be taught.

(b) If the training course is cancelled, the provider shall notify the cabinet at least twenty-four (24) hours before the scheduled start date.

(4) The application for course approval shall be accompanied by the applicable review fee as specified in Section 7(3) of this administrative regulation. The cabinet shall receive the total applicable review fee prior to the course being granted contingent approval.

(5) Contingent approval. Applications for contingent approval by the cabinet shall be made pursuant to Unit III of the KAAP document.

(a) If the training course is to be presented in Kentucky, the application shall include written certification by the training provider that the requirements of subsection (3) of this section shall be met if the training course is approved.

(b) The cabinet shall review the training provider's request for course approval pursuant to the KAAP document and this administrative regulation. If there are no deficiencies the cabinet shall give the training provider written notification that the training course has been given contingent approval. Unless suspended or revoked by the cabinet, contingent approval of a training course shall be valid for one (1) year and shall not be renewed. Throughout this year, the training provider shall meet the requirements of subsection (3) of this section.



## ADMINISTRATIVE REGISTER - 1923

(6) Full approval. For full approval of a training course, the training provider shall meet the contingent course approval criteria of subsection (5) of this section, the applicable course-content criteria of the KAAP document, and the criteria specified in paragraph (a) of this subsection.

(a) Full approval criteria.

1. Course administration. The physical environment in which the course is conducted shall be conducive to learning (e.g. adequate lighting and ventilation, minimal distractions, and adequate classroom layout). Teaching equipment shall operate properly. Classroom materials and instructional aids shall be organized in a logical fashion that is conducive to learning.

2. Teaching effectiveness. Instructors shall use clear and effective presentation methods, including stating the purpose and giving an overview for each topic, adhering to the agenda, checking for student comprehension, using teaching aids, and organizing presentation into logically-sequenced segments. Instructors shall also demonstrate their own satisfactory knowledge of course content by defining terms clearly, emphasizing key concepts, using analogies and examples correctly and appropriately, and distinguishing fact from opinion.

3. Hands-on training administration. Physical environment and equipment shall be conducive to learning (e.g., functional equipment, appropriate student-to-work station ratio, appropriate student-trainer ratio, and adequate space and time.) The trainer shall demonstrate the techniques covered, use appropriate hands-on teaching materials, and ensure student participation.

4. Courses to be audited by the cabinet for full approval shall be presented in English, unless prior arrangements have been made with the cabinet. The cabinet may require course providers whose courses are not presented in English to seek approval from an EPA-approved state which has the linguistic capabilities to review these courses adequately.

(b) Duration of full approval. Full approval shall remain in effect unless suspended or revoked.

(c) Suspension or revocation of training course approval. The cabinet may suspend or revoke the approval of a training course pursuant to this administrative regulation and Units II and III of the KAAP document.

Section 11. Materials Incorporated by Reference. (1)(a) "Form DEP 6038, Application for Individual Accreditation/ Asbestos Abatement Program," is incorporated by reference.

(b) The Division for Air Quality document for the "Kentucky Asbestos Accreditation Program, January 1998" is incorporated by reference.

(2) The material incorporated by reference may be obtained, inspected, or copied at the following offices of the Division for Air Quality, Monday through Friday, 8 a.m. to 4:30 p.m.:

(a) The Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky 40601, (502) 573-3382;

(b) Ashland Regional Office, 3700 Thirteenth Street, Ashland, Kentucky 41105, (606) 920-2067;

(c) Bowling Green Regional Office, 1508 Westen Avenue, Bowling Green, Kentucky 42104, (502) 746-7475;

(d) Florence Regional Office, 7964 Kentucky Drive, Suite 8, Florence, Kentucky 41042, (606) 292-6411;

(e) Hazard Regional Office, 233 Birch Street, Suite 2, Hazard, Kentucky 41701, (606) 435-6022;

(f) London Regional Office, 85 State Police Road, Room 345, London Kentucky 40741, (606) 878-0157;

(g) Owensboro Regional Office, 3032 Alvey Park Drive W, Suite 700, Owensboro, Kentucky 42303, (502) 687-7304; and

(h) Paducah Regional Office, 4500 Clarks River Road, Paducah, Kentucky 42003, (502) 898-8468. [As used in this administrative regulation, the following terms shall have the following meanings. If not defined in this section, a term shall have the meaning given it by commonly accepted usage:

(1) "Abatement project designer" means an individual who determines how asbestos abatement work should be conducted and who prepares for purposes of an abatement response action, plans, designs, procedures, workscope, or other substantive direction or criteria:

(2) "Act" means the Toxic Substances Control Act (TSCA), 15 USC 2601 and the related sections which follow, as in effect on July 18, 1988.

(3) "Accredited" means when referring to an individual that the individual is accredited in accordance with section 206 of Title II of the Act.

(4) "Accreditation certificate" means a certificate issued by the cabinet attesting to the training qualifications of an individual to perform specified asbestos abatement projects:

(5) "Asbestos" means the asbestiform varieties of: chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonite-grunerite), anthophyllite, tremolite, and actinolite.

(6) "Asbestos abatement contractor" means the individual responsible for the on-site supervision of the removal, encapsulation, or enclosure of friable ACM in a school. An asbestos abatement contractor may also perform the duties of an asbestos abatement supervisor, abatement project designer, or an asbestos abatement worker.

(7) "Asbestos abatement project" means any project intended to identify, assess, plan for, or respond to an asbestos hazard in a school building:

(8) "Asbestos abatement supervisor" means the individual responsible for the on-site supervision of the removal, encapsulation, or enclosure of friable ACM in a school. An asbestos abatement supervisor may also perform the duties of an asbestos abatement contractor, abatement project designer, or an asbestos abatement worker.

(9) "Asbestos abatement worker" means an individual who cleans, removes, encapsulates, encloses, hauls, or disposes of friable asbestos material or who performs any response action required to be performed by an accredited individual.

(10) "Asbestos-containing material" or "ACM" means, when referring to school buildings, any material or product which contains more than one (1) percent asbestos by area:

(11) "Asbestos-containing building material" or "ACBM" means surfacing ACM, thermal system insulation ACM, or miscellaneous ACM that is found in or on interior structural members or other parts of a school building:

(12) "Cabinet" has the meaning given it in KRS 224.01-010.

(13) "Day" means calendar day:

(14) "Discipline" means any of the following: an inspector, management planner, abatement project designer, asbestos abatement contractor, asbestos abatement supervisor, and asbestos abatement worker.

(15) "Encapsulation" means the treatment of ACBM with a material that surrounds or embeds asbestos fibers in an adhesive matrix to prevent the release of fibers, as the encapsulant creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant):

(16) "Enclosure" means an airtight, impermeable, permanent barrier around ACBM to prevent the release of asbestos fibers into the air:

(17) "EPA" or "U.S. EPA" means the United States Environmental Protection Agency:

(18) "EPA approved training course" means a training or refresher course for the discipline for which accreditation is requested which is approved by the U.S. EPA, at the time the course is taken, for the purpose of complying with the requirements of section 206 of the Act.

(19) "Friable" means that the material, when dry, may be broken, crumbled, pulverized, or reduced to powder by hand pressure, and includes previously nonfriable material after the previously nonfriable material becomes damaged to the extent that when dry it may be



## ADMINISTRATIVE REGISTER - 1924

crumbled, pulverized, or reduced to powder by hand pressure.

(20) "Functional space" means a room, group of rooms, or homogeneous area (including crawl spaces or the space between a dropped ceiling and the floor or roof deck above), such as classrooms, a cafeteria, gymnasium, hallways, designated by an individual accredited to prepare management plans, or design or conduct response actions.

(21) "Homogeneous area" means an area of surfacing material, thermal system insulation material, or miscellaneous material that is uniform in color and texture.

(22) "Inspector" means an individual who identifies, assesses the condition of, or collects preabatement air samples or bulk samples of ACM.

(23) "Inspection" means an identification of the status of asbestos in schools, including identification of, assessment of the conditions of, or collection of preabatement air samples or bulk samples of, ACM. This term also includes reinspections, after the initial inspection has been performed.

(24) "Local education agency" or "LEA" means:

(a) Any local education agency as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 USC 3381), which means, a public board of education or other public authority legally constituted for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision, or any combination of school districts or counties recognized as an administrative agency for its public elementary or secondary schools. This term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(b) The owner of any nonpublic, nonprofit elementary or secondary school building.

(c) The governing authority of any school operated under the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 USC 921, and the following related sections).

(25) "Management plan" means a plan submitted by an LEA and which is not disapproved, and which contains the items required in 40 CFR 763.93.

(26) "Management planner" means an individual who uses data gathered by inspectors to assess asbestos hazards, and by doing so determines appropriate response actions and develops management plans. A management planner may also perform the duties of an inspector.

(27) "Miscellaneous ACM" means miscellaneous material that is ACM in a school building.

(28) "Miscellaneous material" means interior building material on structural components, structural members, or fixtures, such as floor and ceiling tiles, and does not include surfacing material or thermal system insulation.

(29) "Nonfriable" means material in a school building which when dry may not be broken, crumbled, pulverized, or reduced to powder by hand pressure.

(30) "Operations and maintenance program" or "O&M program" means a program of work practices to maintain friable ACM in good condition, ensure cleanup of asbestos fibers previously released, and prevent further release by minimizing and controlling friable ACM disturbance or damage.

(31) "Person" has the meaning given it in KRS 224.01-010.

(32) "Removal" means the taking out or the stripping of substantially all ACM from a damaged area, a functional space, or a homogeneous area in a school building.

(33) "Repair" means returning damaged ACM to an undamaged condition or to an intact state so as to prevent fiber release.

(34) "Response action" means a method, including but not limited to removal, encapsulation, enclosure, repair, operations and maintenance, that protects human health and the environment from friable

ACBM:

(35) "School" means any elementary or secondary school as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 USC 2854).

(36) "School building" means:

(a) Any structure suitable for use as a classroom, including a school facility such as a laboratory, library, school eating facility, or facility used for the preparation of food;

(b) Any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education;

(c) Any other facility used for the instruction or housing of students or for the administration of education or research programs;

(d) Any maintenance, storage, or utility facility, including any hallway, essential to the operation of any facility described in paragraphs (a) to (c) of this subsection;

(e) Any portico or covered exterior hallway or walkway; or

(f) Any exterior portion of a mechanical system used to condition interior space.

(37) "Surfacing ACM" means surfacing material that is ACM.

(38) "Surfacing material" means material in a school building that is sprayed on, troweled on, or otherwise applied to surfaces, such as acoustical plaster on ceilings and fireproofing materials on structural members, or other materials on surfaces for acoustical, fireproofing, or other purposes.

(39) "Thermal system insulation" means material in a school building applied to pipes, fittings, boilers, breeching, tanks, ducts, or other interior structural components to prevent heat loss or gain, or water condensation, or for other purposes.

(40) "Thermal system insulation ACM" means thermal system insulation that is ACM.

Section 2. Applicability. The provisions of this administrative regulation shall apply to all individuals required to be accredited by 401 KAR 58:010.

Section 3. Prohibition. No individual may engage in, nor any person cause or allow any individual to engage in, any asbestos abatement project at a school on or after October 12, 1988, unless an accreditation certificate to so engage in these projects has been issued to that individual by the cabinet, is currently in effect, and is maintained on the person of that individual at all times.

Section 4. Applications. (1) No individual shall be considered for accreditation unless the training requirements of Section 9 of this administrative regulation have been completed prior to application.

(2) Applications for accreditation shall be made on forms prepared by the cabinet for this purpose and shall contain the information that the cabinet deems is necessary to determine whether the accreditation should be issued.

(3) Applications for accreditation shall be signed by the individual requesting accreditation. The signature shall be made under oath and shall constitute personal affirmation that the statements made in the application are true and complete.

(4) Applications shall contain the accreditation fee as indicated in Section 7 of this administrative regulation.

Section 5. Consideration of Applications. (1) Within fifteen (15) days after receipt of an application for accreditation, the cabinet shall advise the applicant as to whether or not the application is complete, and if not complete, what additional information is necessary in order to evaluate the application.

(2) Within fifteen (15) days after the application for accreditation is deemed complete, the cabinet shall make its determination concerning the application unless the cabinet determines that an additional period of time is necessary.

(3) If the application is approved, the cabinet shall issue to the

## ADMINISTRATIVE REGISTER - 1925

applicant the accreditation certificate to engage in asbestos abatement projects at schools, according to the provisions of the administrative regulation.

(4) The cabinet may deny an application for accreditation if the cabinet determines that the applicant has violated any provision of this administrative regulation, 401 KAR 57:011, 401 KAR 63:042, or 401 KAR 58:010, if the applicant willfully made any misstatements in the application, or if the applicant cannot reasonably be expected to conduct himself in a manner that is consistent with the acceptance of responsibility for asbestos abatement projects at schools. The cabinet shall make determinations regarding issuance or denial of the accreditation based upon the applicant's actions during any prior term of accreditation, the information contained in the application, and any other pertinent information that is available to the cabinet.

(5) Accreditations issued according to this administrative regulation shall be subject to the terms and conditions set forth and embodied in the accreditation certificate as the cabinet deems necessary to ensure compliance with the requirements of this administrative regulation, 401 KAR 57:011, 401 KAR 63:042, and 401 KAR 58:010.

**Section 6. Duration and Renewal of Accreditation Certificates.** (1) Unless the cabinet revokes an accreditation certificate, both initial and renewed accreditation certificates issued after the effective date of this administrative regulation, shall remain in effect concurrent with the certificate which is issued upon successful completion of the EPA-approved training or refresher course required in Section 9 of this administrative regulation.

(2) No individual shall be considered for renewal of accreditation unless the training requirements of Section 9 of this administrative regulation have been completed prior to application.

(3) Applications for renewal of accreditation shall be made on forms prepared by the cabinet for this purpose and shall contain the information that the cabinet deems is necessary to determine whether the accreditation should be issued.

(4) Applications for renewal of accreditation shall be signed by the individual requesting accreditation. The signatures shall be made under oath and shall constitute personal affirmation that the statements made in the application are true and complete.

(5) Failure to supply information required or deemed necessary by the cabinet to enable it to act upon the renewal application shall result in denial of that renewal.

(6) Any individual who submits an application for renewal of accreditation shall include with the application an accreditation fee, as specified in Section 7 of this administrative regulation.

(7) The cabinet shall make its determination to approve or deny the renewal within fifteen (15) days of receipt of a complete renewal application. The cabinet shall notify the applicant, in writing, of its determination and shall set forth its reasons for any denial.

(8) If the renewal is approved, the cabinet shall issue to the applicant the renewed certificate to engage in asbestos abatement projects in schools, according to the provisions of this administrative regulation and 401 KAR 58:010.

(9) The cabinet may deny an application for renewal of accreditation if the cabinet determines that the applicant has violated any provision of this administrative regulation, 401 KAR 57:011, 401 KAR 63:042, or 401 KAR 58:010, if the applicant willfully made any misstatements in the application, or if the applicant cannot reasonably be expected to conduct himself in a manner that is consistent with the acceptance of responsibility for asbestos abatement projects at schools. The cabinet shall make determinations regarding issuance or denial of the renewed accreditation based upon the applicant's actions during any prior term of accreditation, the information contained in the application, and any other pertinent information that is available to the cabinet.

(10) Renewed accreditations issued according to this administrative regulation shall be subject to the terms and conditions set forth

and embodied in the accreditation certificate as the cabinet deems necessary to ensure compliance with the requirements of this administrative regulation, 401 KAR 57:011, 401 KAR 63:042, and 401 KAR 58:010.

**Section 7. Fees.** All fees shall be submitted to the cabinet by check or money order, payable to the Kentucky State Treasurer. Fees for more than one (1) discipline shall be obtained by summing the fees for the requested accreditations. The fee for accreditation as an inspector, management planner, abatement project designer, asbestos abatement contractor, asbestos abatement supervisor, or asbestos abatement worker shall be twenty (20) dollars. The fee for renewal of accreditation for each of those disciplines shall be ten (10) dollars.

**Section 8. Accreditation Revocation.** The cabinet may revoke any accreditation issued under this administrative regulation if the accredited individual:

(1) Willfully makes any misstatement or knowingly omits information in the certification application, renewal application, or any amendments to an application;

(2) Fails to comply with the terms or conditions of the accreditation;

(3) Fails to comply with 401 KAR 57:011, 401 KAR 63:042, or 401 KAR 58:010;

(4) Fails to perform a response action in a manner which will protect human health and the environment;

(5) Performs a response action required to be performed by an accredited individual which is disapproved by the cabinet or not contained in an applicable management plan; or

(6) Alters any accreditation certificate.

**Section 9. Training Requirements.** (1) Initial accreditation. Every individual requesting accreditation shall attend and successfully complete an EPA-approved training course for the appropriate discipline for which accreditation is requested within one (1) year prior to applying for accreditation. Training successfully completed at an EPA-approved training course for the requested discipline since January 1, 1985, shall satisfy the requirement of this subsection for one (1) year from October 5, 1988.

(2) Renewal of accreditation.

(a) If an individual successfully completes an EPA-approved refresher course for the discipline for which accreditation is requested prior to the expiration of his certificate and if the individual requests that his accreditation certificate be renewed prior to expiration, then the cabinet may extend the accreditation certificate for one (1) year. The cabinet will issue a renewal certificate for each approved extension.

(b) If an individual fails to successfully complete an EPA-approved refresher course for the discipline for which accreditation is requested within one (1) year of being certified, his accreditation certificate shall expire; however, an expired certificate may be renewed if the applicant successfully completes an EPA-approved refresher course within one (1) year of expiration, and completes all other requirements for renewal of certifications.

(c) If an individual fails to successfully complete an EPA-approved refresher course for the discipline for which accreditation is requested within one (1) year of expiration of his accreditation certificate, the individual shall complete all requirements for initial accreditation in order to receive accreditation.

**Section 10. Penalties.** Any individual or other person who violates any provision of this administrative regulation shall be subject to the appropriate enforcement action as provided under KRS 224.99-010.]

JAMES E. BICKFORD, Secretary  
GLENN A. JO CURRY, General Counsel

## ADMINISTRATIVE REGISTER - 1926

APPROVED BY AGENCY: January 16, 1998

FILED WITH LRC: January 16, 1998 at noon

PUBLIC HEARING SCHEDULED: A public hearing on the proposed amendment to the administrative regulation will be held on March 23, 1998, at 10 a.m. (ET) in the Conference Room of the Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing, at least five days prior to the hearing, of their intent to attend. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed amendment. Send written notification of intent to be heard at the public hearing or written comments on the regulation to the contact person.

CONTACT PERSON: Millie Ellis, Supervisor, Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky, 40601, (502) 573-3382, and fax number (502) 573-3787.

To request appropriate accommodations for the public hearing (such as an interpreter), or alternate formats of the printed material, please call (502) 573-3382, ext 362. The cabinet does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or the provision of services and provides, upon request, reasonable accommodation including auxiliary aids and services necessary to afford individuals with disabilities an equal opportunity to participate in all programs and activities.

### REGULATORY IMPACT ANALYSIS

Agency Contact: Millie Ellis, Supervisor

(1) Type and number of entities affected: This administrative regulation provides for the accreditation of persons who inspect for asbestos in school, public, or commercial buildings; who design, supervise, or perform response actions in school, public, or commercial buildings; and who prepare plans addressing potential and actual asbestos hazards in schools. It also provides standards for trainers of accreditation applicants and administrative mechanisms for approval of qualified trainers.

(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. Some communities might see a small financial benefit if training programs were to locate in the area, bringing applicants into local businesses such as hotels or restaurants. There is the possibility for negligible costs increases for asbestos surveys in public and commercial buildings. However, the main costs resulting from the implementation of this amendment will be borne by the asbestos professionals who will pay fees for the services of training, accreditation and course approval.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented. There may be increased costs for accredited building surveys in public and commercial buildings, but these increased costs should offset costs of remedying problems caused by inadvertent asbestos disturbance. Conversely, promulgation of this amendment will reduce costs for trainers to acquire and maintain course approvals and for the applicants who want to minimize travel costs by attending local courses.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: In the area of compliance, there will be some increase for accreditation requirements in public and commercial buildings, but this increase is likely to be offset by reduced remediation costs. Reporting requirements will increase for trainers because of federally-mandated recordkeeping requirements in certifying and recertifying applicants. There will also be additional recordkeeping for applications, accreditation, and course approval.

2. Second and subsequent years: There will be no additional

requirements beyond those mentioned for the first year.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: There will be fees for accreditation and course approval that are designed to cover costs.

2. Continuing costs or savings: Continuing costs of the recertification/renewal fee are reflected in the renewal fees described in Section 7 of the administrative regulation.

3. Additional factors increasing or decreasing costs: There are no known additional factors increasing or decreasing costs.

(b) Reporting and paperwork requirements: A slight increase in applications for accreditation and course approval is expected. Additionally, federally-mandated recordkeeping requirements for trainers are expected to increase agency review and oversight slightly.

(4) Assessment of anticipated effect on state and local revenues: Accreditation fee receipts are estimated at \$67,300/yr, and course review fee receipts are estimated at \$8,050/yr. These fees are expected to recover increased costs for processing double the current number of accreditation applications and reviewing approximately one (1) new training course per year in each discipline.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: The fees from applicants for accreditation and course approval are expected to recover costs.

(6) Economic impact, including effects of economic activities arising from administrative regulation, on:

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

(b) Kentucky: Because federal law already requires asbestos professionals to be accredited and asbestos trainers to be approved, economic benefits should accrue from locating the program at the state level.

(7) Assessment of alternative methods; reason why alternatives were rejected: No alternative methods were considered because this amendment mirrors the provisions of the federal regulation. This amended administrative regulation is designed with provisions for maximum efficiency in benefiting regulated entities who pay fees for services provided by the program and for maximum effectiveness in carrying out the federal mandate to protect human health and the environment.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which administrative regulation will be implemented and on Kentucky: By establishing qualification requirements for asbestos professionals and their trainers, the statewide accreditation program will minimize asbestos exposures resulting from incompetence.

(b) State whether a detrimental effect on environment and public health would result if not implemented: The division anticipates a detrimental effect on the environment and public health if this administrative regulation is not implemented because a federally-administered program could provide only long-distance oversight, with insufficient administrative and technical staff, for the volume of asbestos-abatement activity in Kentucky.

(c) If detrimental effect would result, explain detrimental effect: If this administrative regulation is not implemented, trainers could present unmonitored training in Kentucky. Additionally, oversight of asbestos professionals' qualifications will be diminished if this requirement is administered long distance from a federal rather than a state perspective.

(9) Identify any statute, rule, regulation or government policy which may be in conflict, overlapping, or duplication: Federal statutes for the Clean Air Act and Toxic Substance Control Act overlap at the supervisor discipline. However, the activities and facilities covered under the overlapping mandates are sufficiently distinct to warrant separate sets of requirements.

(a) Necessity of proposed regulation if in conflict: This administra-

## ADMINISTRATIVE REGISTER - 1927

tive regulation is not in conflict. To minimize any burdens caused by the overlap mentioned in (9) above, the division has integrated both programs into a single administrative unit and has established reciprocal considerations for supervisors who are subject to both program requirements.

(b) If in conflict, was effort made to harmonize the proposed regulation with conflicting provisions: This administrative regulations is not in conflict.

(10) Any additional information or comments: The cabinet has no additional information or comment.

(11) TIERING: Is tiering applied? No. There is no tiering of requirements by the state.

### FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. The federal mandate for an asbestos accreditation program is found at 40 CFR 763, Subpart E, Appendix C, as published in the Code of Federal Regulations July 1, 1996, and at 15 USC 2601 through 2692, as amended November 28, 1990 (Toxic Substances Control Act).

2. State compliance standards. The federal regulation contains standards for persons and courses subject to 40 CFR Part 763, Subpart E, Appendix C, and provisions for maintaining those standards. The requirements in the state administrative regulation meet those of the federal regulation. Specific procedures are outlined toward the training and accreditation of asbestos abatement professionals.

3. Minimum or uniform standards contained in the federal mandate. The minimum standards appear at 40 CFR 763, Subpart E, Appendix C.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities of requirements, than those required by the federal mandate? This administrative regulation does not impose requirements beyond those specified in the federal. However, the federal mandate does not provide specific administrative procedures to follow in the accreditation process, but instead allows states to develop application procedures, fee protocols, and reciprocity plans that allow individuals accredited in one state to show proof of accreditation that is acceptable in other states.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Stricter standards and requirements are not imposed.

### FISCAL NOTE ON LOCAL GOVERNMENT

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

2. State what unit, part or division of local government this administrative regulation will affect. Any unit of local government that uses its personnel for asbestos inspections or removals will be required to obtain accreditation for those personnel from the Division for Air Quality before performing those tasks.

3. State the aspect or service of local government to which this administrative regulation relates. This administrative regulation relates to any aspect of service of local government for activities involving asbestos inspections or removals.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal import of the administrative regulation.

Revenues (+/-): There is no known effect on current revenues.

Expenditures (+/-): Local governments may expect modest costs increases in their current expenditures for training and accreditation of in-house inspectors, but the bulk of these costs will be for meeting the federal requirements for training. A minimal expense should be

expected for administrative fees.

Other Explanation: There is no other explanation.

### NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET Department for Environmental Protection Division for Air Quality (Amendment)

#### 401 KAR 58:025. Asbestos standards.

RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 224.20-300, 224.20-310, 224.20-320, 224.99-010, 40 CFR 61.140 through 61.157 (61 Subpart M), Appendix A to Subpart M

STATUTORY AUTHORITY: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 224.20-300, 224.20-310, 224.20-320, 224.99-010, 40 CFR 61.140 through 61.157 (61 Subpart M), Appendix A to Subpart M

NECESSITY, FUNCTION, AND CONFORMITY: 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. The federal regulation incorporated by reference in this administrative regulation provides for identification, handling, and disposal of asbestos materials and for conversion of asbestos-containing waste material into asbestos-free material. Included in the standard is the interpretive rule governing roof removal operations. [This administrative regulation provides for the control of asbestos emissions.]

Section 1. Definitions. As used in 40 CFR 61.140 through 61.157, the following terms shall be defined as provided in this section:

(1) Except as provided in subsection (2) of this section, "administration" means the Secretary of the Natural Resources and Environmental Protection Cabinet.

(2) As used in 40 CFR 61.149(c)(2), 61.150(a)(4), 61.151(c), 61.152(b)(3), 61.154(d), and 61.155(a), "administrator" means the Administrator of the U.S. EPA.

Section 2. (1)(a) "40 CFR 61.140 through 61.157 (40 CFR 61, Subpart M), National Emission Standard for Asbestos, and Appendix A to Subpart M, Interpretive Rule Governing Roof Removal Operations", as published in the Code of Federal Regulations, Title 40 Parts 61 to 71, July 1, 1996, is incorporated by reference.

(b) "Form DEP 7036, Ten (10) Day Report for Prior Notification of Asbestos Abatement Activities", is incorporated by reference.

(2) The material incorporated by reference may be obtained, inspected, or copied at the following offices of the Division for Air Quality, Monday through Friday, 8 a.m. to 4:30 p.m.:

(a) The Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky 40601, (502) 573-3382;

(b) Ashland Regional Office, 3700 Thirteenth Street, Ashland, Kentucky 41105, (606) 920-2067;

(c) Bowling Green Regional Office, 1508 Westen Avenue, Bowling Green, Kentucky 42104, (502) 746-7475;

(d) Florence Regional Office, 7964 Kentucky Drive, Suite 8, Florence, Kentucky 41042, (606) 292-6411;

(e) Hazard Regional Office, 233 Birch Street, Suite 2, Hazard, Kentucky 41701, (606) 435-6022;

(f) London Regional Office, 85 State Police Road, Regional State Office Building, Room 345, London Kentucky 40741, (606) 878-0157;

(g) Owensboro Regional Office, 3032 Alvey Park Drive W., Suite 700, Owensboro, Kentucky 42303, (502) 687-7304; and

(h) Paducah Regional Office, 4500 Clarks River Road, Paducah, Kentucky 42003, (502) 898-8468.

(3) Copies of the Code of Federal Regulations (CFR) are available for sale from the Superintendent of documents, U.S.

## ADMINISTRATIVE REGISTER - 1928

Government Printing Office, Washington, D.C. 20402. [General References: In the federal regulation adopted by reference in this administrative regulation, "Regional Administrator" shall be read as "secretary," "EPA" and "Agency" shall be read as "cabinet," and "this subpart" shall be read as "this administrative regulation."]

Section 2. The national emission standard for asbestos contained in 40 CFR 61, Subpart M, as published in the Code of Federal Regulations, Title 40, Parts 53 to 80, July 1, 1985, and as amended by Federal Register 51 FR 8199, March 10, 1986, is hereby adopted and filed herein by reference. The methods for determining compliance as required in 40 CFR 61, Subpart M are filed by reference in 401 KAR 50:015.

Section 3. Summary. The federal regulation adopted herein by reference, 40 CFR 61, Subpart M, provides standards for sources that use commercial asbestos. Standards for demolition, renovation, fabricating and waste disposal are also included. The standards provide for a no visible emission limitation and equipment or work practice requirements.

Section 4. Availability. (1) Copies of the Code of Federal Regulations (CFR) and Federal Register are available for sale from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(2) Copies of the material incorporated by reference in this administrative regulation shall be available for public review at the following offices of the Division for Air Quality:

(a) Director's Office, Division for Air Quality, Fort Boone Plaza, 18 Reilly Road, Frankfort, Kentucky 40601, (502) 564-3382;

(b) Ashland Regional Office, 3700 13th Street, Ashland, Kentucky 41101, (606) 325-8569;

(c) Bowling Green Regional Office, 1508 West Avenue, Bowling Green, Kentucky 42101, (502) 842-8131;

(d) Florence Regional Office, 7964 Kentucky Drive, Suite 8, Florence, Kentucky 41042, (606) 371-0598;

(e) Hazard Regional Office, 233 Birch Street, Hazard, Kentucky 41101, (606) 439-2391;

(f) Owensboro Regional Office, 311 West Second Street, Owensboro, Kentucky 42301, (502) 686-3304; and

(g) Paducah Regional Office, 1390 Irvin Cobb Drive, Paducah, Kentucky 42001, (502) 444-8295.]

JAMES E. BICKFORD, Secretary

GLENNA JO CURRY, General Counsel

APPROVED BY AGENCY: January 16, 1998

FILED WITH LRC: January 16, 1998 at noon

PUBLIC HEARING SCHEDULED: A public hearing on the proposed amendment to the administrative regulation will be held on March 23, 1998, at 10 a.m. (ET) in the Conference Room of the Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing, at least five days prior to the hearing, of their intent to attend. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed amendment. Send written notification of intent to be heard at the public hearing or written comments on the regulation to the contact person.

CONTACT PERSON: Millie Ellis, Supervisor, Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky 40601, (502) 573-3382, and fax number (502) 573-3787.

To request appropriate accommodations for the public hearing (such as an interpreter), or alternate formats of the printed material, please call (502) 573-3382, ext 362. The cabinet does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or the provision of services and provides, upon request, reasonable accommodation including auxiliary aids and

services necessary to afford individuals with disabilities an equal opportunity to participate in all programs and activities.

### REGULATORY IMPACT ANALYSIS

Agency Contact: Millie Ellis, Supervisor

(1) Type and number of entities affected: This updates the incorporation by reference of the national emission standard for hazardous air pollutants (NESHAP) for asbestos, 40 CFR 61, Subpart M. The federal regulation applies to the following sources and activities that emit asbestos: asbestos mills, roadways, spraying, insulating materials, manufacturing and fabricating operations, demolition and renovation, and active and inactive waste disposal sites. At present, there are no asbestos mills in Kentucky. There are two (2) asbestos products manufacturers and four (4) asbestos product fabricators.

(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. There are no costs or savings beyond those which are described in the federal NESHAP final rulemakings at 53 FR 36972 (September 23, 1988); 55 FR 48406 (November 20, 1990); 56 FR 1669 (January 16, 1991); 59 FR 31157 (June 17, 1994); and 60 FR 31920 (June 19, 1995).

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented. This amendment does not affect the cost of doing business in the geographical areas where the federal actions are implemented beyond the costs described in the federal rulemakings.

(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 additional first year costs or savings due to the promulgation of this amendment.

2. Second and subsequent years: There are no additional second year and subsequent years costs or savings due to the promulgation of this amendment.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The costs for implementing and enforcing this administrative regulation will be absorbed as a part of the division's operating budget. There are no additional costs or savings resulting from this administrative regulation.

2. Continuing costs or savings: There are no additional costs or savings resulting from this administrative regulation.

3. Additional factors increasing or decreasing costs: There are no additional factors increasing or decreasing costs.

(b) Reporting and paperwork requirements: There will be no increase in reporting and paperwork requirements.

(4) Assessment of anticipated effect on state and local revenues: This amendment will have no known effect on state and local revenues.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: The Division for Air Quality's 105 grant and state funds will be used to implement this amendment and to continue enforcement of this administrative regulation.

(6) Economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: This amendment will have no economic impact in the geographical location beyond that described in the federal rulemakings.

(b) Kentucky: This amendment will have no known economic impact in any geographical location in Kentucky beyond that described in the federal rulemaking.

(7) Assessment of alternative methods; reason why alternatives were rejected: No alternative methods were considered because this administrative regulation mirrors the federal regulation so that

## ADMINISTRATIVE REGISTER - 1929

Kentucky can continue its delegated authority for this source category.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which administrative regulation will be implemented and on Kentucky: There will be no detrimental effect on environment and public health if this amendment is not implemented because it will be implemented by the U.S. EPA if Kentucky fails to do so.

(b) State whether a detrimental effect on environment and public health would result if not implemented: There will be no detrimental effect on environment and public health if this amendment is not implemented because it will be implemented by the U.S. EPA if Kentucky fails to do so.

(c) If detrimental effect would result, explain detrimental effect: There will be no detrimental effect on environment and public health.

(9) Identify any statute, rule, regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict, overlapping, or duplication.

(a) Necessity of proposed regulation if in conflict: There is no conflict with other administrative regulations.

(b) If in conflict, was effort made to harmonize the proposed regulation with conflicting provisions: There is no conflict with other administrative regulations.

(10) Any additional information or comments: This administrative regulation was previously codified as 401 KAR 57:011.

(11) TIERING: Is tiering applied? No. There is no additional tiering of requirements by the state.

### FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute of regulation constituting the federal mandate. The federal mandate is found at 40 CFR 61.140 through 61.157 (40 CFR 61, Subpart M) and Appendix A to Subpart M.

2. State compliance standards. KRS 224.10-100 requires the cabinet to provide an air quality program for Kentucky.

3. Minimum or uniform standards contained in the federal mandate. The federal regulation incorporated by reference addresses startup, operation, and closure of facilities and sources that can emit asbestos. Specifically, it applies to owners or operators of asbestos mills, roadway construction and maintenance activities, manufacturing operations using commercial asbestos, spray-applicators of asbestos-containing materials, fabricating operations using commercial asbestos, insulators installing or reinstalling commercial asbestos, active or inactive waste-disposal sites, operations using air cleaning to control asbestos emissions, demolition and renovation involving asbestos, and operations converting asbestos-containing waste into non-asbestos materials.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities of requirements, than those required by the federal mandate? There are no stricter requirements or additional responsibilities or requirements beyond those required by the federal regulation.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Stricter standards or different responsibilities or requirements are not imposed.

### FISCAL NOTE ON LOCAL GOVERNMENT

1. Does this administrative regulation relate to any aspect of a local government, including any service provided by that local government? No. This administrative regulation is directed toward control of asbestos emissions from specific operations.

2. State what unit, part or division of local government this administrative regulation will affect. Any unit, part, or division of local government that acts in the role of "owner or operator of a renovation or demolition operation" will be affected by this administrative

regulation. Additionally, any of these entities that operate asbestos-disposal sites or build asbestos-containing roads will be affected.

3. State the aspect or service of local government to which this administrative regulation relates. Local government is affected if it acts as "owner or operator of a renovation or demolition operation" or it operates asbestos-disposal sites or builds asbestos-containing roads.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal import of the administrative regulation.

Revenues (+/-): There is no known effect on current revenues.

Expenditures (+/-): There is no known effect on current expenditures.

Other Explanation: There is no additional explanation.

### JUSTICE CABINET Department of Corrections Division of Adult Institutions (Amendment)

#### 501 KAR 6:120. Blackburn Correctional Complex.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the Justice Cabinet and Department of Corrections 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 by the American Correctional Association. This administrative regulation establishes the policies and procedures for the Blackburn Correctional Complex.

Section 1. Incorporation by Reference. (1)(a) "Blackburn Correctional Complex Policies and Procedures", February 12, 1998 [November 12, 1997], is incorporated by reference.

(b) There will be no public hearing on these policies and procedures as they are secured policies under the provisions of KRS 197.025 which states that such policies shall not be accessible to the public or inmates.

(2) Blackburn Correctional Complex Policies and Procedures:

BCC 01-07-01	Extraordinary Occurrence Reports
BCC 01-09-01	Legal Assistance for Staff
BCC 01-11-01	Roles of Consultants, Contract Employees, Volunteers and Employees of Other Agencies
BCC 01-13-01	Relationships with Public, Media, and Other Agencies
BCC 01-13-02	Public Information and News Media Access
BCC 01-15-01	Internal Affairs Office
BCC 01-16-01	Tours of Blackburn Correctional Complex
BCC 01-19-01	Inmate Access to BCC Staff
BCC 02-01-01	Inmate Canteen ( <u>Amended 2/12/98</u> )
BCC 02-02-01	Fiscal Responsibility ( <u>Amended 2/12/98</u> )
BCC 02-02-02	Fiscal Management: Accounting Procedures ( <u>Amended 2/12/98</u> )
BCC 02-02-03	Fiscal Management: Checks ( <u>Amended 2/12/98</u> )
BCC 02-02-04	Fiscal Management: Budget
BCC 02-02-05	Fiscal Management: Insurance
BCC 02-02-06	Fiscal Management: Audits
BCC 02-04-01	Billing Method for <u>Specialized Health Services</u> ( <u>Amended 2/12/98</u> ) [Staff Paid by Personal Service



# ADMINISTRATIVE REGISTER - 1930

	<u>Contract]</u>	BCC 13-17-01	Notification of Inmate Family in the Event of Serious Illness, Injury or Surgery
BCC 02-05-01	Property Inventory ( <u>Amended 2/12/98</u> )	BCC 13-19-01	Physicians Referrals/Continuity of Care
BCC 02-06-01	Purchasing ( <u>Amended 2/12/98</u> )	BCC 13-20-01	Chronic and Convalescent Care
BCC 02-07-01	Inmate Personal Accounts ( <u>Amended 2/12/98</u> )	BCC 13-22-01	Psychiatric and Psychological Services, Handling of Mentally Retarded Inmates and Transfers
BCC 04-02-01	Firearms Training	BCC 14-01-01	Office of Public Advocacy Attorney Visits
BCC 04-03-01	Educational Assistance Program	BCC 14-02-01	Law Library
BCC 05-01-01	Inmate Participation in Authorized Research ( <u>Amended 2/12/98</u> )	BCC 14-04-01	Inmate Rights and Responsibilities
BCC 06-02-01	Release of Records ( <u>Amended 2/12/98</u> ) [ <u>Release of Information</u> ]	BCC 14-06-01	Legal and Support Services for Inmates
BCC 06-02-02	Offender Records ( <u>Amended 2/12/98</u> )	BCC 15-02-02	Room Assignment
BCC 06-03-01	Reporting Inmate Misconduct Following Favorable Recommendation by the Parole Board	BCC 15-03-01	Rules and Regulations for Dormitories
BCC 08-02-01	Natural Disaster Plan (Tornado)	BCC 15-05-01	Extra Duty Assignments
BCC 08-03-01	Emergency Preparedness Plan Manual	BCC 16-01-01	Inmate Furloughs
BCC 08-04-01	Fire Safety Plan, Drills and Related Staff Duties	BCC 16-02-01	Inmate Visiting
BCC 08-04-02	Immediate Release of Inmates from Locked Areas	BCC 16-03-02	Outgoing Inmate Packages
BCC 08-05-01	Duties of Fire Safety and Sanitation Officer	BCC 16-03-03	Inmate Correspondence
BCC 08-06-01	Storage Control and Accountability of Flammable, Toxic, Caustic and Other Hazardous Materials	BCC 17-02-01	Authorized Inmate Personal Property
BCC 09-03-01	Inmate Identification [( <u>Added 2/11/98</u> )]	BCC 17-03-01	Processing of New Inmates From Local Jails
BCC 09-08-02	Use of Restraints ( <u>Amended 2/12/98</u> )	BCC 18-01-01	Classification: Institutional Classification and Re-classification
BCC 09-10-03	Development of Institutional Post Orders [( <u>Added 2/11/98</u> )]	BCC 18-02-01	Racial Balance in Living Areas
BCC 09-14-01	Prohibiting Inmate Authority Over Other Inmates [( <u>Added 2/11/98</u> )]	BCC 19-01-01	Inmate Work Programs
BCC 09-18-01	Use of State Vehicles and Staff-owned Vehicles [( <u>Added 2/11/98</u> )]	BCC 19-02-01	Classification of Inmates to Governmental Service Program
BCC 09-19-01	Duties and Responsibilities of the Institutional Captain [( <u>Added 2/11/98</u> )]	BCC 19-03-01	Correctional Industries
BCC 10-01-01	Special Management Inmates	BCC 20-01-01	Academic and Vocational School
BCC 10-01-02	Temporary Segregation Holding Area	BCC 20-04-01	Educational Program Evaluation
BCC 11-01-01	Menu and Special Diets	BCC 20-05-01	Educational Program Planning
BCC 11-02-01	Food Service: Inspection, Health Protection and Sanitation	BCC 20-06-01	Academic and Vocational Curriculum
BCC 11-03-01	Food Service: Meals	BCC 21-01-01	Library Services
BCC 11-04-01	Dining Room Guidelines	BCC 21-01-02	Audio or Video Tape Court Transcripts
BCC 11-05-01	Food Service Security: Knife & Other Sharp Instrument and Utensil Control	BCC 22-01-01	Arts and Crafts/Production and Sale of Items
BCC 11-06-01	Purchasing, Storage and Farm Products	BCC 22-02-01	Privileged Trips
BCC 11-07-01	Food Service Operations Manual	BCC 22-03-01	Recreational Employees
BCC 12-02-01	Personal Hygiene Items	BCC 22-04-01	Recreation and Inmate Activities
BCC 12-02-02	Clothing, Linens, Bedding Issuance and Shower Facilities	BCC 22-04-02	Inmate Clubs and Organizations
BCC 12-05-01	Barber Shop Services	BCC 22-04-03	Conducting Inmate Organizational Meetings and Programs
BCC 12-06-01	BCC Housekeeping Plan	BCC 22-04-04	Recreation Program Availability
BCC 13-01-01	Sick Call and Pill Call	BCC 22-04-05	Supervision of Leisure-time Craft Club Activities and Materials
BCC 13-02-01	Administration and Authority for Health Services	BCC 22-06-01	Music Club
BCC 13-03-01	Provisions of Health Care Delivery	BCC 22-08-01	Unit Recreation Program
BCC 13-04-01	Licensure and Training Standards	BCC 22-09-01	Use of Inmates in Recreation Programs
BCC 13-05-01	Medical Alert System	BCC 23-01-01	Religious Services
BCC 13-06-01	Health Care Practices	BCC 24-01-01	Duties and Responsibilities of Classification and Treatment Officers
BCC 13-07-01	Emergency Medical Care Plan	BCC 24-02-01	Duties and Responsibilities of the Unit Director and Assistant to the Unit Director
BCC 13-07-02	Emergency and Specialized Health Services	BCC 24-03-01	Social Services
BCC 13-07-03	Immediate Medical Treatment for Person's Injured by Weapon or Chemical Agent	BCC 25-01-01	Inmate Check Out Procedure
BCC 13-08-01	Inmate Health Screening and Evaluation	BCC 25-05-01	Supplemental Preparole Progress Reports
BCC 13-09-01	Prohibition on Medical Experimentation	BCC 26-01-01	Citizen Involvement and Volunteer Service Program.
BCC 13-10-01	Dental Services		
BCC 13-11-01	Suicide Prevention and Intervention Program		
BCC 13-12-01	Use of Pharmaceutical Products		
BCC 13-12-02	Parenteral Administration of Medications and Use of Psychotropic Drugs		
BCC 13-13-01	Inmate Health Education		
BCC 13-14-01	Management of Serious and Infectious Diseases		
BCC 13-15-01	Informed Consent		
BCC 13-16-01	Health Records		

DOUG SAPP, Commissioner

TAMELA BIGGS, Staff Attorney

APPROVED BY AGENCY: January 6, 1998

FILED WITH LRC: February 12, 1998 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 23, 1998, at 9 a.m., in the State Office Building Auditorium. Individuals interested in attending this hearing shall notify this agency in writing by March 16, 1998, 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



## ADMINISTRATIVE REGISTER - 1931

wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation.

CONTACT PERSON: Jack Damron or Tamela Biggs, Staff Attorneys, Department of Corrections, 2nd Floor, State Office Building, Frankfort, Kentucky 40601, Telephone Number (502) 564-2024, Facsimile Number (502) 564-6494.

### REGULATORY IMPACT ANALYSIS

Contact person: Tamela Biggs, Staff Attorney

(1) Type and number of entities affected: 92 employees of the correctional institution, 403 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 1996-1998 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.

## JUSTICE CABINET Kentucky Department of Corrections (Amendment)

### 501 KAR 6:999. Corrections secured policies and procedures.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the Justice Cabinet and Department of Corrections 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. This administrative regulation establishes the policies and procedures for the Department of Corrections.

Section 1. Incorporation by Reference. (1) The following material is incorporated by reference: "Department of Corrections Secured Policies and Procedures, February 12, 1998 [November 12, 1997]."

BCC 09-01-01	Inclement Weather/Emergency Condition Operation
BCC 09-02-01	Restricted Areas
BCC 09-02-02	Inmate Pass System to Restricted Areas
BCC 09-02-03	Regulation of Inmate Movement
BCC 09-02-04	Radio Escorted Yard Movement During Daylight Savings Time (November 1-April 30)
BCC 09-04-02	Complex Entry and Exit
BCC 09-05-01	Key Control
BCC 09-06-02	Transportation to Courts
BCC 09-07-01	Drug Abuse and Intoxicants Testing
BCC 09-09-01	Population Counts and Count Documentation
BCC 09-15-01	Search Policy and Disposition of Contraband
BCC 09-16-01	Security Activity Logs
BCC 09-17-01	Institutional Supervisor Inspection
BCC 09-20-01	Inmate Death
BCC 09-21-01	Tool Control
BCC 09-22-01	Emergency Communication System
CPP 8.3	Emergency Planning ( <u>Amended 2/12/98</u> )
CPP 8.4	Emergency Preparedness
CPP 8.5	Emergency Squads ( <u>Amended 2/12/98</u> )
CPP 9.1	Use of Force
CPP 9.7	Storage, Issue and Use of Weapons Including Chemical Agents
CPP 9.9	Transportation of Inmates
CPP 9.10	Security Inspections
CPP 9.11	Tool Control
FCDC 09-01-02	Institutional Entry and Exit Surveillance and Perimeter Security Procedures
FCDC 09-03-01	Control and Accountability of Flammable, Toxic, Caustic and Other Hazardous Materials
GRCC 08-03-01	Escape Plan
GRCC 08-05-01	Emergency Squad: Selection, Training and Evaluation
GRCC 08-06-01	Response Units
GRCC 09-03-01	Procedure for Operation in Event of Dense Fog, Inclement Weather or Loss of Power
GRCC 09-04-01	Inmate Death
GRCC 09-06-01	Entry and Exit Procedures
KSP 09-08-01	Searches and Preservation of Evidence
KSR 09-00-04	Horizontal Gates/Box 1 Entrance and Exit Procedure
KSR 09-00-09	Contraband, Dangerous Contraband and Search Policy

## ADMINISTRATIVE REGISTER - 1932

KSR 09-00-27 Construction Crew Entry/Exit  
RCC 08-08-01 Control and Use of Flammable, Toxic, and Caustic Materials  
RCC 09-06-01 Search Policy/Disposition of Contraband

(2) There will be no public hearing on these policies and procedures as they are secured policies under the provisions of KRS 197.025 which states that such policies shall not be accessible to the public or inmates.

DOUG SAPP, Commissioner  
TAMELA BIGGS, Staff Attorney

APPROVED BY AGENCY: January 6, 1998

FILED WITH LRC: February 12, 1998 at 3 p.m.

PUBLIC HEARING: See Section 1(2) of this administrative regulation.

### REGULATORY IMPACT ANALYSIS

Contact Person: Tamela Biggs, Staff Attorney

(1) Type and number of entities affected: 2,948 employees of the correctional institutions, 8,729 inmates, 14,211 parolees and probationers, 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, 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: 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: Funds budgeted for this 1996 - 1998 biennium.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: None

(b) Kentucky: None

(7) Assessment of alternative methods; reasons why alternatives were rejected: 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 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 Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

### TRANSPORTATION CABINET Department of Vehicle Regulation Division of Motor Vehicle Enforcement (Amendment)

#### 601 KAR 1:005. Safety administrative regulations.

RELATES TO: KRS Chapters 138, 281, 49 CFR Parts 40, 382-383, 385, 390-397

STATUTORY AUTHORITY: KRS 138.665, 281.600, 281.730, 281.750, 281.880 through 281.888, 49 CFR Parts 40, 382-383, 385, 390-397

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation is necessary to set forth the safety requirements that KRS 281.600 allows the Transportation Cabinet to establish. This administrative regulation sets out safety procedures to be followed by motor carriers operating in the Commonwealth of Kentucky. The safety requirements of this administrative regulation essentially conform to the provisions of the federal safety requirements. While Kentucky's requirements are more lenient in minor intrastate areas, the Federal Highway Administration has determined that this administrative regulation essentially complies with the federal mandate.

Section 1. Definitions. (1) "City bus" means as defined in KRS 281.013(1). ["Farm-to-market agricultural transportation" means the operation of a motor vehicle that is controlled and operated by a farmer who, as a private motor carrier is using a vehicle:

(a) To transport agricultural products from his farm;

(b) To transport farm machinery or farm supplies to his farm; or

(c) Generally thought of as farm machinery; and

(d) Which is not transporting hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with 601 KAR 1:025.]

(2) "Daylight hours" means that period of time one-half (1/2) hour before sunrise through one-half (1/2) hour after sunset.

(3) "Farm-to-market agricultural transportation" means the operation of a motor vehicle that is controlled and operated by a farmer who, as a private motor carrier is using a vehicle:

(a) To transport agricultural products from his farm;

(b) To transport farm machinery or farm supplies to his farm; or

(c) Generally thought of as farm machinery; and

(d) Which is not transporting hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with 601 KAR 1:025.

(4) "Load limit" means the seating capacity established by the manufacturer for a passenger-carrying vehicle plus an additional twenty-five (25) percent.

(5) "Suburban bus" means as defined in KRS 281.013(2).

(6) "Utility" means an entity which provides water, electricity, natural gas, sewage disposal, telephone service, television cable, or community antenna service.

Section 2. Governing Federal Regulations. All commercial motor vehicles and their operators meeting the definitions set forth in 49 CFR 390.5 operated for-hire or in private carriage, interstate or intrastate, except as set forth in Section 3 of this administrative regulation

## ADMINISTRATIVE REGISTER - 1933

shall be governed by the following Motor Carrier Safety Regulations adopted and issued by the United States Department of Transportation:

(1) 49 CFR Part 40, as effective October 1, 1997 [1996], Procedures for Transportation Workplace Drug Testing Programs;

(2) 49 CFR Part 382, as effective October 1, 1997 [1996], Controlled Substances and Alcohol Use and Testing;

(3) 49 CFR Part 383, as effective October 1, 1997 [1996], Commercial Driver's License Standards; Requirements and Penalties;

(4) 49 CFR Part 385, as effective October 1, 1997 as amended at 62 Fed. Reg. 60042, November 8, 1997, Safety Fitness Procedures;

(5) 49 CFR Part 390, as effective October 1, 1997 [1996], General;

(6) [(5)] 49 CFR Part 391, as effective October 1, 1997 [1996], Qualifications of Drivers;

(7) [(6)] 49 CFR Part 392, as effective October 1, 1997 [1996], Driving of Motor Vehicles;

(8) [(7)] 49 CFR Part 393, as effective October 1, 1997 as amended at 63 Fed. Reg. 1383, January 9, 1998 [1996], Parts and Accessories Necessary for Safe Operation;

(9) [(8)] 49 CFR Part 395, as effective October 1, 1997 [1996], Hours of Service of Drivers;

(10) [(9)] 49 CFR Part 396, as effective October 1, 1997 [1996], Inspection, Repair and Maintenance; and

(11) [(10)] 49 CFR Part 397, as effective October 1, 1997 [1996], Transportation of Hazardous Materials; Driving and Parking Rules.

Section 3. Exemptions and Exceptions. The following exemptions and exceptions to compliance with the provisions of Section 2 of this administrative regulation are adopted:

(1)(a) City buses and suburban buses are not required to comply with the federal regulations adopted by or incorporated by reference in this administrative regulation.

(b) The operator of one (1) of these vehicles who is required by KRS Chapter 281A to obtain a commercial driver's license shall comply with the provisions of 49 CFR Part 383 and provide proof of having passed the medical examination set forth in 49 CFR Part 391 or have received a medical waiver as set forth in 601 KAR 11:040 and subsection (7) of this section.

(2)(a) A motor vehicle operated [Vehicles-owned] by the federal government, a state government, a county government, a city government, or a board of education is [are] not required to comply with the federal regulations adopted in this administrative regulation.

(b) An [Any] operator of one (1) of these vehicles who is required by KRS Chapter 281A to obtain a commercial driver's license shall provide proof of having passed the medical examination set forth in 49 CFR Part 391 or having received a medical waiver as set forth in 601 KAR 11:040 and subsection (7) of this section.

(c) The operator of a vehicle [operators-of-the-vehicles] specified in paragraph (a) of this subsection shall meet the requirements of 49 CFR Part 382 relating to drug and alcohol testing.

(3)(a) A motor vehicle which is [Motor-vehicles-which-are] used exclusively in intrastate commerce and exclusively in farm-to-market agricultural transportation when operated during daylight hours by a private motor carrier is [are] not required to comply with Title 49, Code of Federal Regulations, Part 393, Subpart B, relative to lighting device requirements.

(b) It is [They are, however,] required to have two (2) stop lamps and mechanical turn signals as set forth in 49 CFR 393, Subpart B.

(4)(a) A motor vehicle which is [Motor-vehicles-which-are] used exclusively in intrastate commerce and exclusively for the transportation of primary forest products from the harvest area to a mill or other processing facility which is located at a point not more than fifty (50) air miles (eighty and five-tenths (80.5) air kilometers) from the harvest area when operated during daylight hours is [are] not required to comply with Title 49, Code of Federal Regulations, Part 393,

Subpart B relative to lighting devices requirements.

(b) It is [They are, however,] required to have two (2) stop lamps and mechanical turn signals as set forth in 49 CFR 393, Subpart B.

(5) Except for a transporter [transporters] of hazardous materials subject to the requirements of 601 KAR 1:025, a motor vehicle operator who is [motor-vehicle-operators-who-are] operating a vehicle in an intrastate commerce is [are] not required to be twenty-one (21) years of age as set forth in 49 CFR 391.11(b)(1). However, he [they] shall be at least eighteen (18) years of age.

(6) A utility motor carrier if [Utility-motor-carriers-while] operating exclusively in intrastate commerce shall be exempt from the maximum and on-duty hours for drivers set forth in 49 CFR 395.3 during an emergency which requires their employees to work to restore service.

(7)(a) A commercial vehicle driver who operates a commercial vehicle exclusively in intrastate commerce within Kentucky, may apply for a medical waiver of the requirements of 49 CFR Part 391 under the provisions of 601 KAR 11:040.

(b) If a medical waiver is issued, the waiver shall be in the possession of the commercial driver any time he is operating a commercial motor vehicle.

(8) Except for a farm-to-market agricultural transportation motor vehicle with a gross vehicle weight rating of 26,000 pounds or less, a motor carrier which operates exclusively in intrastate commerce shall:

(a) Apply for an intrastate motor carrier identification number on Form TC 92-150, "Application for Intrastate Carrier Identification Number", March 1996 edition;

(b) Display the assigned intrastate motor carrier identification number and the name and location of the motor carrier in the same manner as required pursuant to 49 CFR Part 390.21 except the identification number shall be preceded by the letters "USDOT" and followed by the letters "KY". [Motor-carrier-vehicles-operated-exclusively-in-intrastate-commerce may comply with the provisions of 601 KAR 1:200, Section 3, rather than 49 CFR Part 390.21.]

(9) A Kentucky licensed commercial driver operating a passenger transportation vehicle [vehicles] on behalf of a private motor carrier of passengers contrary to 49 CFR Part 391.68(d), shall not be exempt from the sections of 49 CFR Parts 391.41 and 391.45 requiring [as require] a driver to be medically examined and to have a medical examiner's certificate on his person.

Section 4. Buses. (1) A bus [Buses] shall be maintained in a clean and sanitary condition so that the health of passengers will not be impaired.

(2) A seat [Seats] shall be comfortable in order that passengers will not be subjected to unreasonable discomfort which might be detrimental to their health and welfare.

(3) An employee [Employees] in charge of buses shall be courteous and helpful to passengers, properly caring for baggage so that it will not be damaged, and shall be acquainted with the routes traveled and schedules maintained, so that the passengers will not be subjected to unnecessary delays.

(4) An operator [All-operators] shall take into consideration the health and welfare of his [their] passengers and control his [their] operations in the public interest.

(5) Express and freight, mail bags, newspapers and baggage shall be so placed as not to interfere with the driver or with the safety and comfort of passengers. These items shall be protected from the weather but shall not be carried in the aisles or in a position to block exits or doorways on the bus.

Section 5. Overcrowding of Passenger Vehicles. A bus operated by an authorized carrier, except city or suburban buses, shall not be used to transport passengers in excess of its load limit. A passenger shall not be permitted to occupy the rear door-well of any bus vehicle that is equipped with a rear doorwell.

## ADMINISTRATIVE REGISTER - 1934

Section 6. Out-of-service Criteria and Sticker. (1) The basic safety criteria to be followed by the Kentucky Transportation Cabinet in determining if a commercial motor vehicle driver or commercial motor vehicle shall be declared unqualified or placed out-of-service shall be the "North American Uniform Out-of-service Criteria" as revised April 1, 1997 [1996] by the Commercial Vehicle Safety Alliance.

(2)(a) If a commercial motor vehicle is being operated either improperly registered or without registration or in violation of any safety regulation or requirement, an officer or inspector [officers] of the Division of Motor Vehicle Enforcement shall be [are] authorized to affix to the vehicle a notice indicating the nature of the violation and requiring its correction before the commercial motor vehicle is further operated.

(b) Refusal of the vehicle operator to grant permission for a law enforcement officer or inspector to conduct a safety inspection of the vehicle shall be cause for the officer or inspector to place the vehicle out-of-service until the permission is granted.

(c) Operation of a vehicle in violation of the out-of-service notice affixed to it shall constitute a separate violation of these regulations.

(3)(a) If a commercial motor vehicle driver is determined to be unqualified to drive and is placed out-of-service but the commercial motor vehicle is not placed out-of-service, the motor carrier may provide a different driver for the commercial motor vehicle.

(b) [However,] The commercial motor vehicle driver placed out-of-service shall not again operate a commercial motor vehicle until he is once again qualified.

(c) Refusal of the commercial motor vehicle driver to grant permission for a law enforcement officer or inspector to conduct a safety inspection regarding the driver himself shall be cause for the officer to place the driver out-of-service until the permission is granted.

(d) Operating a commercial motor vehicle in violation of an out-of-service order shall constitute a separate violation of this administrative regulation.

Section 7. Persons Allowed to Perform Physical Examinations. Medical examiner is defined in 49 CFR 390.5 as a person who is licensed, certified, and/or registered, in accordance with applicable state laws and administrative regulations, to perform physical examinations. According to Kentucky state law this shall include the following:

(1) Physician licensed by the Kentucky Board of Medical Licensure;

(2) Osteopath licensed by the Kentucky Board of Medical Licensure;

(3) Physician assistant certified by the Kentucky Board of Medical Licensure when working under the direct supervision of a licensed physician;

(4) Advanced registered nurse practitioner licensed by the Kentucky Board of Nursing; and

(5) Chiropractor [Chiropractors] licensed by the Kentucky State Board of Chiropractic Licensure.

Section 8. Interpretations of the Federal Motor Carrier Regulations. The document published by the Federal Highway Administration in the Federal Register at 62 Fed. Reg. 16370 on April 4, 1997 presents official interpretive guidance material for the Federal Motor Carrier Safety Regulations which govern this administrative regulation. The document shall be used to interpret the provisions of this administrative regulation.

Section 9. Relief and Safety Demonstration Project. (1) In accordance with Section 344 of the National Highway System Designation Act of 1995 (PL 104-59, 109 Stat. 568 (1995)), until June 10, 2000, the Federal Highway Administration is allowing an operator of a commercial motor vehicle with a gross vehicle weight rating over 10,000 pounds but not more than 26,000 pounds limited exemptions

from the motor carrier safety regulations. These exemptions and the criteria for participating in the federal program are set forth in the "Motor Carrier Regulatory Relief and Safety Demonstration Project - OMC Internal Guidance".

(2) A motor carrier approved for participation in this project will be issued a "Roadside Enforcement Letter" by the Federal Highway Administration.

(3) The Transportation Cabinet shall honor the exemptions of each valid "Roadside Enforcement Letter" if the motor vehicle is being operated under the criteria set forth in the "Motor Carrier Regulatory Relief and Safety Demonstration Project - OMC Internal Guidance".

Section 10. Intrastate Safety Rating System. (1) The Transportation Cabinet may issue a safety rating to a motor carrier subject to the provision of this administrative regulation if all of the commercial motor vehicles operated by the motor carrier are operated exclusively in intrastate commerce.

(2) The safety standards and rating criteria set forth in 49 CFR Part 385 shall be used by the Transportation Cabinet in issuing a safety rating.

Section 11. Random Alcohol Testing Rate. The 1998 random alcohol testing rate required by 49 CFR Part 382 shall be ten (10) percent.

Section 12. Material Incorporated by Reference. (1) The following material is incorporated by reference as a part of this administrative regulation:

(a) "North American Uniform Out-Of-Service Criteria" revised April 1, 1997 [1996] by the Commercial Vehicle Safety Alliance;

(b) 62 Fed. Reg. 16370, April 4, 1997;

(c) 62 Fed. Reg. 60042, November 8, 1997;

(d) 63 Fed. Reg. 1383, January 9, 1998; and

(e) "Motor Carrier Regulatory Relief and Safety Demonstration Project - OMC Internal Guidance", July 1997 edition issued by the Federal Highway Administration.

(2) The material incorporated by reference in this administrative regulation may be reviewed at any of the weigh stations operated by the Transportation Cabinet. Further, the material may be inspected, copied, or obtained at the Division of Motor Vehicle Enforcement, 8th Floor, State Office Building, Corner of High and Clinton Streets, Frankfort, Kentucky 40622. The office hours are 8 a.m. through 4:30 p.m. eastern time on week days. The telephone number is (502) 564-3276.

ED LOGSDON, Commissioner

JAMES C. CODELL, III, Secretary

RON CHRISTOPHER, Office of General Counsel

APPROVED BY AGENCY: February 3, 1998

FILED WITH LRC: February 9, 1998 at 9 a.m.

PUBLIC HEARING: A public comment hearing on this administrative regulation will be held on March 27, 1998 at 10 a.m., local prevailing time in the Transportation Cabinet, Fourth Floor Hearing/Conference Room of the State Office Building, Corner of High, Clinton and Holmes Streets, 501 High Street, Frankfort, Kentucky 40622. Any person who intends to attend this meeting must in writing by March 20, 1998, so notify this agency. If no notification of intent to attend the hearing is received by this date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given the opportunity to comment on the administrative regulation. A transcript of the public comment hearing will not be made unless a written request for a transcript is made and then only at the requestor's expense. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirements by March 20, 1998. This request does not have to be in writing. If you do not wish to attend the public hearing, you may submit written comments on the administrative

## ADMINISTRATIVE REGISTER - 1935

regulation. Written comments will be accepted until the close of business on March 27, 1998. Send written notification of intent to attend the public comment hearing or written comments on the administrative regulation to: Sandra Pullen Davis, Staff Assistant, Transportation Cabinet, 1012 State Office Building, 501 High Street, Frankfort, Kentucky 40622, (502) 564-7650, Fax: (502) 564-5238.

### REGULATORY IMPACT ANALYSIS

Contact person: Sandra Pullen Davis

(1) Type and number of entities affected: 30,000 motor carriers operating in Kentucky; 790,000 commercial trucks operating in Kentucky; and 118,000 commercial drivers licensed in Kentucky.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: A public comment hearing was not held, but the changes in this administrative regulation should have no effect on the 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: A public comment hearing was not held, but the changes in this administrative regulation should have no effect on the cost of living or employment.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation:

2. Second and subsequent years: Same as first year.

(3) Effects on the promulgating administrative body: The Transportation Cabinet is no longer assisting the Federal Highway Administration, Office of Motor Carriers in their on-premise safety evaluation of interstate motor carriers. However, the unit, which is now well-trained, will begin the on-premise safety evaluation of intrastate motor carriers.

1. First year: The costs will not change since only the focus of this safety management unit has changed.

2. Continuing costs or savings: Same

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: The safety management unit will complete the safety rating forms for intrastate motor carriers.

(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: The Kentucky Road Fund as authorized in the Transportation Cabinet, Department of Vehicle Regulation Biennial Budget. A significant portion of these funds are made available to Kentucky as a grant from the Federal Motor Carrier Safety Program.

(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 anticipated economic impact.

(b) Kentucky: No anticipated economic impact

(7) Assessment of alternative methods; reasons why alternatives were rejected: The General Assembly provided statutory authority for the intrastate on-premise motor carrier safety management program several years ago. Now that the safety unit has been hired and trained, the alternative of not implementing the intrastate safety rating program was rejected. The Transportation Cabinet adopted a random alcohol testing rate of 10% for calendar year 1998. The Federal Highway Administration published a notice of the 10% testing rate in the Federal Register on January 14, 1998. In order to not be more stringent than the federal mandate, the Transportation Cabinet also adopted the 10% testing rate.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: With the added focus on the safety of intrastate motor carriers, highway safety on the less traveled highways which are traditionally used more by intrastate motor carriers should increase.

(b) State whether a detrimental effect on environment and public health would result if not implemented: The highway safety improvements anticipated with the implementation of this program will not occur.

(c) If detrimental effect would result, explain detrimental effect:

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(10) Any additional information or comments: The amendments to the federal motor carrier safety regulations also included many minor technical amendments to keep the regulations accurate and up to date.

(11) TIERING: Is tiering applied? Yes. The administrative regulation is tiered in that more stringent safety requirements are imposed on the owners and operators of larger vehicles.

### FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 49 CFR Part 350 encourages each state to enforce uniform motor carrier safety and hazardous materials regulations for both interstate and intrastate motor carriers and drivers. A coordinated program of inspection and enforcement activities is needed to avoid duplication of effort, to promote compliance with uniform safety requirements by all types of motor carriers, and to provide a basis for sanctioning carriers for poor safety performance. The states may apply for a Motor Carrier Safety Assistance Program Grant to implement this federal policy. To be eligible for such a grant the state must adopt and assume responsibility for enforcement of the federal motor carrier safety regulations found in 49 CFR Parts 390 - 399. These federal regulations extensively reference 49 CFR Part 383 relating to the commercial driver's license.

2. State compliance standards. Kentucky has been a participant in the Motor Carrier Safety Assistance Program since its inception in the 1980's. The Transportation Cabinet has adopted all of the federal regulations contained in 49 CFR Part 40, Parts 382 - 383 and 390 - 397. To date the Federal Highway Administration has agreed that it is not necessary for Kentucky to adopt 49 CFR Part 398 relating to the transportation of migrant workers and 49 CFR Part 399 relating to motor carrier employee safety and health standards.

3. Minimum or uniform standards contained in the federal mandate. These federal regulations contain the following minimum standards:

a. Commercial Driver' License standards for the issuance, testing and withdrawal of a CDL;

b. Establishes 0.04% BAC as the level at which an operator of a commercial vehicle is considered to be DUI;

c. Establishes the maximum number of hours a commercial driver may be on-duty and how he must keep a record of the amount of time he has worked;

d. Establishes the qualifications for a commercial driver including his physical fitness, age, emotional condition, prior driving history and a drug testing program for interstate and intrastate motor carriers;

e. Defines the safe method in which a commercial vehicle must be operated including stopping at railroad crossings; cease driving when ill or fatigued; not to use drugs or alcohol while operating a commercial vehicle; conformance with the speed limit; required use of turn signals; use of seat belts; use of emergency flashers when the commercial vehicle is stopped on the highway; use of lights on the

## ADMINISTRATIVE REGISTER - 1936

commercial vehicle; duty in case of an accident; and fueling precautions;

f. Defines the parts and accessories necessary for the safe operation of a commercial vehicle;

g. Establishes a formal maintenance and repair schedule and records for the safe operation of a commercial vehicle and requires the maintenance and inspections to be preformed by certified inspectors or mechanics; and

h. Driving and parking rules while transporting hazardous materials.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No. In fact, Kentucky, with reluctantly given federal approval, has imposed slightly less restrictive standards on intrastate drivers. For example, intrastate motor carriers have a minimal medical waiver program. However the medical waiver program for intrastate commercial drivers has been expanded. Unless operating a school bus or transporting hazardous materials, the intrastate Kentucky driver must only be 18 rather than 21, and farmers in daylight hours have less restrictive lighting requirements than the operators of other commercial vehicles.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The less stringent requirements for intrastate motor carriers were adopted to allow Kentucky companies to continue operating as they had been doing for years. The Transportation Cabinet was strongly petitioned by legislators and public interest groups to allow these exemptions.

### FISCAL NOTE ON LOCAL GOVERNMENT

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

2. State what unit, part or division of local government this administrative regulation will affect. In most instances, the effect will be on the county road or public works department.

3. State the aspect or service of local government to which this administrative regulation relates. The local government drivers of the commercial vehicles above 26,000 pounds will have to be drug and alcohol tested on a preemployment, random, postaccident, and for cause basis. Previously, state and local government drivers were exempt from this requirement.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the regulation is in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None

Expenditures (+/-): It will cost local governments approximately \$100 for each drug and alcohol test performed. The cost to each unit of local government depends on the number of commercial drivers it employs.

Other Explanation:

### TRANSPORTATION CABINET Department of Highways Permits Branch (Amendment)

**603 KAR 4:040. TODS signs; placement on public roads other than interstates or parkways.**

RELATES TO: KRS 189.337

STATUTORY AUTHORITY: KRS 189.337

NECESSITY, FUNCTION, AND CONFORMITY: KRS 189.337 requires the Department of Highways to establish standards for the

placement of signs within highway right-of-way of a public road. The Transportation Cabinet has promulgated 603 KAR 5:050 which deals with all traffic control devices by incorporating the Manual on Uniform Traffic Control Devices by reference. The Manual on Uniform Traffic Control Devices allows for the erection of tourist oriented directional signs (TODS) to provide directional information for tourist activities offering goods and services that are of significant interest to the traveling public within certain parameters, but requires each jurisdiction to establish policies for those areas not covered in the manual. This administrative regulation sets forth the criteria to be followed in the erection and maintenance of TODS. The criteria included in this administrative regulation are consistent with the guidelines set forth in the Manual on Uniform Traffic Control Devices.

Section 1. Definitions. (1) "Clear zone" means the area between the edge of the driving-lane of a public road and an imaginary line running parallel to the road but thirty (30) feet (9.12 meters) away from the road.

(2) "Contractor" means the entity selected by the Department of Highways pursuant to KRS Chapter 45A and 600 KAR Chapter 6 [1-101] to administer the tourist oriented directional signs 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 information panels and TODS.

(3) "Contractor year" means a one (1) year period beginning January 1, of each calendar year.

(4) "Cover" means a protective shield over a TODS sign which prohibits viewing of the sign.

(5) "Department" means the Kentucky Department of Highways.

(6) "Eligibility distance" means the distance from the at-grade intersection of the state highway at the point where the directional sign is located to the entrance driveway to the business.

(7) "Illegal sign" means an advertising device which has been determined to be illegal according to the provisions of 603 KAR 3:080.

(8) "Information panel" means an official sign placed within the highway right-of-way with space for one (1) or more individual TODS to be attached to it and which may display the legend "TOURIST ACTIVITIES".

(9) "Intersection" means a junction of two (2) or more highways which meet and cross at a common point requiring the intermingling of traffic streams between the highways.

(10) "Interstate or parkway" means a highway that has fully-controlled access and is part of the National Interstate and Defense System of Highways or is now or once was a toll road.

(11) [1-10] "Motorist service" means a place of business or a business location providing gas, food, lodging, or camping facilities or a combination thereof.

(12) [1-11] "MUTCD" means the Federal Highway Administration's Manual On Uniform Traffic Control Devices incorporated by reference in 603 KAR 5:050.

(13) [1-12] "Public road" means all state-maintained roads other than interstate or parkway highways.

(14) [1-13] "Ramp" means the on- or off-access road from the interstate highway or parkway to or from the first public road.

(15) [1-14] "TOD trailblazer" means a reduced-sized TODS used in areas where the speed limit is posted with a limit of forty-five (45) miles per hour or less (seventy-two and four-tenths (72.4) kilometers per hours) to direct the traveling public to a tourist attraction.

(16) [1-15] "Tourist activity" means a public or private activity which provides a tourist attraction or motorist service to the traveling public.

(17) [1-16] "Tourist attraction" means:

(a) A cultural, historical, recreational, agricultural, educational, or entertainment activity; or

(b) A commercial activity which is unique and local or indigenous in nature.

(18) [1-17] "Tourist oriented directional sign" or "TODS" means an



## ADMINISTRATIVE REGISTER - 1937

individual tourist information sign paid for and owned by the tourist activity and fabricated to the standards set forth in this administrative regulation and located on an information panel on the right-of-way of a public road. The TODS may provide the official name, directional information, and distance to a specific tourist activity.

Section 2. General Provisions. The Department of Highways shall control the erection and maintenance of information panels and TODS in accordance with the MUTCD and the provisions of this administrative regulation.

Section 3. Applications and Contracts for TODS. (1) An application for an activity or business to place a TODS or TOD trailblazer sign on an information panel shall be made on an "Application for Highway Tourist Oriented Directional Signage [Signing] (TODS)" form prepared by the Kentucky Logos [Sign-Group], Inc. [in May, 1994. This form is incorporated by reference in Section 17 of this administrative regulation.]

(2) [The notice by an activity or business to the Department of Highways' contractor of the number, type, and placement of each TODS shall be on "TODS Program Billing Information" forms prepared by the Kentucky Logo Sign Group, Inc. in May, 1994. This form is incorporated by reference in Section 17 of this administrative regulation.]

(3) The contract to be entered into between the participating activity or business and the Department of Highways' contractor shall be the "Highway TODS Program Agreement" form prepared by the Kentucky Logos [Sign-Group], Inc. [in November 1995.] Addenda to this form may be included in the contract where appropriate. [This form is incorporated by reference in Section 17 of this administrative regulation.]

Section 4. Information Panels for TODS. (1) General requirements for information panels.

(a) The information panels shall be located to:

1. Take advantage of natural terrain;
2. Have the least impact on the scenic environment; and
3. Avoid visual conflict with other signs within the highway right-of-way.

(b) Information panels for TODS shall not be erected:

1. On interstates or parkways;
2. On the on/off ramps of interstates or parkways;
3. Where there is insufficient space to locate both other traffic control devices and the information panels; [and]
4. So that the traffic is directed onto an interstate or parkway; and
5. Except for TOD trailblazers, on those sections of public road with a speed limit of forty-five (45) miles (seventy-two and four-tenths (72.4) kilometers) per hour or less.

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

(d) An information panel may be located laterally outside the normal longitudinal alignment of other traffic control signs, but shall be erected within the highway right-of-way.

(e) The location of any other traffic control device shall at all times take precedence over the location of an information panel.

(2) Intersection approach information panels.

(a) Information panels may be erected at the approach of an intersection on a public road.

(b) Except as provided in paragraph (g) of this subsection, each intersection approach information panel shall be located at least 200 feet (sixty and eight-tenths (60.8) meters) from the intersection.

(c) Except as provided in paragraph (g) of this subsection, an intersection approach information panel shall be spaced at least 200 feet (sixty and eight-tenths (60.8) meters) from any other traffic control device including another intersection approach information panel.

(d) A separate information panel shall be installed for each of the directions of traffic on an approach to an intersection at which TODS

will be placed for the identification of tourist activities. The directions of traffic are the following:

1. A right turn;
2. A left turn;
3. No turn if the activity or business is located ahead if allowed by the provisions set forth in Section 6 of this administrative regulation.

(e) In the direction of traffic, the order of placement for separate information panels shall be for facilities to the left, to the right and straight ahead.

(f) If the AHEAD sign is used pursuant to the provisions of Section 6 of this administrative regulation, an attempt shall be made to locate it to the far right corner of the intersection, but it shall not obstruct the driver's critical viewing of other traffic control devices.

(g) The spacing requirements set forth in paragraphs (b) and (c) of this subsection may be waived by the State Highway Engineer's Office if, based on sound engineering judgment, it is determined that the intersection can safely accommodate the reduced spacing.

(3) Advance information panels.

(a) Advance information panels may be installed only in situations where sight distance, intersection vehicle maneuvers or other vehicle operation characteristics require advance notification of the service to reduce vehicle conflicts and improve highway safety;

(b) The last of the advance information panels to be driven past shall be located at least one-half (1/2) mile (eight-tenths (0.8) kilometers) from the intersection.

(c) Advance information panels shall have a minimum of 800 feet (243.2 meters) between the panels.

(d) A separate advance information panel shall be installed for each of the directions of traffic on an approach to an intersection at which TODS will be placed for the identification of tourist activities. The directions of traffic are the following:

1. A right turn;
2. A left turn;

3. No turn if the activity or business is located ahead and if allowed by the provisions set forth in Section 6 of this administrative regulation.

(e) In the direction of traffic, the order of placement for separate advance information panels shall be for facilities to the left, to the right and straight ahead.

(f) If the AHEAD sign is used pursuant to the provisions of Section 6 of this administrative regulation, an attempt shall be made to locate it to the far right corner of the intersection, and it shall not obstruct the driver's critical viewing of other traffic control devices.

Section 5. TODS Design and Composition. (1) Each TODS shall:

- (a) Be rectangular in shape;
- (b) Have a white legend and border on a blue background;
- (c) Have reflective legends, arrows, backgrounds and borders;
- (d) Contain the name of the business in not more than two (2) lines of legend which shall not include promotional advertising.

(2) Each TODS on an intersection approach information panel shall have:

- (a) A separate directional arrow as set forth in Section 2D-8 of the MUTCD;
- (b) The distance to the activity or business shown beneath the arrow;
- (c) Arrows pointing to the right at the extreme right of the TODS; and
- (d) Arrows pointing to the left or up at the extreme left of the TODS.

(3)(a) The arrangement of the tourist oriented directional signs on the advance information panel shall be the same as the arrangement on the intersection information panel except the directional arrows and distance shall be omitted.

(b) The appropriate legend NEXT RIGHT, NEXT LEFT, or AHEAD in letters of the same sign legends should be placed on the information panels above the TODS.



## ADMINISTRATIVE REGISTER - 1938

(c) The legend "RIGHT X MILE", "LEFT X KILOMETERS", or similarly worded legend may be used when there are intervening minor roads.

(4) More than four (4) TODS shall not be installed on a single information panel.

(5) TODS shall be arranged vertically on an information panel when appropriate located so that the right turn signs are closer to the intersection. When not more than four (4) TODS are to be installed on an approach to an intersection, the TODS may be combined on the same information panel with the TODS for left turns placed above the TODS for right turns.

(6) The standard lettering for tourist oriented directional signs shall be in upper case letters of the type provided in the "Standard Alphabets for Highway Signs and Pavement Markings" book. Capital letters shall be six (6) inches (152.4 millimeters) in height. Spacing between characters shall conform to the tables in the metric edition of "Standard Alphabets for Highway Signs and Pavement Markings" published in 1977 by the U.S. Department of Transportation. [This document is incorporated by reference as a part of this administrative regulation.]

(7)(a) A TODS sign shall not exceed seventy-two (72) inches (1828.8 millimeters) wide and eighteen (18) inches (457.2 millimeters) tall.

(b) The TODS signs on the same information panel shall all be the same width.

(c) The directional arrow with the distance to the activity or business underneath shall not exceed sixteen (16) inches (406.4 millimeters) wide and sixteen (16) inches (406.4 millimeters) tall.

(d) There shall be a one (1) inch (twenty-five and four-tenths (25.4) millimeters) white border surrounding the sign and separating the directional arrow and legend.

(e) There shall be a one (1) inch (twenty-five and four-tenths (25.4) millimeters) spacing between the border and legend and two (2) inch (fifty and eight-tenths (50.8) millimeters) spacing between lines of legend.

(f) The maximum length of the legend shall be five feet four inches (5'4") (1.64 meters) per line.

(8) Clearance of panels should be governed by Sections 2A and 2D of the MUTCD.

~~[(9) The document incorporated by reference in subsection (6) of this section as a part of this administrative regulation may be viewed or copied at the Kentucky Logo Sign Group, Inc., Suite 6, State National Bank Building, 305 Ann Street, Frankfort, Kentucky 40601. The telephone number is 1-800-469-5646. The document may also be viewed or copied from the Office of the State Highway Engineer, Permits, 501 High Street, Mail code 11-2, Frankfort, Kentucky 40622. The telephone number is (502) 564-4105 and the hours of operation are 8 a.m. through 4:30 p.m. eastern time on weekdays. The document may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. by referring to document number 620-809/71.]~~

Section 6. AHEAD Signing. (1) The legend "AHEAD" may be used in lieu of the up directional arrow set forth in Section 5(2)(d) of this administrative regulation.

(2) Signing for tourist activities in the AHEAD direction shall be considered only under the following circumstances:

(a) There is signing for a similar facility in either the right or left direction;

(b) Through traffic is not the normal traffic pattern; or

(c) The visibility of the establishment is obscured until a motorist is within 800 feet (243.2 meters) of the entrance.

Section 7. Trailblazer Signs. (1) At each turn required to be made by the traveling public when proceeding from a TODS to the tourist attraction, a legal sign shall be in place directing the turn. This may be accomplished by purchasing an additional TODS or TOD trail-

blazer sign.

(2) The Transportation Cabinet, based on engineering judgment, shall establish the size and location of each TOD trailblazer sign.

(3) The Transportation Cabinet shall approve the proposed trailblazing route for each tourist activity seeking trailblazing signs prior to the submission of the application for permit is required by Section 16 [45] of this administrative regulation.

Section 8. Tourist Activity Eligibility. A tourist activity shall meet the following requirements to qualify for tourist oriented directional signing. A TODS sign shall not be erected until the tourist activity or site has been approved in accordance with this administrative regulation.

(1) A tourist activity shall be of significant interest to the traveling public. The types of activities or sites which are of significant interest to the traveling public are gas, food, lodging, camping, and tourist attractions, if at least one-third (1/3) of the income or visitors at the tourist activity are derived during the normal business season from visitors not residing within twenty (20) miles (32.18 kilometers) of the activity.

(2) The tourist activity shall be open to the general public during regular and reasonable hours, and not by appointment or reservation only.

(3) Approval shall not be granted if the tourist activity is using an illegal sign any place in the Commonwealth of Kentucky.

(4) Each tourist activity shall comply with all applicable local, state, and federal statutes and regulations including those prohibiting discrimination based on race, religion, color, sex, age, disability, or national origin. Each tourist activity identified on a tourist oriented directional sign shall provide assurance of its conformance with all applicable federal, state or local laws and regulations. If a tourist activity is in noncompliance of any of these laws or regulations, it may be considered ineligible for participation in this program and its signs may be removed, with no return of any fees.

(5) The tourist activity shall be conducted in an appropriate building or area. The activity shall not be conducted in a building principally used as a residence unless there is a convenient, separate and well-marked entrance or the tourist activity is a bed and breakfast lodging. The building or area shall be maintained in a manner consistent with standards generally accepted for that type of business or activity.

(6) Any tourist activity which operates on a seasonal basis shall make provisions with the department's contractor to remove or cover the tourist activity's TODS sign during the off season. The tourist activity shall in writing notify the department's contractor at least thirty (30) days before the opening or closing occurs.

(7) A TODS shall not be displayed which would misinform the traveling public or is unsightly, badly faded, or in a state of dilapidation. In these instances the business shall make arrangements for a new TODS.

(8) The department shall have no responsibility for business lost due to TODS or information panels becoming temporarily out of service.

(9) The display of the tourist activity sign on the department's TODS structure shall not be considered an endorsement or recommendation by the State of Kentucky on behalf of the tourist activity.

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

(a) Be in continuous operation at least twelve (12) hours per day, six (6) days a week, twelve (12) months a year;

(b) Provide motor vehicle [regular-unleaded] fuel, oil, air and water;

(c) Have restroom facilities, drinking water, and telephone available to the traveling public;

(d) Have an eligibility distance of three (3) miles (4.83 kilometers) or less.

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

(a) Be in continuous operation to serve two (2) meals a day,

## ADMINISTRATIVE REGISTER - 1939

twelve (12) hours a day, six (6) days a week, anytime the TODS sign is displayed;

(b) Provide a telephone and restroom facilities for the traveling public; and

(c) Have an eligibility distance of three (3) miles (4.83 kilometers) or less.

(12) To qualify for a "LODGING" TODS sign, a business shall:

(a) Have off-street parking and at least two (2) rooms for sleeping accommodations;

(b) Be in operation anytime the TODS sign is displayed;

(c) Have an eligibility distance of fifteen (15) miles (24.14 kilometers) or less; and

(d) Have a private bathroom for each sleeping room with the exception of bed and breakfast establishments.

(13) To qualify for a "CAMPING" TODS sign, a business shall:

(a) Have a minimum of ten (10) individual campsites and parking space for each;

(b) Have modern sanitary facilities and telephone available to its guests;

(c) Be in continuous operation for the time the sign is displayed; and

(d) Have an eligibility distance of fifteen (15) miles (24.14 kilometers) or less.

(14) To qualify for a "TOURIST ATTRACTION" TODS sign, a business or activity shall:

(a) Be open a minimum of eight (8) hours a day, five (5) days a week, one (1) of which is a weekend, any time the TODS sign is displayed;

(b) Have adequate parking for the facility with a minimum of fifteen (15) spaces;

(c) Be listed on the state or national Register of Historic Sites if the tourist attraction is a historic site; and

(d) Have an eligibility distance of fifteen (15) miles (24.14 kilometers) or less.

Section 9. Priority of Eligible Tourist Activities. At an intersection with insufficient space available to accommodate all of the applications for TODS:

(1) The first priority criterion to be considered shall be sign type with preference shown in the following order:

(a) "Tourist activities";

(b) "Camping";

(c) "Lodging";

(d) "Food"; and

(e) "Fuel".

(2) The first priority within a specific sign type shall be to an applicant located in a building or district which is on the state or national Register of Historic Sites.

(3) The second priority within a specific sign type shall be year-round facilities which shall have a higher priority than seasonal facilities.

(4) The third prioritization factor within a specific sign type shall be distance from the intersection with priority consideration being given to the applicant located closest to the intersection.

Section 10. Bumping. (1) Effective July 1, 2000, [if] a nonparticipating tourist activity with a higher priority established pursuant to Section 9 of this administrative regulation [becomes qualified nearer the intersection] than one (1) which already has a tourist activity sign displayed on a fully utilized information panel[, the new tourist activity] may apply to have its sign displayed at the beginning of the next contract year. The tourist activity with the lowest priority [farther from the intersection] shall have its TODS removed at the end of the contract year.

(2) Prior to July 1, 2000, if a nonparticipating tourist activity becomes qualified nearer the intersection that one (1) which already has a tourist activity sign displayed on a fully-utilized information

panel, the new tourist activity may apply to have its sign displayed at the beginning of the next contract year. The tourist activity farther from the intersection shall have its TODS removed at the end of the contract year if the closer tourist activity has applied to have its sign displayed and has been approved for the program, except under the following circumstances:

(a) [(1)] A tourist attraction shall not be replaced by a motorist service;

(b) [(2)] A seasonal tourist attraction shall not be replaced by a year-round motorist service;

(c) [(3)] A year-round tourist attraction shall not be replaced by a seasonal tourist attraction; and

(d) [(4)] A year-round motorist service shall not be replaced by a seasonal motorist service.

Section 11. [10:] Changes. (1) When a participation business changes ownership, a new contract shall be signed at no additional cost to the business for the remainder of the contract year.

(2) When a participating business is sold and the new owner changes its name, if the new owner wants to continue on the program, a new application and contract shall be completed. This is considered a new business and the applicant shall pay the annual fee, prorated according to time remaining in the contract year.

(3) If a participating business changes its name, a new application and contract may be completed.

(4) If a participating business changes its name only, a new application and contract shall not be required.

(5) A reinstallation fee shall be charged for the placement of a new TODS, if needed.

Section 12. [11:] Fees. (1)(a) Except as provided by in paragraph (c) of this subsection, the qualifying business shall pay to the department's contractor an annual fee of \$216, in advance, for each TODS placed on the right-of-way.

(b) Except as provided in paragraph (c) of this subsection, the qualifying business shall pay to the department's contractor an annual fee of \$216, in advance for each TOD trailblazer placed on the right-of-way.

(c) If the qualifying business has a "tourist attraction" logo as set forth in 603 KAR 4:035, the annual fee for each TOD trailblazing sign or TODS from the logo to the tourist activity shall be \$150.

(2) The annual fee for the first year shall accompany the initial application.

(3) The first year's annual fee may be prorated on a monthly basis with each portion of a month the TODS is in place on the information panel requiring payment of one-twelfth (1/12) of the fee.

(4) The yearly renewal fee shall be due forty-five (45) days prior to the annual renewal date.

(5) The payment of the initial or renewal fee guarantees that the TODS or TOD trailblazer 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 its agreement with the Department of Highways' contractor and is approved by the Transportation Cabinet.

(6) If the signs for a seasonal tourist activity are removed or covered by the department's contractor, a fee of \$200 shall be charged for the removal or covering of all of the TODS or TOD trailblazer signs for the specific business.

(7) If the signs for a tourist activity are removed for any reason, a fee of \$200 shall be charged for the reinstallation of all of the TODS for the specific business.

(8) The fee for the reinstallation, removal, or covering of TODS shall be paid to the department's contractor within thirty (30) days of the postmarked date of the invoice.

(9) The tourist activity shall be responsible for damages to its TODS or TOD trailblazer signs caused by acts of vandalism or natural causes which require repair or replacement of the TODS or TOD trailblazer sign.

## ADMINISTRATIVE REGISTER - 1940

Section 13. [42:] Revocation or Suspension. The contract between the department's contractor and the tourist activity may be revoked or suspended if:

- (1) The activity no longer meets the eligibility requirements set forth in this administrative regulation;
- (2) The owner or responsible operator of the activity willfully makes a false, deceptive, or fraudulent statement in its application or in other information submitted for review;
- (3) The owner or responsible operator of the activity or an agent thereof revises or modifies a TODS sign erected by the department or its agents;
- (4) The owner or responsible operator of the business or activity has engaged in a deceptive or fraudulent business practice;
- (5) An illegal billboard advertising device advertising the business is located in the state of Kentucky;
- (6) Payment is not received on time or is otherwise delinquent;
- (7) The owner or responsible operator of the business or activity fails to notify the department's contractor of its seasonal closing; or
- (8) The owner or responsible operator of the business or activity is a habitual violator of the provisions of this administrative regulation.

Section 14. [43:] Measurements. (1) Measurements taken to determine the qualifications or priority of tourist activities shall be from the juncture of the center line of the highway, measured between the center edges of the main traveled way of the route on which the sign is to be placed and the center line of the crossroad.

(2) Measurements for the qualification of tourist activities for display of TODS 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 to the particular tourist activity.

Section 15. [44:] TODS Contract. (1)(a) A TODS contract between a particular tourist activity and the department's contractor shall be approved by the Transportation Cabinet prior to the erection of the TODS.

(b) Each TODS 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 tourist activity shall be cause for the revocation of the TODS contract.

(d) If the contract is revoked for cause, the prepaid fees for the contract year or portion thereof, shall not be refunded.

(2) If the Department of Highways or its contractor determines that a tourist activity does not comply with the requirement of this administrative regulation, the Department of Highways' contractor shall notify the tourist activity in writing of the violations.

(3) If the tourist activity 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 TODS.

Section 16. [45:] Permits. The Department of Highways' contractor shall apply for an encroachment permit pursuant to 603 KAR 5:150 for each new information panel proposed to be erected or removed from the state-owned right-of-way.

Section 17. [46:] Appeal of the 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 of the 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 request 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.

Section 18. [47:] Material Incorporated by Reference. (1) The following material is incorporated by reference as a part of this administrative regulation:

(a) "Application for Highway Tourist Oriented Directional Signing (TODS)" form prepared by the Kentucky Logos [Sign-Group], Inc., February 1997 [May 1994] edition;

(b) [~~"TODS Program Billing Information" forms prepared by the Kentucky Logo Sign-Group, Inc., May 1994 edition; and~~

(c)] "Highway TODS Program Agreement" form prepared by the Kentucky Logos [Sign-Group], Inc., February 1997 [November 1995] edition; and

(c) The metric edition of "Standard Alphabets for Highway Signs and Pavement Markings" published by the U.S. Department of Transportation, 1997 edition.

(2) All forms incorporated by reference as a part of this administrative regulation may be viewed, copied, or obtained from the Kentucky Logos [Sign-Group], Inc., Suite 6, State National Bank Building, 305 Ann Street, Frankfort, Kentucky 40601. The telephone number is 1-800-469-5646 or (502) 227-0802. The fax number is (502) 227-7286.

(3) The forms may also be viewed, copied, or obtained from the State Highway Engineer's Office, Permits, 501 High Street, Mail code 11-2, Frankfort, Kentucky 40622. The telephone number is (502) 564-4105 and the hours of operation are 8 a.m. through 4:30 p.m. eastern time on weekdays.

(4) The document incorporated by reference in subsection (1)(c) of this section may be viewed or copied at the Kentucky Logos, Inc., or at the Office of the State Highway Engineer, Permits Branch. The document may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. by referring to document number 620-809/71.

J.M. YOWELL, P.E., State Highway Engineer

JAMES C. CODELL, III, Secretary

ROBERT M. DOCTROW, General Counsel

APPROVED BY AGENCY: January 20, 1998

FILED WITH LRC: January 20, 1998 at 11 a.m.

PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on March 27, 1998 at 11 a.m., local prevailing time in the Fourth Floor Hearing/Conference Room of the State Office Building located at the corner of High and Clinton Streets, 501 High Street, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by March 20, 1998 so notify this agency. If no notification of intent to attend the hearing is received by this date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given the opportunity to comment on the administrative regulation. A transcript of the public comment hearing will not be made unless a written request for a transcript is made. The party requesting the transcript will be responsible for paying the cost of its preparation. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. If the hearing is held, written comments will be accepted until the close of the hearing. If the hearing is canceled, written comments will be accepted until close of business on March 27, 1998. Send written notification of intent to attend the public comment hearing or written comments on the administrative regulation to: Sandra Pullen Davis, Staff Assistant, Transportation Cabinet, 10th Floor, State Office Building, 501 High Street, Frankfort, Kentucky 40622, (502) 564-7650, Fax: (502) 564-5238.

REGULATORY IMPACT ANALYSIS

## ADMINISTRATIVE REGISTER - 1941

Contact Person: Sandra Pullen Davis

(1) Type and number of entities affected: All travelers using Kentucky's noninterstate highways and nonparkway as well as the businesses which are eligible to and choose to purchase a TODS sign.

(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: Even though no comments were received at the public comment hearing, earlier comments made to the Transportation Cabinet indicate that the cost of living will not be affected anywhere in the state as a result of this administrative regulation. If there is an impact at all on employment, it will be to slightly increase employment in those areas where signage to tourist-oriented businesses may make the hard-to-locate ones more accessible.

(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: Even though no comments were received at the public comment hearing, the cost to a business choosing to participate in the TODS program will be just under \$250 per year/per signed intersection.

(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: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(4) Assessment of anticipated effect on state and local revenues:

The tourism industry has contended for some time that better highway signage for tourist-related businesses would increase the number of tourists who stop in Kentucky. The impact on state and local revenues while minuscule, would be positive.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: The tourist-oriented businesses which choose to participate in the TODS program will pay annual fees which will be used to implement the administrative regulation. Enforcement of the administrative regulation will be by the Department of Highways using Road Fund receipts.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: None

(b) Kentucky: None

(7) Assessment of alternative methods; reasons why alternatives were rejected:

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: None

(b) State whether a detrimental effect on environment and public health would result if not implemented: No

(c) If detrimental effect would result, explain detrimental effect:

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: None

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? Yes. Tiering was applied by allowing different eligibility criteria between the extremely rural areas and the more populous areas.

## FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. There is no true federal mandate. However, the Federal Highway Administration through its regulation 23 CFR Part 655 requires that the traffic control devices on all public highways or streets be in substantial conformance with the Manual on Uniform Traffic Control Devices. TODS signs are included in the Manual. However, the primary requirement beyond limiting the placement, size, color and services listed, is that each state choosing to have a logo sign program, have its policies approved by the Federal Highway Administration.

2. State compliance standards. The state compliance standards set forth in this administrative regulation meet the federal requirements, but do not exceed them. They are no more stringent.

3. Minimum or uniform standards contained in the federal mandate. Same as adopted in the state administrative regulation.

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 standard, or additional or different responsibilities or requirements. Not applicable.

## EDUCATION, ARTS, AND HUMANITIES CABINET Kentucky Board of Education Kentucky Department of Education (Amendment)

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

RELATES TO: KRS 156.070, 156.160, 158.6451, 160.290

STATUTORY AUTHORITY: KRS 156.070, 156.160

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 requires the Kentucky Board of Education [State Board for Elementary and Secondary Education] to establish courses of study for the different grades and kinds of common schools, with the [such] courses of study to comply with the expected outcomes for students and schools set forth in KRS 158.6451. KRS 156.070(1) gives the Kentucky Board of Education [state board] the management and control of the common schools and all programs operated in such schools. KRS 160.290 authorizes local boards of education to provide for courses and other services for students consistent with the administrative regulations of the Kentucky Board of Education [state board]. [In fulfilling and perpetuating such duties and intent.] This administrative regulation incorporates by reference the program of studies, which contains [prescribes the document containing] the general courses for use in Kentucky's common schools.

Section 1. [Pursuant to the authority vested in the State Board for Elementary and Secondary Education by KRS 156.160;] The "Program of Studies for Kentucky Schools, Grades Primary-12," February 1998 [as amended on March 10, 1993], is hereby [promulgated and filed with the Legislative Research Commission and] incorporated [herein] by reference. This [Such] document may be inspected and copied at the Division of Curriculum and Assessment Development [Division of Curriculum Development], Department of Education, 18th [17th] Floor, Capital Plaza Tower, Frankfort, Monday through Friday, 8 a.m. through 4:30 p.m. [Monday through Friday.]

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(4).

Wilmer S. Cody, Commissioner of Education

JOSEPH W. KELLY, Chairman

## ADMINISTRATIVE REGISTER - 1942

KEVIN M. NOLAND, Attorney

APPROVED BY AGENCY: February 11, 1998

FILED WITH LRC: February 13, 1998 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 27, 1998, at 10 a.m., in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by March 20, 1998, five work days prior to the hearing, of their intent to attend. If the required notification of intent to attend the hearing is not received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to Mr. Kevin M. Noland, Associate Commissioner, Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, phone (502) 564-4474, fax (502) 564-9321.

### REGULATORY IMPACT ANALYSIS

Agency Contact: Carol Hanley, Director, Division of Finance

(1) Type and number of entities affected: 176 school districts.

(2) Direct and indirect costs or saving to those affected: None

(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: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(4) Assessment of anticipated effect on state and local revenues: None

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: None

(6) To the extent available from public comments received, the economic impact, including effects of economic activities arising from administrative regulation on:

(a) Geographical area in which administrative regulation will be implemented: None

(b) Kentucky: None

(7) Assessment of alternative methods; reasons why alternatives were rejected: 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 occur, explain detrimental effect: This regulation does not relate to the environment or public health.

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping or duplicative: 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: Was tiering applied? No Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

### EDUCATION, ARTS, AND HUMANITIES CABINET Education Professional Standards Board (Amendment)

704 KAR 20:015. Rank I classification.

RELATES TO: KRS 157.390, 161.010, 161.095

STATUTORY AUTHORITY: KRS 156.070, 157.390, 161.028, 161.030, 161.095

NECESSITY, FUNCTION, AND CONFORMITY: KRS 157.390 authorizes the State Board of Education to adopt an administrative regulation [regulations] to determine the salary rank [ranks] of a certified teacher [teachers] and to determine the equivalent qualification [qualifications] for the salary rank [ranks]. 704 KAR 3:470, promulgated by the State Board of Education, gives authority to the Education Professional Standards Board to establish the standards and procedures for the classification of teachers in rank for purposes of the state teacher salary schedule. KRS 161.095 authorizes the Education Professional Standards Board to establish procedures for a teacher to maintain his certificate by successfully completing meaningful continuing education. This administrative regulation defines approved graduate work for the Rank I classification and defines [an] equivalent programs for Rank I.

Section 1. [Effective until June 30, 1989, the preparation program for a Rank I classification shall be planned as outlined in 704 KAR 20:010 and shall require the completion of either:

(1) Plan I. Thirty (30) semester hours approved graduate level credit or approved equivalent in addition to the requirements for a Rank II classification; or

(2) Plan II. Sixty (60) semester hours approved graduate level credit or approved equivalent including a master's degree.

Section 2. [Effective July 1, 1989,] The preparation program for a Rank I classification [under the Foundation Law] shall require the completion of the following:

(1) [Documentation that the preparation program was planned in advance as required in 704 KAR 20:010.

(2) Completion of the requirements for a Rank II classification as identified in 704 KAR 20:021; and

(2) [20:020.

(3) The completion of one (1) of the plans [as] described in this subsection:

(a) Plan I. Thirty (30) semester hours of approved graduate level credit or approved equivalent in addition to the requirements for a Rank II classification; or

(b) Plan II. Sixty (60) semester hours of approved graduate level credit or approved equivalent including a master's degree and the requirements for a Rank II classification.

(c) Plan III. National Board Certification in addition to the requirements for a Rank II classification; or

(d) Plan IV. Equivalent continuing education with evidence of continuous progress as identified in Section 5 of this administrative regulation in addition to the requirements for a Rank II classification.

Section 2. [3.] The Plan I and II equivalent preparation shall be approved by the Education Professional Standards Board [Superintendent of Public Instruction] on the basis of the following criteria:

(1) Approved equivalent credit shall be offered in the form of teacher institutes designed for the purpose of upgrading classroom

## ADMINISTRATIVE REGISTER - 1943

teaching personnel in their teaching specialties;

(2) The teacher institutes shall be offered only by the institutions that are approved by the Education Professional Standards Board [State Board of Education] for offering Rank I programs. Teacher education institutions shall make application to the Education Professional Standards Board for the advanced approval of teacher institutes [on forms provided by the Superintendent of Public Instruction];

(3) Operation of the teacher institutes shall meet the standards for accreditation of teacher preparation programs;

(4) Equivalency credit toward a Rank I classification may be earned only by professional personnel who have already attained a Rank II classification;

(5) Equivalency credit toward a Rank I classification shall be limited to a maximum of fifteen (15) semester hours of the requirements for Rank I. Equivalency credit shall be the amount of contact time required for graduate credit at the teacher education institution; and

(6) Approved equivalency credit shall be an integrated part of an individualized Rank I program as planned with a graduate curriculum adviser. Approved equivalency credit earned through approved teacher institutes may be applied for teacher certification purposes as described in 704 KAR 20:030.

Section 3. [4:] The appropriate official designated by the teacher education institution shall certify to the Education Professional Standards Board [State Department of Education] when the curriculum requirements have been completed for the Rank I program at the institution.

Section 4. [5:] Of the thirty (30) semester hour program, at least fifteen (15) semester hours shall be taken at the college making the recommendation. The remaining fifteen (15) semester hours credit may be taken at the same institution or, upon approval of the college adviser, at another institution [other institutions].

Section 5. The Plan IV equivalent continuing education program shall be approved by the Division of Certification on the basis of the following criteria:

(1) An individualized professional development plan shall be designed by the teacher. The plan shall focus on the teacher's needs with consideration given to how the needs relate to the school transformation plan;

(2) The plan shall include goals related to continuing growth on each of the nine (9) experienced teacher standards identified in 704 KAR 20:021 and may be developed in collaboration with a team of colleagues whom the teacher chooses;

(3) The plan shall be submitted for review to a three (3) member state review team;

(4) The teacher shall participate in professional development experiences that will assist in the accomplishment of the goals established. The professional development experiences shall include any combination of graduate college credit, individual research, field experience, and professional development activities or workshops. The professional development experiences chosen shall be listed within the professional development plan;

(5) The professional development experiences may be a part of the approved school professional development plan or may be experiences specifically needed by the individual teacher.

(6) The evidence of accomplishment of the goals identified in the plan, including the impact upon student learning, shall be documented and presented for review and scoring by a state team. The documentation shall provide evidence that the teacher has demonstrated continuing growth on each of the experienced teacher standards; and

(7) The evidence shall be presented:

(a) In a portfolio using a variety of mediums including, but not limited to, videotape, research, data, and instructional logs; and

(b) To the state team at least one (1) year in advance of the expiration date of the certificate.

Section 6. (1) The state team used to review and score the continuing education portfolio shall be selected by the Education Professional Standards Board from a pool of educators representing teachers, principals, central office instructional personnel, higher education faculty, professional organization representatives, and Department of Education staff.

(2) The state team shall:

(a) Review and provide feedback to the teacher regarding the quality of the plan, including the planned professional development experiences;

(b) Use the experienced teacher standards and indicators to review and score the portfolios;

(c) Provide timely feedback to the teacher regarding additional evidence that may be needed to show that the professional development plan was accomplished and that growth on each of the experienced teacher standards was evident;

(d) Recommend the teacher for Rank I classification and certificate renewal to the Education Professional Standards Board; and

(e) Be trained to score the portfolios in a consistent and reliable manner.

Section 7. An assessment fee not to exceed \$1200 shall be assessed to a teacher who chooses to follow the Plan IV option for advancement in rank classification and certificate renewal. The fee shall be used to pay the expenses related to the administration of the continuing education option, including the cost of the review and scoring of portfolios.

ROSA WEAVER, Chair

ROBERT SHERMAN, Attorney

APPROVED BY AGENCY: February 10, 1998

FILED WITH LRC: February 11, 1998 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held at 10 a.m. on March 24, 1998, in the 1st Floor Conference Room, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by March 17, 1998, five work days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact Person: Dr. Susan Leib, Office of Teacher Education and Certification, 1024 Capital Center Drive, Frankfort, Kentucky 40601, (502) 573-4606, FAX: (502) 573-1610.

### REGULATORY IMPACT ANALYSIS

Contact Person: Rita Osborne

(1) Type and number of entities affected: All Rank II certified teachers in Kentucky are affected by this amendment to the administrative regulation.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: The certified teachers who choose and successfully complete the continuing education option for salary rank change from Rank II to Rank I will be given a salary increase. In addition, there will be a savings in cost in com-



## ADMINISTRATIVE REGISTER - 1944

parison to the traditional route to rank change, which includes only graduate course work at a college or university.

(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: Possibly less paperwork than the traditional route for salary rank change.

2. Second and subsequent years: Possibly less paperwork than the traditional route for salary rank change.

(3) Effects on 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: The Division of Certification must disseminate and process applications for the continuing education option and assign review committee members.

(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: State General Funds.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: None

(b) Kentucky: None

(7) Assessment of alternative methods; reasons why alternatives were rejected: The continuing education option must provide flexibility along with quality assurance. This amendment describes procedures which allow for flexibility while including measures of quality assurance.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical areas in which implemented and on Kentucky: None

(b) State whether a detrimental effect on environment and public health would result if not implemented: None

(c) If detrimental effect would result, explain detrimental effect: None

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? No. Certification requirements and options are available to all certified teachers.

### EDUCATION, ARTS, AND HUMANITIES CABINET Education Professional Standards Board (Amendment)

#### 704 KAR 20:021. Planned Fifth-year Program.

RELATES TO: KRS 157.390, 161.020, 161.028, 161.030

STATUTORY AUTHORITY: KRS 161.028, 161.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028 and 161.030 vests authority for the issuance and renewal of certification for all school personnel in the Education Professional Standards Board. This administrative regulation establishes the standards for the Fifth-year Program for certificate renewal.

Section 1. (1) The standards required for the renewal of a

teaching certificate ~~[certificates]~~ shall require completion of:

(a) The continuing education alternative plan as defined in 704 KAR 20:022; or

(b) Plan I or Plan II described in this administrative regulation and in keeping with one (1) or more of the following purposes:

1. ~~[(a)]~~ To improve the professional competency for the position covered by the initial teaching certificate;

2. ~~[(b)]~~ To extend the scope of professional competency to some certification area not covered by the initial certificate; and

3. ~~[(c)]~~ To obtain preparation-certification required for professional advancement to a higher position.

(2) Upon application by the candidate, the teacher education institution shall verify the completion of the Fifth-year Program to the Division of Certification.

Section 2. (1) Plan I Fifth-year Program shall require the completion of a master's degree from a college or university which meets the standards established by the Education Professional Standards Board:

(a) In a professional education specialty for which certification is issued;

(b) In an academic subject for which teacher certification is issued; or

(c) In professional education with emphasis in an academic subject for which certification is issued.

(2) The master's degree shall be consistent with the experienced teacher standards established by the Education Professional Standards Board in Section 4 of this administrative regulation or with standards adopted by the Education Professional Standards Board in 704 KAR Chapter 20 for a particular professional education specialty.

Section 3. Plan II Fifth-year Program shall require thirty-two (32) semester hours of graduate level coursework earned beyond the bachelor's degree and the four (4) year program of teacher preparation in accordance with the following guidelines:

(1) The Fifth-year Program shall be planned individually with each candidate by a teacher education institution approved for offering graduate programs of teacher preparation.

(2) The Fifth-year Program shall be a major component of the candidate's professional growth plan and shall be consistent with the experienced teacher standards established by the Education Professional Standards Board in Section 4 of this administrative regulation or with standards adopted by the Education Professional Standards Board for a professional education specialty.

(3) The Fifth-year Program shall relate to the initial classroom teaching certificate or to an additional classroom teaching certificate.

(4) The grade point standing for the thirty-two (32) semester hour program shall be no less than is required at the planning institution for teacher education graduates.

(5) Professional development in lieu of up to twelve (12) semester hours of college credit shall be approved as part of Plan II Fifth-year Program if requested by the applicant using the following guidelines:

(a) Twenty-four (24) clock hours of professional development shall equal one (1) semester hour.

(b) The candidate shall seek and obtain prior approval of the institution for the professional development activities.

(c) The application for approval shall identify the specific professional development activities, and the action plan to achieve one (1) or more goals of the professional growth plan identified in subsection (2) of this section.

(d) Upon completion of the professional development activities the candidate shall submit to the institution a report of the activities which shall include an evaluation of the experiences and a follow-up plan for implementing the professional development.

(e) The institution shall keep a record of the professional development completed by each candidate for the Fifth-year Program.



## ADMINISTRATIVE REGISTER - 1945

Section 4. New Teacher Standards. Approved preparation programs for initial certification to be completed at the master's degree level shall be consistent with the new teacher standards as defined in 704 KAR 20:670.

Section 5. Experienced Teacher Standards. All Fifth-year Program plans other than those in a professional education specialty for which the Education Professional Standards Board has adopted specific standards shall be consistent with the following experienced teacher standards:

(1) Experienced Teacher Standard I. Demonstrates professional leadership. The teacher provides professional leadership within the school, community, and education profession to improve student learning and well-being.

(2) Experienced Teacher Standard II. Demonstrates knowledge of content. The teacher demonstrates content knowledge within own area of certification and application to other areas, content areas, and certification areas.

(3) Experienced Teacher Standard III. Designs and plans instruction. The teacher designs and plans instruction that develops student abilities to use communication skills, apply core concepts, become self-sufficient individuals, become responsible team members, think and solve problems, and integrate knowledge.

(4) Experienced Teacher Standard IV. Creates and maintains learning climate. The teacher creates a learning climate that supports the development of student abilities to use communication skills, apply core concepts, become self-sufficient individuals, become responsible team members, think and solve problems, and integrate knowledge.

(5) Experienced Teacher Standard V. Implements and manages instruction. The teacher introduces, implements, and manages instruction that develops student abilities to use communication skills, apply core concepts, become self-sufficient individuals, become responsible team members, think and solve problems, and integrate knowledge.

(6) Experienced Teacher Standard VI. Assesses and communicates learning results. The teacher assesses learning and communicates results to students and others with respect to student abilities to use communication skills, apply core concepts, become self-sufficient individuals, become responsible team members, think and solve problems, and integrate knowledge.

(7) Experienced Teacher Standard VII. Reflects and evaluates teaching and learning. The teacher reflects on and evaluates teaching and learning.

(8) Experienced Teacher Standard VIII. Collaborates with colleagues, parents, and others. The teacher collaborates with colleagues, parents, and other agencies to design, implement, and support learning programs that develop student abilities to use communication skills, apply core concepts, become self-sufficient individuals, become responsible team members, think and solve problems, and integrate knowledge.

(9) Experienced Teacher Standard IX. Engages in professional development. The teacher evaluates own overall performance in relation to Kentucky's learner goals as established in KRS 158.6451 and implements a professional development plan.

ROSA WEAVER, Chair

ROBERT SHERMAN, General Counsel

APPROVED BY AGENCY: November 18, 1997

FILED WITH LRC: January 20, 1998 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on March 24, 1998, at 10 a.m., in the First Floor Conference Room, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by March 17, 1998, five work days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be

given an opportunity to comment on the proposed administrative regulation. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact Person: Dr. Susan Leib, Interim Associate Commissioner, Office of Teacher Education and Certification, 1024 Capital Center Drive, Frankfort, Kentucky 40601, Phone: (502) 573-4606, FAX: (502) 573-1610.

### REGULATORY IMPACT ANALYSIS

Contact Person: Ronda Tamme

(1) Type and number of entities affected: 176 school districts and all certificate holders.

(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: Candidates for issuance, and renewal of certificates will incur certification costs.

2. Second and subsequent years: Same as above.

(3) Effects on promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Costs associated with processing applications and issuing certificates.

2. Continuing costs or savings: Same as above.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: The Division of Certification must maintain records and issue certificates.

(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: State General Fund.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on: None. No comments received.

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

(b) Kentucky:

(7) Assessment of alternative methods; reasons why alternatives were rejected: By law, the Education Professional Standards Board can establish teacher certification requirements only by regulation.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical areas in which implemented and on Kentucky: None

(b) State whether a detrimental effect on environment and public health would result if not implemented: None

(c) If detrimental effect would result, explain detrimental effect: None

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? No. Certification requirements are uniformly applicable to all individuals.

## ADMINISTRATIVE REGISTER - 1946

### EDUCATION, ARTS, AND HUMANITIES CABINET Education Professional Standards Board (Amendment)

#### 704 KAR 20:045. Recency and certification fees.

RELATES TO: KRS 161.020, 161.028, 161.030

STATUTORY AUTHORITY: KRS 161.028, 161.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020, 161.028, and 161.030 require that a teacher and other professional school personnel hold a certificate of legal qualification for his or her respective position to be issued upon completion of a program of preparation prescribed by the Education Professional Standards Board; furthermore, a teacher education institution is required to be approved for offering a preparation program corresponding to a particular certificate on the basis of standards and procedures established by the Education Professional Standards Board. KRS 161.030 establishes additional testing and internship requirements for certification. This administrative regulation provides for the issuance of the limited initial certificate; the beginning teacher internship program; provides for certificate renewal requirements; and for filing a certificate application. This administrative regulation addresses fees to be charged for the issuance, reissuance, and renewal of certificate.

Section 1. (1) Application for teacher certification shall be made to the Division of Certification.

(2) The application shall be accompanied by an official transcript showing all college credits necessary for the requested certification.

Section 2. Recency. Teacher certification issued initially under the provisions of 704 KAR 20:065, 20:070, 20:080, 20:085, 20:090, 20:145, 20:150, 20:159, 20:222, 20:230, 20:235, 20:240, 20:245, 20:670, 20:270, and 20:290 shall comply with the provisions of KRS 161.030 and the following requirements and procedures:

(1) There shall be a recency of preparation prerequisite for the issuance of a certificate covered by this section, as follows:

(a) An out-of-state applicant for initial Kentucky certification shall have prepared as a teacher or completed six (6) semester hours of graduate credit within the five (5) years preceding the application.

(b) An out-of-state applicant for initial Kentucky certification who has completed a Planned Fifth-year Program is exempt from taking the six (6) additional hours, provided the applicant has completed two (2) years of successful teaching experience within the last ten (10) years.

(c) When an applicant does not meet the recency of preparation prerequisite, and has not previously held a regular Kentucky teaching certificate, but otherwise qualifies for certification, a certificate shall be issued for a one (1) year period ending June 30 of the next calendar year with the condition that six (6) semester hours of credit applicable toward the usual renewal requirement shall be completed by September 1 of the year of expiration. Thereafter the further renewal of the certificate shall be in compliance with the usual renewal requirement specified in subsection (2) of this section.

(2)(a) Teaching certificates described in this section shall be issued for a duration period of five (5) years and with provisions for subsequent five (5) year renewals, as provided in 704 KAR 20:060.

(b) Semester hour credit for certificate renewal shall be earned after the issuance of the certificate, and any credit earned in excess of the minimum requirement for any renewal period shall accumulate and be carried forward to apply toward subsequent renewal.

Section 3. (1) Reissuance. Whenever there is a lapse in a certificate identified in this section due to expiration for lack of meeting the renewal requirement, a certificate may be reissued at a later date for a one (1) year period by first completing at least six (6) semester hours of graduate credit applicable toward the Planned Fifth-year Program. An applicant shall complete another nine (9)

semester hours of credit applicable toward the Planned Fifth-year Program by September 1 of the year of expiration to qualify for extending the certificate for the remaining four (4) years of the usual five (5) year renewal period. At the end of this renewal period the applicant shall have completed the Planned Fifth-year Program to qualify for the next five (5) year renewal. Thereafter, the regular renewal schedule of three (3) years of successful teaching experience with evidence of continuing growth documented in a portfolio as defined in 704 KAR 20:060 or six (6) semester hours of additional graduate credit [or the equivalent in professional staff development units or continuing education units] each five (5) year period shall apply.

(2) An applicant who has already completed the Planned Fifth-year Program and whose certificate lapses may have the certificate reissued after first completing another six (6) semester hours of graduate credit. The certificate shall be issued for a five (5) year period and subject to the renewal schedule of three (3) years of successful teaching experience or completion by September 1 of the year of expiration of at least six (6) semester hours of additional credit [or the equivalent in PSDU's or CEU's] for each five (5) year period.

(3) An applicant who has held a regular Kentucky teaching certificate which has lapsed for failure to meet renewal requirements, but who otherwise qualifies for the reissuance of a Kentucky teaching certificate, shall not be required to take the written tests or to participate in the beginning teacher internship program.

(4)(a) An out-of-state applicant having completed two (2) or more years of successful teaching experience within the last ten (10) years, who otherwise qualifies for certification, shall not be required to take the written tests.

(b) Successful experience shall be in a position directly corresponding to the type of teaching certificate for which the application is being made and shall be defined as follows:

1. Employment shall be at least on a half-time basis.

2. A full year of experience shall include at least 140 days of employment performed within the academic year.

3. A half year of experience shall include at least seventy (70) days of employment performed within an academic semester.

(5) Prerequisites for the issuance of a one (1) year certificate for the beginning teacher internship shall include:

(a) The completion of an approved program of preparation which corresponds to the certificate desired;

(b) The successful completion of the written tests designated by the Education Professional Standards Board for:

1. General knowledge;

2. Communications skills;

3. Professional education concepts; and

4. Knowledge in the specific teaching field of the applicant, with minimum scores in each test as identified in 704 KAR 20:305 and as established by the Education Professional Standards Board; and

(c) Evidence of employment in a Kentucky school as identified in KRS 156.160.

(6) Upon successful completion of an approved program of preparation and upon completion of the designated tests with acceptable scores, the Education Professional Standards Board shall issue a statement of eligibility for employment which shall serve as evidence of eligibility for the one (1) year certificate once a teaching position is secured. The statement of eligibility shall be issued in accordance with 704 KAR 20:055 and shall be valid for a five (5) year period. If the teacher internship is not completed within the five (5) year period, the individual shall requalify for another statement of eligibility by retaking and passing the designated written tests with acceptable scores. The individual may requalify for a statement of eligibility by presenting six (6) new semester hours of graduate credit from a Planned Fifth-year Program. This option may only be used on the first requalification for a statement of eligibility.

(7) For a person who attains the statement of eligibility, but who is not appropriately employed, the Certificate for Substitute Teaching

## ADMINISTRATIVE REGISTER - 1947

may be issued as provided in 704 KAR 20:210, Section 1.

(8)(a) The employment of a teacher intern shall not begin earlier than the effective date shown on the statement of eligibility.

(b) The one (1) year certificate for the beginning teacher internship shall be issued in accordance with 704 KAR 20:055, "Dating of Certificates." If the teacher's first year performance is judged to be less than satisfactory, the teacher shall be provided with an opportunity to repeat the internship one (1) time through the reissuance of another one (1) year certificate if the teacher is employed by a school district.

Section 4. Fees. (1) The following fees for teaching certificates shall apply:

- (a) Statement of eligibility for internship - no charge;
- (b) Limited one (1) year certificate - no charge;
- (c) Issuance, reissuance, or renewal of a regular certificate - fifty (50) dollars, this shall include all previously approved certifications and endorsements;
- (d) Issuance of a five (5) year substitute certificate - fifteen (15) dollars;
- (e) Reissuance of limited four (4) year certification - thirty-five (35) dollars;
- (f) A duplicate copy of the certificate - twenty-five (25) dollars.

(2) A refund of the certification fee shall be provided to an unsuccessful certification applicant, less a ten (10) dollar processing fee.

(3) Appropriate fees shall accompany the application. Fees shall be received in the form of a certified check or money order made payable to the Kentucky State Treasurer.

ROSA WEAVER, Chair

ROBERT SHERMAN, General Counsel

APPROVED BY AGENCY: November 18, 1997

FILED WITH LRC: January 20, 1998 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on March 24, 1998, at 10 a.m., in the First Floor Conference Room, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by March 17, 1998, five work days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact Person: Dr. Susan Leib, Interim Associate Commissioner, Office of Teacher Education and Certification, 1024 Capital Center Drive, Frankfort, Kentucky 40601, Phone: (502) 573-4606, FAX: (502) 573-1610.

### REGULATORY IMPACT ANALYSIS

Contact Person: Ronda Tamme

(1) Type and number of entities affected: 176 school districts and all certificate holders.

(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: Candidates for issuance, reissuance and renewal of certificates will incur certification costs.

2. Second and subsequent years: Same as above.

(3) Effects on promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Costs associated with processing applications and issuing certificates.

2. Continuing costs or savings: Same as above.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: The Division of Certification must maintain records and issue certificates.

(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: State General Fund.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on: None. No comments received.

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

(b) Kentucky:

(7) Assessment of alternative methods; reasons why alternatives were rejected: By law, the Education Professional Standards Board can establish teacher certification requirements only by regulation.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical areas in which implemented and on Kentucky: None

(b) State whether a detrimental effect on environment and public health would result if not implemented: None

(c) If detrimental effect would result, explain detrimental effect: None

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? No. Certification requirements are uniformly applicable to all individuals.

### EDUCATION, ARTS, AND HUMANITIES CABINET Education Professional Standards Board (Amendment)

#### 704 KAR 20:060. Renewals.

RELATES TO: KRS 161.020, 161.028, 161.030

STATUTORY AUTHORITY: KRS 161.028, 161.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020, 161.028, and 161.030 require that a teacher and other professional school personnel hold a certificate of legal qualification for his or her respective position to be issued upon completion of a program of preparation prescribed by the Education Professional Standards Board; furthermore, a teacher education institution is required to be approved for offering a preparation program corresponding to a particular certificate on the basis of standards and procedures established by the Education Professional Standards Board, and KRS 161.020 safeguards the validity of a certificate previously issued from any impairment arising from later changes in certification provisions. This administrative regulation establishes certificate renewal provisions for certain unusual circumstances.

Section 1. The validity of a certificate for professional school personnel which has been issued under the authority of the Education Professional Standards Board shall not be impaired by the repeal or

## ADMINISTRATIVE REGISTER - 1948

revision of the certification requirements and the certificate may continue to be renewed in accordance with the provisions in effect at the date of the issuance of the certificate.

Section 2. When the renewal of a provisional teaching certificate requires the completion of additional academic course work in lieu of teaching experience, the credits shall be selected from the Planned Fifth-Year Program.

Section 3. (1) A teaching certificate shall be issued for a duration period of five (5) years, with provision for subsequent five (5) year renewals. The exceptions to this five (5) year certificate shall be the beginning teacher internship and the initial certificate for an applicant who does not meet the recency of preparation prerequisite, both of which shall be issued for one (1) year.

(2) The one (1) year beginning teacher internship certificate shall be extended for the remainder of the five (5) year period upon the successful completion of the beginning teacher internship, as judged by a majority vote of the beginning teacher committee.

(3) A certificate shall be renewed for subsequent five (5) year periods upon the completion of three (3) years of successful teaching experience or at least six (6) semester hours of credit or the equivalent in professional staff development units or continuing education units as defined in 704 KAR 20:020. The renewal requirements shall be completed by September 1 of the year of expiration of the certificate.

Section 4. To provide evidence of continuing growth, a teacher shall complete the following procedures:

(1) An individual professional development plan shall be designed by the teacher around his/her needs with consideration given to how the needs relate to the school transformation plan;

(2) The plan shall include goals related to a minimum of two (2) of the experienced teacher standards listed in 704 KAR 20:021;

(3) The teacher shall participate in professional development experiences that will assist in the accomplishment of the goals established. The professional development experiences shall include any combination of graduate college credit, individual research, field-experience, and professional development activities and workshops. The experiences shall be listed with the professional development plan;

(4) The activities and experiences may be a part of the approved school professional development plan or may be experiences specifically needed by the teacher;

(5) The teacher shall document evidence of the accomplishment of the goals of the plan, including the impact upon student learning, and present the evidence to be reviewed; and

(6) The evidence shall be presented:

(a) In a portfolio using a variety of mediums including, but not limited to, videotape, research data, and instruction logs; and

(b) At least one (1) year in advance of the expiration date of the certificate.

Section 5. The portfolio shall be reviewed by a three (3) member school team chosen by the teacher. At least one (1) of the members of the team shall be a building administrator. This team shall also provide assistance in the development of the professional plan. The school team shall:

(1) Use a scoring instrument that includes the experienced teacher standards and indicators as performance criteria when reviewing the portfolio;

(2) Provide timely feedback to the teacher regarding any additional evidence that may be needed to show accomplishment of the professional development plan; and

(3) Recommend the teacher for certificate renewal to the Division of Certification prior to the expiration date of the certificate.

Section 6. Upon expiration regular certificates may be extended for one (1) time only for the one (1) year period immediately following the expiration date upon completion of at least one-third (1/3) of the renewal requirements and upon recommendation by the employing school superintendent. The remainder of the renewal requirements shall be completed within the one (1) year period of reinstatement.

Section 7. [5:] (1) Experience in the armed forces of the United States of America may be accepted toward the renewal of a teaching certificate in lieu of required teaching experience, provided the applicant held a valid certificate prior to entering military service.

(2) The validity period of a certificate held by a person at the time of entry into the armed forces of the United States of America shall be extended for the same period of time for which it was valid at the time of entry, beginning from the date of discharge.

Section 8. [6:] For certificates requiring teaching experience for renewal, experience as a substitute teacher may be accepted if the holder of the certificate was employed officially by the local board of education, was paid through the board of education, and substituted in his or her certification area no less than thirty (30) teaching days per semester.

Section 9. [7:] The executive secretary shall approve the types of experiences which may be accepted under the law and administrative regulations of the Education Professional Standards Board in renewing certificates.

ROSA WEAVER, Chair

ROBERT SHERMAN, General Counsel

APPROVED BY AGENCY: November 18, 1997

FILED WITH LRC: January 20, 1998 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on March 24, 1998, at 10 a.m., in the First Floor Conference Room, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by March 17, 1998, five work days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact Person: Dr. Susan Leib, Interim Associate Commissioner, Office of Teacher Education and Certification, 1024 Capital Center Drive, Frankfort, Kentucky 40601, Phone: (502) 573-4606, FAX: (502) 573-1610.

### REGULATORY IMPACT ANALYSIS

Contact Person: Ronda Tamme

(1) Type and number of entities affected: 176 school districts and all certificate holders.

(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: Routine reporting.

## ADMINISTRATIVE REGISTER - 1949

2. Second and subsequent years: Same as above.
- (3) Effects on promulgating administrative body:
  - (a) Direct and indirect costs or savings:
    1. First year: None additional.
    2. Continuing costs or savings: Same as above.
  3. Additional factors increasing or decreasing costs: None
  - (b) Reporting and paperwork requirements: Routine reporting.
  - (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: State General Fund.
- (6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on: None. No comments received.
- (a) Geographical area in which administrative regulation will be implemented:
  - (b) Kentucky:
- (7) Assessment of alternative methods; reasons why alternatives were rejected: The Education Professional Standards Board can establish teacher certificate standards only by administrative regulation.
- (8) Assessment of expected benefits:
  - (a) Identify effects on public health and environmental welfare of the geographical areas in which implemented and on Kentucky: None
  - (b) State whether a detrimental effect on environment and public health would result if not implemented: None
  - (c) If detrimental effect would result, explain detrimental effect: None
- (9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
  - (a) Necessity of proposed regulation if in conflict:
  - (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
- (10) Any additional information or comments: None
- (11) TIERING: Is tiering applied? No. Certification requirements are uniformly applicable to all individuals.

### EDUCATION, ARTS, AND HUMANITIES CABINET Education Professional Standards Board (Amendment)

#### 704 KAR 20:420. Certification for school superintendent.

RELATES TO: KRS 161.020, 161.027, 161.028, 161.030

STATUTORY AUTHORITY: KRS 161.028, 161.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020 requires that a teacher [teachers] and other professional school personnel hold a certificate [certificates] of legal qualification [qualifications] for the [their] respective position [positions] to be issued upon completion of a program [programs] of preparation prescribed by the Education Professional Standards Board. Additionally, KRS 161.027 specifically requires a preparation program for superintendents. A teacher education institution shall [institutions are required to] be approved for offering the preparation program [programs] corresponding to a particular certificate [certificates] on the basis of standards and procedures established by the Education Professional Standards Board. This administrative regulation establishes the preparation and certification program for school superintendent.

Section 1. Conditions and Prerequisites. (1) The professional certificate for instructional leadership - school superintendent shall be issued to an applicant who has completed an approved program of preparation, and requirements including assessments, [in accordance with the administrative regulations of the Education Professional Standards Board to an applicant who has completed the approved program of preparation which corresponds to the certificate at a

teacher education institution approved under the standards and procedures included in 704 KAR 20:005, the Kentucky Standards for the Preparation-Certification of Professional School Personnel.]

(2) The professional certificate for instructional leadership - school superintendent shall be valid for the position of school superintendent and assistant superintendent.

(3) [As] Prerequisites for the program of preparation for the professional certificate for instructional leadership - school superintendent, [the candidate] shall include:

(a) Qualifications for a Kentucky teaching certificate;

(b) Admission [Have been admitted] to the preparation program on the basis of criteria developed by the teacher education institution pursuant to 704 KAR 20:696 [20:005];

(c) Completion of a master's degree;

(d) Completion of both Level I and Level II preparation and certification for the position of school principal, or supervisor of instruction; and

(e) Completion of [(b) Have completed] at least five (5) years of experience as follows:

1. Three (3) years of full-time teaching experience, including at least 140 days per year, and

2. At least two (2) years of additional experience[~~including at least 140 days per year;~~] in a position(s) of school principal, [elementary school principal, middle grade school principal, secondary school principal,] supervisor of instruction, guidance counselor, director of pupil personnel, director of special education, school business administrator, local district coordinator of vocational education, or coordinator/administrator/supervisor of district-wide services. Other administrative experience may be substituted for this requirement with the approval of the Education Professional Standards Board[;

(c) Have completed the master's degree;

(d) Qualify for a Kentucky teaching certificate; and

(e) Have completed both Level I and Level II preparation and certification for any one of the positions of elementary school principal, middle grade principal, secondary school principal, or supervisor of instruction].

Section 2. Kentucky Administrator Standards for Preparation and Certification. The approved program of preparation for the certification of school superintendent shall prepare a candidate for the position of superintendent as specified in the following Administrator Standards adopted by the Education Professional Standards Board:

(1) Administrator Standard I. The administrator is the instructional leader who guides, facilitates, and supports the curriculum, instruction, and assessment;

(2) Administrator Standard II. The administrator practices positive, promotional, and proactive communication strategies (oral and written) for effective parent, community, and school involvement to improve the learning environment for all students; and

(3) Administrator Standard III. The administrator is the organizational leader and manager who acts with legal and ethical guidelines to accomplish educational purposes.

Section 3. Issuance and Renewal. (1) [(4)] The initial professional certificate for instructional leadership - school superintendent shall be issued for [a duration period of] five (5) years to a candidate who has completed an approved program of preparation for superintendent at the Rank I level, [and shall be renewed subsequently for five (5) year periods.]

(2) Each five (5) year renewal shall require;

(a) The completion of two (2) years of experience as a school superintendent;

(b) [or] Three (3) semester hours of additional graduate credit related to the position of school superintendent; or

(c) Forty-two (42) hours of approved training selected from programs approved for the Kentucky Effective Instructional Leadership Training Program.

## ADMINISTRATIVE REGISTER - 1950

(3) [(5)] If a lapse in certification occurs for lack of the renewal requirements, the certificate may be reissued for a five (5) year period after the completion of an additional six (6) semester hours of graduate study appropriate to the program.

Section 4. Implementation Dates. (1) The provisions for the issuance of the certification for school superintendent shall apply to a candidate admitted to a program of preparation for school superintendent beginning September 1, 1998.

(2) A candidate admitted prior to September 1, 1998, to an approved preparation program for school superintendent shall complete the program by September 1, 2000.

(3) A candidate who fails to complete an approved preparation program for school superintendent identified in Section 3 by September 1, 2000, and who does not apply for certification by May 1, 2001, shall be required to qualify for the new certificate identified in this administrative regulation.

(4) Colleges and universities shall take adequate steps to inform a candidate in these programs regarding the implementation dates identified in this section.

ROSA WEAVER, Chair

ROBERT SHERMAN, General Counsel

APPROVED BY AGENCY: November 17, 1997

FILED WITH LRC: January 20, 1998 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on March 24, 1998, at 10 a.m., in the First Floor Conference Room, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by March 17, 1998, five work days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact Person: Dr. Susan Leib, Interim Associate Commissioner, Office of Teacher Education and Certification, 1024 Capital Center Drive, Frankfort, Kentucky 40601, Phone: (502) 573-4606, FAX: (502) 573-1610.

### REGULATORY IMPACT ANALYSIS

Contact Person: Ronda Tamme

(1) Type and number of entities affected: All candidates for certification for school superintendent.

(2) Direct and indirect costs or savings on the: None

(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:

(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:

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Candidates will be required to complete appropriate documentation and make application to the Division of Certification. The Division of Certification will issue the certificate upon completion of all requirements.

2. Second and subsequent years: Same as above.

(3) Effects on promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Costs associated with the dissemination of program

requirements, issuing certificates, staff assistance to the candidate, and maintenance of records.

2. Continuing costs or savings: Same as above.

3. Additional factors increasing or decreasing costs: None  
(b) Reporting and paperwork requirements: Submission of applications, transcripts, and all other required documentation.

(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: State General Fund.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on: None

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

(b) Kentucky:

(7) Assessment of alternative methods; reasons why alternatives were rejected: Pursuant to KRS 161.030, the Education Professional Standards Board must establish certification requirements for school personnel via promulgation of administrative regulations.

(8) Assessment of expected benefits: None

(a) Identify effects on public health and environmental welfare of the geographical areas in which implemented and on Kentucky:

(b) State whether a detrimental effect on environment and public health would result if not implemented:

(c) If detrimental effect would result, explain detrimental effect:

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? No, certification requirements are uniformly applicable to all individuals.

### EDUCATION, ARTS, AND HUMANITIES CABINET Education Professional Standards Board (Amendment)

**704 KAR 20:475. Probationary certificate for teachers of technology education.**

RELATES TO: KRS 161.020, 161.028, 161.030

STATUTORY AUTHORITY: KRS 161.028, 161.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020 and 161.030 require that a teacher [teachers] and other professional school personnel hold a certificate [certificates] of legal qualification [qualifications] for their respective position [positions] to be issued upon completion of a program [programs] of preparation prescribed by the Education Professional Standards Board. Pursuant to KRS 161.028, a [the] teacher education institution is [institutions are] required to be approved for offering the preparation program [programs] corresponding to particular certificate [certificates] on the basis of standards and procedures adopted by the Education Professional Standards Board. This administrative regulation establishes a plan for recruiting certified classroom teachers into a position [positions] for teachers of technology education. This administrative regulation is not required by federal law.

Section 1. Definition "Qualified technology education teacher" means a teacher who holds certification as a technology education teacher unless the superintendent of the employing school district has documented evidence that the teacher is unsuitable for appointment.

Section 2. Requirements for a Probationary Certificate for Teachers of [in] Technology Education. (1) If a qualified teacher is not



## ADMINISTRATIVE REGISTER - 1951

available for the position of technology education teacher as attested by the local superintendent, the superintendent may request that a one (1) year probationary certificate be issued for a specific technology education offering as approved by the Division of Secondary Vocational Education to a teacher who shall meet [meets] the following requirements:

(a) Holds one (1) of the following:

1. [(1) Holds] A valid classroom teaching certificate for teaching in the middle school or secondary school; or

2. A bachelor's degree in a related area of concentration or major approved by a Division of Secondary Vocational Education, technology consultant, and a designated university teacher trainer;

(b) Has a grade point average of 2.5 on a 4.0 scale;

(c) Meets the minimum standards for admission to a teacher education preparation program at an approved institution of higher education;

(d) Completes six (6) clock hours of training in a technology education new teacher institute;

(e) Develops a continuous plan for curriculum completion with an approved institution for technology education;

(f) Successfully completes all required assessments identified in 704 KAR 20:305; and

(g) Documents 1000 clock hours or six (6) months of full-time employment of work related experience or other exceptional life experience related to teaching technology education.

(2) Upon completion of all requirements in Section 1 of this administrative regulation, the candidate shall be issued a probationary certificate for teachers of technology education, valid for one (1) year. The Division of Secondary Vocational Education, in cooperation with a technology education teacher trainer, shall grant approval for the specific courses to be taught by a probationary teacher.

[(2) Has enrolled in a preparation program which shall lead to full certification in technology education. This program shall be developed with a technology education teacher trainer and a program consultant representing the Division of Secondary Vocational Education and shall include a personal professional development plan.

(3) Has completed twelve (12) clock hours of training, as required and verified by the Division of Secondary Vocational Education, on student safety in activities associated with the specific technology education offering for which application is being made.]

Section 3. Requirements for Renewal of a Probationary Certificate for Teachers of [in] Technology Education. (1) The first renewal of the probationary certificate for teachers of technology education shall be for one (1) year, based upon the successful completion of the following requirements:

(a) Evidence of employment by a participating district;

(b) Completion of twelve (12) [(The applicant shall complete six (6)) clock hours of orientation and management training provided through the technology education new teacher institute, within [by the Division of Secondary Vocational Education no later than] the first six (6) weeks of employment;

(c) Completion of twelve (12) [(2) The applicant shall complete six (6)) semester hours from the continuous curriculum [professional development] plan; six (6) hours to be completed within the first semester of the technology education teaching assignment; and

(d) Successful completion of the internship program identified in 704 KAR 20:690.

[(3) The first one (1) year renewal of the probationary certificate shall require twelve (12) semester hours from the professional development plan to be completed by September 1 of the year of expiration.

(4) Each subsequent one (1) year renewal shall require an additional six (6) semester hours from the professional development plan to be completed by September 1 of the year of expiration.]

(2) The continued one (1) year renewal of the probationary certificate shall require twelve (12) hours of additional credit from the

preapproved continuous curriculum plan. Upon successful completion of all requirements, a professional certificate for industrial technology shall be issued valid for five (5) years.

Section 4. Requirements for Extending the Probationary Certificate. The probationary certificate may be extended to include additional technology education offerings upon recommendation by the Division of Secondary Vocational Education and the technology education teacher trainer.

ROSA WEAVER, Chair

ROBERT SHERMAN, General Counsel

APPROVED BY AGENCY: November 17, 1997

FILED WITH LRC: January 20, 1998 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on March 24, 1998, at 10 a.m., in the First Floor Conference Room, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by March 17, 1998, five work days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact Person: Dr. Susan Leib, Interim Associate Commissioner, Office of Teacher Education and Certification, 1024 Capital Center Drive, Frankfort, Kentucky 40601, Phone: (502) 573-4606, FAX: (502) 573-1610.

### REGULATORY IMPACT ANALYSIS

Contact Person: Ronda Tamme

(1) Type and number of entities affected: All candidates for the Probationary Certificate for Teachers of Technology Education.

(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: Candidates will be required to file appropriate applications, complete all requirements, and local districts will maintain appropriate records. The Division of Secondary Vocational Education will provide training related to student safety and assist the candidate in developing planned coursework that will lead to full certification.

2. Second and subsequent years: Same as above.

(3) Effects on promulgating administrative body: The Division of Certification will review applications, issue or deny certificates, maintain records for all transactions. Local districts will maintain appropriate documentation. The Division of Secondary Vocational Education staff will provide assistance to the candidate for this probationary certificate.

(a) Direct and indirect costs or savings:

1. First year: Costs associated with the dissemination of program requirements, issuing certificates, staff assistance to the candidate, and maintenance of records.

2. Continuing costs or savings: Continuing costs to be the same as above.



3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: The Office of Teacher Education and Certification must monitor program standards, issue certificates, and maintain records. Local districts and the Division of Secondary Vocational Education must maintain reports and records.

(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: State General Fund.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: None

(b) Kentucky: None

(7) Assessment of alternative methods; reasons why alternatives were rejected: Pursuant to KRS 161.030, the Education Professional Standards Board must establish certification requirements for teachers via promulgation of administrative regulations.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical areas in which implemented and on Kentucky: No adverse effects.

(b) State whether a detrimental effect on environment and public health would result if not implemented: Not applicable.

(c) If detrimental effect would result, explain detrimental effect: Not applicable.

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? No, certification requirements are uniformly applicable to all individuals.

**EDUCATION, ARTS, AND HUMANITIES CABINET**  
**Education Professional Standards Board**  
**(Amendment)**

**704 KAR 20:696. Standards for accreditation of teacher education units and approval of programs.**

RELATES TO: KRS 161.028, 161.030

STATUTORY AUTHORITY: KRS 161.028, 161.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028 requires that a teacher education institution be approved for offering a preparation program corresponding to a particular certificate on the basis of standards and procedures established by the Education Professional Standards Board. KRS 161.030 requires that a certificate be issued to a person who has completed a program approved by the Education Professional Standards Board. This administrative regulation establishes the standards for accreditation of a teacher education unit and approval of a program to prepare an educator.

Section 1. Definitions. (1) "AACTE" means the American Association of Colleges for Teacher Education.

(2) "Board of Examiners" means the team who reviews an institution on behalf of NCATE or EPSB.

(3) "EPSB" means the Education Professional Standards Board.

(4) "NCATE" means the National Council for Accreditation of Teacher Education.

(5) "NCATE accreditation" means a process for assessing and enhancing academic and educational quality through voluntary peer review.

(6) "State accreditation" means recognition by the EPSB that an institution has a professional education unit that has met quality standards as a result of review, including an on-site team review.

(7) "Third-year report" means the report summarizing the institutionally-prepared annual reports for a three (3) year period and prepared by NCATE or the EPSB.

Section 2. Accreditation Requirements. (1) A Kentucky institution:

(a) Shall be accredited by the state; and

(b) May be accredited by NCATE.

(2) State accreditation shall be:

(a) A condition of offering a teacher licensure or certification program or a program leading to a rank change; and

(b) Based on the accreditation standards included in the Standards, Procedures, and Policies for the Accreditation of Professional Education Units established by NCATE.

(3)(a) NCATE accreditation shall not be a condition of offering a teacher licensure or certification program or a program leading to a rank change.

(b) For a school that chooses NCATE accreditation, the accreditation shall inform the public that the institution has a professional education unit that has met national standards of educational quality.

Section 3. Schedule and Communications. (1) The EPSB shall send an accreditation and program approval schedule to each teacher education institution no later than August 1 of each year. The regular accreditation cycle shall provide for an on-site continuing accreditation visit at a five (5) year interval.

(2) The accreditation and program approval schedule shall be directed to the official designated by the institution as the head of the teacher education unit with a copy to the president and to the chief academic officer. The head of the teacher education unit shall disseminate the information to administrative units within the institution, including the appropriate college, school, department, and office.

(3) The EPSB shall annually place a two (2) year schedule of on-site accreditation visits for a Kentucky institution in the agenda materials and minutes of an EPSB business meeting.

(4) The EPSB shall coordinate dates for a joint state and NCATE accreditation on-site visit.

(5) At least six (6) months prior to a scheduled on-site visit, an institution seeking NCATE accreditation shall give public notice of the upcoming visit.

(6) The governance unit for teacher education shall be responsible for the preparation necessary to comply with the requirements for timely submission of materials for accreditation and program approval as established in this administrative regulation.

Section 4. Annual Reports. (1) Each institution shall report annually to the EPSB to provide data about faculty and students in each approved program, progress made in addressing weaknesses identified by its last accreditation evaluation, and major program developments in each NCATE category of standards.

(a) An NCATE-accredited institution shall submit to the EPSB a:

1. Copy of the annual report sent to NCATE/AACTE; or

2. Completed EPSB Annual Report Form.

(b) An institution that is not NCATE-accredited shall submit to the EPSB a completed EPSB Annual Report Form.

(2) An evaluation team shall receive the third-year report, based on data submitted in the annual reports, in preparation for an on-site accreditation visit.

(3) The EPSB shall use an annual report to monitor the capacity of a unit to continue a program of high quality.

Section 5. Reading Committee. (1) The EPSB shall appoint and train a Reading Committee representative of the constituent groups to the EPSB. The Reading Committee shall conduct a preliminary review of accreditation materials and program folios from a teacher

## ADMINISTRATIVE REGISTER - 1953

education institution for adequacy, timeliness, and conformity with the corresponding standards.

(2) In the spring and fall semesters of each year, the Reading Committee shall analyze an institutional accreditation report, program description (folio), and annual report to determine conformity with accreditation standards and program standards.

(3) For initial accreditation, the Reading Committee shall:

(a) Review the preconditions documents prepared by the institution; and

(b) Send to the EPSB a preconditions report indicating whether a precondition has been satisfied by documentation. If a precondition has not been met, the institution shall be asked to revise or send additional documentation. A preconditions report stating that the preconditions have been met shall be inserted into the first section of the institutional report.

(4) For continuing accreditation and program approval, the Reading Committee shall:

(a) Determine that a submitted material meets requirements;

(b) Ask that EPSB staff resolve with the institution a discrepancy or omission in the report or folio;

(c) Refer an unresolved discrepancy or omission to the on-site accreditation team for resolution; or

(d) Recommend that the evaluation and approval process be terminated as a result of a severe deficiency in the submitted material.

(5) The EPSB shall discuss a recommendation for termination with the originating institution. The institution may submit a written response to the EPSB which shall be presented, with the Reading Committee comments and written accreditation and program folios, by EPSB staff to the EPSB Program and Technical Assistance Committee for recommendation to the full EPSB.

Section 6. Preconditions for Initial Unit Accreditation. (1) Eighteen (18) months prior to the scheduled on-site visit of the evaluation team, the teacher education institution shall submit information to the EPSB, and to NCATE if appropriate, documenting the fulfillment of the preconditions for the accreditation of the teacher education unit, as established in subsection (2) of this section.

(2) As a precondition for experiencing an on-site initial evaluation for teacher education, the institution shall present documentation to show that the following conditions are satisfied:

(a) Precondition Number 1. There is a written description of the professional education unit that is primarily responsible for the preparation of teachers and other professional education personnel. Required documentation shall include:

1. A letter from the president or chancellor, or the vice president for academic affairs or provost, indicating which unit at the institution has primary responsibility for professional education and describing the unit's authority and responsibilities;

2. A chart depicting all programs for the preparation of school personnel in the institution, indicating the unit to which each is administratively located, such as the school of education, school of music, or school of arts and sciences, and its relationship to the professional education unit;

3. A unit statement of mission, purpose, or goals; and

4. A summary of meetings and actions of the professional education unit for the preceding year (maximum of two (2) pages).

(b) Precondition Number 2. A dean, director, or chair is officially designated to represent the unit and assigned the authority and responsibility for its overall administration and operation. Required documentation shall include:

1. A job description for dean, director, or chair; and

2. A chart depicting the administrative and organizational structure of the unit.

(c) Precondition Number 3. Written policies and procedures exist upon which the operations of the unit rest. Required documentation shall include codified policies and operating procedures of the unit,

such as a policy manual or constitution and by-laws.

(d) Precondition Number 4. The unit regularly monitors and evaluates, both internally and externally, its operation, scope, quality of its offerings, and the effectiveness of its graduates. Required documentation shall include:

1. Policies and schedules for conducting systematic evaluation;

2. A summary of the findings of evaluation reports completed within the last five (5) years documenting internal review (maximum of two (2) pages);

3. A summary of the findings of evaluation reports completed in the last three (3) years documenting external program review, including follow-up study of graduates and employers (maximum of two (2) pages); and

4. A summary of recent program modifications based on evaluation results (maximum of two (2) pages).

(e) Precondition Number 5. The unit has criteria for admission to initial teacher education programs that include an assessment of basic skills. Required documentation shall include:

1. A list of basic skills that are assessed and the measures used to assess them;

2. Published criteria for admission to professional education programs; and

3. A summary report of assessment results for candidates admitted for at least the past three (3) years (maximum of two (2) pages).

(f) Precondition Number 6. The unit assesses the academic and professional competencies of education students at exit from all programs at all levels, through multiple evaluation methods. Required documentation shall include:

1. A listing of multiple assessment measures used to evaluate academic and professional competence of professional education candidates prior to graduation and recommendation for licensure; and

2. A summary of reports of competency assessment outcomes for at least the past three (3) years.

(g) Precondition Number 7. The unit's programs are approved by the appropriate state agency. Required documentation shall include copies of the most recent approval letter from the EPSB attesting that state standards have been met.

(h) Precondition Number 8. The institution is fully accredited by the appropriate institutional accrediting agency that is recognized by the United States Department of Education or the Commission on Recognition of Postsecondary Accreditation. Required documentation shall include a copy of the latest accreditation letter from the institutional accrediting agency showing that there is reasonable assurance of the overall quality of the institution in the general areas of finance, administration, facilities, students, faculty, and instruction.

(i) Precondition Number 9. The institution is an equal opportunity employer and does not discriminate on the basis of race, sex, color, religion, age, or handicap in accordance with the provisions established by 42 USC 2000e-1. Required documentation shall include a copy of the institution's official action pledging compliance with nondiscriminatory law and practice.

Section 7. Institutional Report. (1) For an initial accreditation visit, the teacher education unit shall submit, two (2) months prior to the scheduled on-site visit, a written narrative describing how standards are being met. The written narrative may be supplemented by a chart, graph, diagram, table, or other similar means of presenting information. The report shall be submitted to the EPSB and to NCATE, if appropriate.

(2) For a continuing accreditation visit, the teacher education unit shall submit, two (2) months prior to the scheduled on-site visit, a report not to exceed twenty-five (25) pages addressing changes at the institution that have occurred since the last accreditation visit. The report shall be submitted to the EPSB and to NCATE, if appropriate. The narrative shall describe how a change relates to an accreditation standard and the results of the continuous assessment process,

## ADMINISTRATIVE REGISTER - 1954

including program evaluation.

Section 8. Program Descriptions (folios). Eighteen (18) months in advance of the scheduled on-site evaluation visit, the teacher education unit shall prepare and submit to the EPSB for each separate program of teacher preparation for which the institution is seeking approval a concise description which shall provide the following information for each program:

(1) The unit's conceptual framework for the preparation of school personnel, followed by the program's conceptual framework, showing its congruence with the unit's framework;

(2) Program experiences including the relationship among the program's courses and experiences, content standards of the relevant professional society, student academic expectations as established in 703 KAR 4:060, and relevant state performance standards established in 704 KAR 20:670;

(3)(a) Identification of how the program implements continuous assessment to assure each candidate's mastery, prior to exit from the program, of content of the academic discipline, and state performance standards as established in 704 KAR 20:670; and

(b) Identification of how the program utilizes performance assessment to assure that each candidate's professional growth is consistent with the Experienced Teacher Standards as established in 704 KAR 20:021;

(4) A list of faculty responsible for and involved with the conduct of the specific program, along with the highest degree of each, responsibilities for the program, and status of employment within the unit and the university; and

(5) A curriculum guide sheet or contract provided to each student before or at the time of admittance to the program.

Section 9. Board of Examiners. (1) A Board of Examiners shall be recruited and appointed by the EPSB. The board shall be comprised of an equal number of representatives from three (3) constituency groups: teacher educators, teachers, and state and local policymaker groups and shall include at least thirty-six (36) members representing the following constituencies.

(a) Kentucky Education Association, at least ten (10) members;

(b) Kentucky Association of Colleges of Teacher Education, at least ten (10) members; and

(c) At least ten (10) members nominated by as many of the following groups as may wish to submit a nomination:

1. Kentucky Association of School Administrators;
2. Persons holding positions in occupational education;
3. Kentucky Branch National Congress of Parents and Teachers;
4. Kentucky School Boards Association;
5. Kentucky Association of School Councils;
6. Kentucky Board of Education;
7. Kentucky affiliation of a national learned society or professional group;
8. Prichard Committee for Academic Excellence;
9. Partnership for Kentucky Schools; and
10. Subject area specialists in the Kentucky Department of Education.

(2) An appointment shall be for a period of four (4) years. A member may serve an additional term if renominated and reappointed in the manner prescribed for membership. A vacancy shall be filled by the EPSB as it occurs.

(3) A member of the Board of Examiners and a staff member of the EPSB responsible for teacher education and approval of a teacher education program shall be trained by NCATE or trained in an NCATE-approved state program.

(4) The EPSB shall select and appoint for each scheduled on-site accreditation a team of examiners giving consideration to the number and type of programs offered by the institution. Team appointments shall be made at the beginning of the academic year for each scheduled evaluation visit. A replacement shall be made as needed.

(5) For an institution seeking NCATE accreditation, the EPSB and NCATE shall arrange for the joint Board of Examiners to be chaired by an NCATE appointed team member. A state team chair shall be appointed by the EPSB for a decision on state accreditation and program approval and state report preparation. The joint Board of Examiners shall be composed of a majority of NCATE appointees in the following proportions, respectively: NCATE and state - six (6) and five (5), five (5) and four (4), four (4) and three (3), three (3) and two (2). The size of the Board of Examiners shall depend upon the size of the institution and the number of programs to be evaluated.

(6) For an institution seeking state-only accreditation, the EPSB shall appoint a chair from a pool of trained Board of Examiners members.

(7) For initial accreditation, the state-only Board of Examiners shall have four (4) to six (6) members. For a continuing accreditation review every five (5) years, the state Board of Examiners shall have two (2) to five (5) members. The EPSB shall make arrangements for the release time of a Board of Examiner member from his place of employment.

Section 10. Assembly of Records and Files for the Evaluation Team. For convenient access, the institution shall assemble, or make available, records and files of written materials which supplement the institutional report and which may serve as further documentation. The records and files shall include:

(1) The faculty handbook;

(2) Agenda, list of participants, and products of a meeting, workshop, or training session related to a curriculum and governance group impacting professional education;

(3) Faculty transcripts;

(4) A random sample of graduates' transcripts;

(5) Conceptual framework documents;

(6) A curriculum folio, rejoinder, or specialty group response that was submitted as a part of the folio review process;

(7) Course syllabi;

(8) Policies, criteria and student records related to admission and retention;

(9) Samples of students' portfolios and other performance assessments;

(10) Record of performance assessments of candidate progress and summary of results including a program change based on continuous assessment;

(11) Student evaluations, including student teaching and internship performance; and

(12) Data on performance of graduates, including results of state licensing examinations and job placement rates.

Section 11. Previsit to the Institution. No later than one (1) month prior to the scheduled on-site evaluation visit, the EPSB shall conduct a previsit to the institution to make a final review of the arrangements. For a NCATE-accredited institution, the previsit shall be coordinated with the NCATE previsit.

Section 12. On-site Evaluation Visit. (1) At least one (1) staff member of the EPSB shall be assigned as support staff and liaison during the evaluation visit.

(2) The EPSB shall reimburse a state team member for travel, lodging, and meals in accordance with 200 KAR 2:006. A team member representing NCATE shall be reimbursed by the teacher education institution.

(3) The evaluation team shall conduct an on-site evaluation of the self-study materials prepared by the institution and seek out additional information, as needed, to make a determination as to whether the standards were met for the accreditation of the institution's teacher education unit and for the approval of an individual teacher preparation program. The evaluation team shall make use of the analyses prepared through the preliminary review process.

## ADMINISTRATIVE REGISTER - 1955

(4) An off-campus site which offers a self-standing program shall require a full team visit. If additional team time is required for visiting an off-campus site, the team chair, the institution, and the EPSB shall negotiate special arrangements.

(5) In a joint team, all Board of Examiners members shall vote on NCATE accreditation. The state Board of Examiners members shall vote on state accreditation and program approval decisions.

(6) A decision about initial accreditation shall address each standard and shall be limited to the following decision options:

- (a) Met;
- (b) Met with specified stipulations; or
- (c) Not met.

(7) For continuing accreditation the Board of Examiners shall make a decision on each weakness cited in a previous visit and cite any new weaknesses.

(8) A decision about a specific program shall be limited to the following decision options:

- (a) Approval;
- (b) Approval with stipulations; or
- (c) Denial of approval.

(9) The on-site evaluation process shall end with a brief oral report:

- (a) By the NCATE team chair and state team chair for a joint state/NCATE visit; or
- (b) By the state team chair for a state-only visit.

### Section 13. Preparation and Distribution of the Evaluation Report.

(1) For a state-only visit, the evaluation report shall be prepared and distributed as follows:

(a) The EPSB staff shall collect the written evaluation pages from each Board of Examiners member before leaving the institution.

(b) The first draft shall be typed and distributed to Board of Examiners members.

(c) A revision shall be consolidated by the Board of Examiners chair who shall send the next draft to the unit head to review for factual accuracy.

(d) The unit shall submit to the Board of Examiners chair within five (5) days a written correction to the factual information contained in the report.

(e) The Board of Examiners chair shall submit the final report to the EPSB and a copy to each member of the Board of Examiners.

(f) The final report shall be printed by the EPSB and sent to the institution and to the Board of Examiners members within thirty (30) days of the conclusion of the on-site visit.

(2) For a joint state/NCATE visit, the evaluation report shall be prepared and distributed as follows:

(a) The NCATE chair shall be responsible for the preparation, editing and corrections to the NCATE report.

(b) The state chair shall be responsible for the preparation, editing and corrections of the state report in the same manner established in subsection (1) of this section for a state-only visit.

(c) The EPSB Board of Examiners report for state/NCATE continuing accreditation visits shall be prepared in accordance with the report format.

### Section 14. Institutional Response to the Evaluation Report. (1)(a)

The institution shall acknowledge receipt of the evaluation report within thirty (30) days of receipt of the report.

(b) If desired, the institution shall submit within thirty (30) days a written rejoinder to the report which may be supplemented by materials pertinent to a conclusion found in the evaluation report.

(c) The rejoinder and the Board of Examiners report shall be the primary documents reviewed by the Accreditation Audit Committee and EPSB.

(d) An unmet standard or weakness statement cited by the team may be recommended for change or removal by the Accreditation Audit Committee or by the EPSB because of evidence presented in

the rejoinder. The Accreditation Audit Committee or the EPSB shall not be bound by the Board of Examiners decision and may reach a conclusion different from the Board of Examiners.

(2) If a follow-up report is prescribed through accreditation with stipulations, the institution shall follow the instructions that are provided with the follow-up report.

(3) If the institution chooses to appeal a part of the evaluation results, the procedure established in Section 19 of this administrative regulation shall be followed.

(4) The institution shall make an annual report relating to the unit for teacher education and relating to the programs of preparation as required by Section 4 of this administrative regulation.

Section 15. Accreditation Audit Committee. (1) The Accreditation Audit Committee shall be a committee of the EPSB, reporting to the Program and Technical Assistance Committee of the board. The chairperson of the EPSB shall appoint the Accreditation Audit Committee as follows:

(a) One (1) lay member;

(b) Two (2) classroom teachers, appointed from nominees provided by the Kentucky Education Association;

(c) Two (2) teacher education representatives, one (1) from a state-supported institution and one (1) from an independent teacher education institution, appointed from nominees provided by the Kentucky Association of Colleges for Teacher Education; and

(d) Two (2) school administrators appointed from nominees provided by the Kentucky Association of School Administrators.

(2) The chairperson of the EPSB shall designate a member of the Accreditation Audit Committee to serve as its chairperson and to report to the Program and Technical Assistance Committee.

(3) An appointment shall be for a period of four (4) years except that three (3) of the initial appointments shall be for a two (2) year term. A member may serve an additional term if renominated and reappointed in the manner established for membership. A vacancy shall be filled as it occurs in a manner consistent with the provisions for initial appointment.

(4) A member of the Accreditation Audit Committee shall be trained by NCATE or by an NCATE-approved trainer.

(5) Following an on-site accreditation visit, the Accreditation Audit Committee shall review the reports and materials constituting an institutional self-study, the report of the evaluation team, and the institutional response to the evaluation report. The committee shall then prepare a recommendation for consideration by the Program and Technical Assistance Committee.

(a) The committee shall review procedures of the Board of Examiners to determine whether approved accreditation guidelines were followed.

(b) For each institution, the committee shall make a recommendation with respect to the accreditation of the institutional unit for teachers education as well as for approval of the individual programs of preparation.

(c) For initial accreditation, one (1) of three (3) recommendations shall be made:

- 1. Full accreditation;
- 2. Accreditation with stipulations specified; or
- 3. Denial of accreditation.

(d) For regular continuing accreditation, one (1) of two (2) recommendations shall be made:

- 1. Continuing accreditation; or
- 2. Continuing accreditation with probation.

(6) The Accreditation Audit Committee shall review each program report including a report from the Reading Committee, evaluation team, and institutional response and shall make one (1) of three (3) recommendations for each individual preparation program to the Program and Technical Assistance Committee:

- 1. Approval;
- 2. Approval with stipulations specified; or

3. Denial of approval.

(7) The Accreditation Audit Committee shall review information, including institutional response, resulting from an EPSB-ordered on-site limited program evaluation review and shall make recommendations to:

- (a) Continue program approval;
- (b) Approve with stipulations; or
- (c) Deny approval.

(8) The Accreditation Audit Committee shall compile accreditation data and information for each Kentucky institution that prepares school personnel. It shall prepare for the EPSB reports and recommendations regarding accreditation standards and procedures as needed to improve the accreditation process and the preparation of school personnel.

Section 16. Official State Accreditation Action by the Education Professional Standards Board. (1) A recommendation from the Reading Committee for termination of the process of accreditation and program approval as required by Section 5 of this administrative regulation shall be presented by EPSB staff to the Program and Technical Assistance Committee for a recommendation to the full board. In considering its recommendation, the Program and Technical Assistance Committee shall review written information from the Reading Committee and a response by the institution. A decision shall be to terminate or continue the accreditation and program approval process.

(2) A recommendation from the Accreditation Audit Committee shall be presented to the Program and Technical Assistance Committee which shall make a recommendation to the full board.

(3) The EPSB shall consider the findings and recommendations of the Program and Technical Assistance Committee and make a final determination regarding the state accreditation of the teacher education unit.

(4) An institution shall not have its accreditation removed following a regular continuing accreditation visit. The EPSB shall determine to:

(a) Continue accreditation, indicating that the unit, taken as a whole, meets standards for accreditation. A weakness may be cited which shall be addressed by the institution in its subsequent annual report. The next on-site visit shall be scheduled five (5) years following the semester of the visit; or

(b) Continue accreditation with probation, indicating that the unit has serious weaknesses which may place the teacher education unit in jeopardy if not corrected soon. An on-site visit shall be scheduled by the institution within two (2) years of the semester in which the decision was made. This visit shall be conducted according to the guidelines for an initial accreditation visit. The accreditation standards in place at the time of the on-site visit shall be addressed by the unit as a part of this visit. Following the on-site visit, the EPSB shall decide to:

1. Continue accreditation and schedule the next visit in five (5) years from the time the decision is made;

2. Continue accreditation with stipulations as established in this paragraph; or

3. Revoke accreditation.

(5) Decision options following an initial accreditation visit shall include:

(a) Full accreditation, indicating that the unit, taken as a whole, meets standards for accreditation. A weakness may be cited which shall be addressed by the institution in its subsequent annual report. The next on-site visit shall be scheduled five (5) years following the semester of the visit;

(b) Accreditation with stipulations, specifying a critical deficiency that shall be addressed within a specified time not to exceed eighteen (18) months from the date of the action by the EPSB. A stipulation shall be limited to a critical deficiency for which a correction may be verified through written report and documentation. If the EPSB decides that the documentation sufficiently supports a decision to

remove the stipulation, an on-site accreditation visit shall be scheduled within the regular cycle. If the EPSB decides that the documentation does not sufficiently support a decision to remove the stipulation, accreditation shall be revoked; or

(c) Denial of accreditation, indicating that severe or numerous deficiencies limit the ability of the unit to offer a quality program to prepare an educator.

(6) Notification of EPSB action to revoke continuing accreditation or deny initial accreditation, including failure to remove stipulations, shall include notice that:

(a) The institution shall inform students currently admitted to a certification and licensure or rank program of the following:

1. A student recommended for licensure or advancement in rank within the twelve (12) months immediately following the denial of state accreditation and who applies to the EPSB within the fifteen (15) months immediately following the denial of state accreditation shall receive the teaching license and certificate or advancement in rank; and

2. A student who does not meet the criteria established in subparagraph 1 of this paragraph shall transfer to a state accredited teacher education unit in order to receive the teaching license and certificate or advancement in rank; and

(b) An institution for which the EPSB has revoked or denied accreditation shall seek state accreditation through completion of the initial accreditation process. The on-site accreditation visit shall be scheduled by the EPSB no earlier than two (2) years following the EPSB action to revoke or deny state accreditation.

Section 17. Program Approval Action by the Education Professional Standards Board. (1) Approval of a program shall be through the program folio process established in Section 8 of this administrative regulation except that a new program not submitted during the regular accreditation cycle or a program substantially revised since submission during the accreditation process shall be submitted for approval by the EPSB prior to admission of a student to the program.

(2) For a new or substantially revised program, the EPSB shall consider a recommendation by staff, including review by content personnel.

(3) For a program reviewed during the accreditation process, the EPSB shall consider reports including information from the Reading Committee, evaluation team, and institutional response.

(4) A recommendation made pursuant to subsections (2) and (3) of this section shall be presented to the Program and Technical Assistance Committee which shall make a recommendation to the full EPSB.

(5) Program approval decision options shall be:

(a) Approval, with next review scheduled during the regular accreditation cycle unless a substantial revision is made;

(b) Approval with stipulations, with a maximum of one (1) year probationary extension for correction of a specified problem to be documented through written materials or through an on-site visit. At the end of the extension, the EPSB shall decide that the documentation supports:

1. Approval; or

2. Denial of approval; or

(c) Denial, indicating that a serious problem exists which jeopardizes the quality of preparation of school personnel.

(6) The EPSB shall order review of a program if it has cause to believe that the quality of preparation is seriously jeopardized. The review shall be conducted by EPSB staff and Board of Examiners trained reviewers. The review shall result in a report to which the institution may respond. The review report and institutional response shall be used by the Accreditation Audit Committee as the basis for a recommendation to the Program and Technical Assistance Committee and to the full board for:

(a) Approval;

(b) Approval with stipulations; or

## ADMINISTRATIVE REGISTER - 1957

(c) Denial of approval for the program.

(7) If the EPSB denies approval of a program, the institution shall notify each student currently admitted to that program of the EPSB action. The notice shall include the following information:

(a) A student recommended for licensure and certification or advancement in rank within the twelve (12) months immediately following the denial of state approval and who applies to the EPSB within the fifteen (15) months immediately following the denial of state approval shall receive the teaching license or advancement in rank; and

(b) A student who does not meet the criteria established in paragraph (a) of this subsection shall transfer to a state approved program in order to receive the teaching license and certificate or advancement in rank.

Section 18. Public Disclosure. (1) After a unit and program approval decision becomes final, the EPSB shall prepare official notice of the action. The disclosure notice shall include the essential information provided in the official letter to the institution, including the decision on accreditation, program approval, standards not met, program strengths and weaknesses, and dates of official action.

(2) The public disclosure shall be entered into the minutes of the board for the meeting in which the official action was taken by the EPSB.

(3) Thirty (30) days after the institution has received official notification of EPSB action, the EPSB shall on request provide a copy of the public disclosure notice to the Kentucky Education Association, the Council on Postsecondary Education, the Council of Independent Kentucky Colleges and Universities or other organization or individual.

Section 19. Appeals Process. (1) If an institution seeks appeal of a decision, the institution shall appeal within thirty (30) days of receipt of the EPSB official notification. An institution shall appeal on the grounds that:

(a) A prescribed standard was disregarded;  
(b) A state procedure was not followed; or  
(c) Evidence of compliance in place at the time of the review and favorable to the institution was not considered.

(2) An ad hoc appeals board of no fewer than [the] three (3) members shall be appointed by the EPSB chair from members of the Board of Examiners who have not had involvement with the team visit or a conflict of interest regarding the institution. The ad hoc committee shall recommend action on the appeal to the EPSB.

(3) The consideration of the appeal shall be in accordance with KRS Chapter 13B.

Section 20. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Standards, Procedures, and Policies for the Accreditation of Professional Education Units", 1997 [1995] Edition, National Council for Accreditation of Teacher Education;

(b) "EPSB Annual Report Form", 1996 Edition, Education Professional Standards Board; and

(c) "Board of Examiners Report Format for State/NCATE Continuing Accreditation Visits", 1997 Edition, Education Professional Standards Board.

(2) This material may be inspected, copied, or obtained at the Office of Teacher Education and Certification, 1024 Capital Center Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

ROSA WEAVER, Chair

ROBERT SHERMAN, General Counsel

APPROVED BY AGENCY: November 17, 1997

FILED WITH LRC: January 27, 1998 at noon

PUBLIC HEARING: A public hearing on this administrative regulation will be held on March 24, 1998, at 10 a.m., in the First

Floor Conference Room, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by March 17, 1998, five work days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact Person: Dr. Susan Leib, Interim Associate Commissioner, Office of Teacher Education and Certification, 1024 Capital Center Drive, Frankfort, Kentucky 40601, Phone: (502) 573-4606, FAX: (502) 573-1610.

### REGULATORY IMPACT ANALYSIS

Contact Person: Marilyn Kay Troupe

(1) Type and number of entities affected: 26 institutions of higher education offering teacher education programs.

(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 additional costs.

(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 promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(4) Assessment of anticipated effect on state and local revenues:

No effect.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: None

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on: None, no comments received.

(a) Geographical area in which administrative regulation will be implemented: None

(b) Kentucky: None

(7) Assessment of alternative methods, reasons why alternatives were rejected: The current regulation did not make a direct reference to the 704 KAR 20:021 which identifies the experienced teacher standards. The amended regulation will correct that omission.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical areas in which implemented and on Kentucky: None

(b) State whether a detrimental effect on environment and public health would result if not implemented: None

(c) If detrimental effect would result, explain detrimental effect: None

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: 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

## ADMINISTRATIVE REGISTER - 1958

(11) TIERING: Is tiering applied? No. All teacher education programs will follow the same regulations in the preparation of professional educators.

### EDUCATION, ARTS, AND HUMANITIES CABINET Education Professional Standards Board (Amendment)

**704 KAR 20:700. Standards for admission to teacher education.**

RELATES TO: KRS 161.028, 161.030

STATUTORY AUTHORITY: KRS 161.028, 161.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028 requires that a teacher education institution be approved for offering the preparation program corresponding to a particular certificate on the basis of standards and procedures established by the Education Professional Standards Board. KRS 161.030 requires that a certificate shall be issued to a person who has completed a program approved by the Education Professional Standards Board. This administrative regulation establishes the standards for admission to a teacher education program and is not required by federal law or regulation.

Section 1. Selection and Admission to Teacher Education Programs. In addition to appropriate National Council for Accreditation of Teacher Education standards incorporated under 704 KAR 20:696 [20:695], each teacher education institution shall develop a plan of selection and admission of teacher candidates for the teacher education program, which shall include:

- (1) Tests to measure general academic proficiency;
- (2) Review of the Professional Code of Ethics for Kentucky School Personnel established in 704 KAR 20:680; and
- (3) A declaration signed by each teacher candidate affirming a commitment to upholding the code and acknowledging awareness of information required for state certification.

Section 2. Tests to Measure General Academic Proficiency. (1) The teacher education institution shall determine whether each applicant exhibits an acceptable level of competency in oral and written communication as an admission requirement.

(2) A student who plans to apply for admission to a teacher preparation program shall provide to the teacher education institution official scores of tests to measure general academic proficiency. A person shall not be permitted to apply for admission to a preparation program leading to certification as a teacher without first providing evidence of meeting the general academic proficiency requirement.

(3) The teacher education institution shall implement one (1) or more of the following plans:

(a) Plan I. A minimum composite score of 21 on the Enhanced American College Test (ACTE), or 19 on the American College Test (ACT);

(b) Plan II. The state minimum scores on the Communication Skills and General Knowledge portions of the Praxis tests reevaluated and approved by the Education Professional Standards Board;

(c) Plan III. [A score established by the Education Professional Standards Board for the] Preprofessional Skills Test (PPST) results, a minimum of:

1. Reading 173;

2. Mathematics 173; and

3. Writing 172;

(d) Plan IV. Graduate Records Exam (GRE) results, a minimum of 400 in each component (verbal, quantitative, analytical); or

(e) Plan V. An institution of higher education may use an alternate test provided the following guidelines are met by the institution requesting the alternative:

1. Provide evidence that the alternative test score covers the

areas of written communication, reading, and computational skills;

2. Demonstrate that the passing score for a student on the alternative test is equivalent to passing score on the ACTE, [SAT,] PPST, Praxis, or GRE;

3. Provide a regular review (at least every third year) to show that alternative test passing scores remain equivalent to state required test passing scores; and

4. Describe procedures for the admission of a student who transfers from another teacher education program in the state.

Section 3. Annual Report. Each teacher education institution shall report annually to the Education Professional Standards Board the scores of the admission tests for each applicant, including scores for an applicant denied admission.

ROSA WEAVER, Chair

ROBERT SHERMAN, General Counsel

APPROVED BY AGENCY: January 8, 1998

FILED WITH LRC: January 27, 1998 at noon

PUBLIC HEARING: A public hearing on this administrative regulation will be held on March 24, 1998, at 10 a.m., in the First Floor Conference Room, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by March 17, 1998, five work days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact Person: Dr. Susan Leib, Interim Associate Commissioner, Office of Teacher Education and Certification, 1024 Capital Center Drive, Frankfort, Kentucky 40601, Phone: (502) 573-4606, FAX: (502) 573-1610.

### REGULATORY IMPACT ANALYSIS

Contact Person: Dr. Susan Leib

(1) Type and number of entities affected: 26 institutions of higher education offering teacher education programs.

(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 additional costs.

(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: each institution will be required to modify its admissions reporting, assessment to include criteria for acceptance.

2. Second and subsequent years: None

(3) Effects on promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(4) Assessment of anticipated effect on state and local revenues: No effect.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: No increased cost.



## ADMINISTRATIVE REGISTER - 1959

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: None

(b) Kentucky: None

(7) Assessment of alternative methods, reasons why alternatives were rejected: Specific passing scores are necessary for the Preprofessional Skills Test to be usable in the admission to teacher education process.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical areas in which implemented and on Kentucky: None

(b) State whether a detrimental effect on environment and public health would result if not implemented: No

(c) If detrimental effect would result, explain detrimental effect: None

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: None

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None

(10) Any additional information or comments: No

(11) TIERING: Is tiering applied? No. All teacher education programs will use the same passing scores for admission of students into the teacher education programs.

### CABINET FOR HEALTH SERVICES Office of Inspector General Division of Licensing and Regulation (Amendment)

#### 902 KAR 20:058. Operation and services; primary care center.

RELATES TO: KRS 216B.010 to 216B.130, 216B.990(1)-(2)

STATUTORY AUTHORITY: KRS 216B.042, 216B.105

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216B.042 and 216B.105 mandate that the Kentucky Cabinet for Health Services [Human Resources] regulate health facilities and health services. This administrative regulation provides licensure requirements for the operation of and services provided by primary care centers. Executive Order 96-862, effective July 2, 1996, reorganizes the Cabinet for Human Resources and places the Office of Inspector General and its programs under the Cabinet for Health Services.

Section 1. Definitions. (1) "Center" means a primary care center.

(2) "Qualified dietician" or "nutritionist" means:

(a) A person who has a bachelor of science degree in foods and nutrition, food service management, institutional management or related services and has successfully completed a dietetic internship or coordinated undergraduate program accredited by the American Dietetic Association (ADA) and is a member of the ADA or is registered as a dietician by ADA; or

(b) A person who has a master's degree in nutrition and is a member of ADA or is eligible for registration by ADA; or

(c) A person who has a bachelor of science degree in home economics and three (3) years of work experience with a registered dietician.

Section 2. Scope of Operation and Services. A primary care center is a community-oriented organization with permanent facilities that provides the entry point into the health care delivery system to patients of all ages, in a defined geographic service area. A primary care center provides a variety of preventive, diagnostic, therapeutic and referral services by appropriately licensed or certified members of the health professions to meet usual health care needs in a

manner that ensures the continuity of care.

#### Section 3. Administration and Operations. (1) Licensee.

(a) The licensee shall be legally responsible for the center and for compliance with federal, state and local laws and regulations pertaining to the operation of the center.

(b) The licensee shall establish written policies, for the administration and operation of the service.

(2) Administrator. All centers shall have an administrator who shall be responsible for the operation of the center and shall delegate such responsibility in his absence.

#### (3) Policies.

(a) Administrative policies. The center shall have written administrative policies covering all aspects of the center's operation, including:

1. A description of organizational structure, staffing and allocation of responsibility and accountability;

2. A description of referral linkages with inpatient facilities and other providers;

3. Policies and procedures for the guidance and control of personnel performances;

4. A description of services included in the center's program;

5. A description of the administrative and patient care records and reports;

6. A policy for an expense and revenue accounting system following generally accepted accounting procedures; and

7. A policy to specify the provision of emergency medical services.

(b) Patient care policies. Patient care policies shall be developed by the staff physician(s) and other professional staff for all medical aspects of the center's program to include:

1. Written protocol(s) (i.e., standing orders, rules of practice, medical directives) applying to service provided by the center both for preventive health services as well as for illness and injury which explicitly direct the step-by-step collection of subjective and objective data from the patient. The protocols shall further direct data analysis and direct explicit medical action depending upon the data collected and also include the rationale for each decision made. The protocols shall be signed by the licensed staff physician of the center.

2. The center shall have patient care policies for patients held in the center's holding-observation accommodations.

(c) A system shall be established such that, when feasible, the patient is always cared for by the same health professional or health team, on both an inpatient and an ambulatory basis, to assure continuity of care.

(d) Patient rights policies. The center shall adopt written policies regarding the rights and responsibilities of patients. These patients' rights policies shall assure that each patient:

1. Is informed of these rights and of all rules and administrative regulations governing patient conduct and responsibilities, including a procedure for handling patient grievances.

2. Is informed of services available at the center and of related charges including any charges not covered under Medicare, Medicaid, or other third-party payor arrangements.

3. Is informed of his medical condition, unless medically contraindicated (as documented in his medical record), and is afforded the opportunity to participate in the planning of his medical treatment and to refuse to participate in experimental research.

4. Is encouraged and assisted to understand and exercise his patient rights; to this end he may voice grievances and recommend changes in policies and services. Upon the patient's request the grievances and recommendations shall [will] be conveyed within a reasonable time to an appropriate decision making level within the organization which has authority to take corrective action.

5. Is assured confidential treatment of his records and is afforded the opportunity to approve or refuse their release to any individual not involved in his care except as required by Kentucky law or third-party

## ADMINISTRATIVE REGISTER - 1960

payment contract.

6. Is treated with consideration, respect, and full recognition of his dignity and individuality, including privacy in treatment and in the care of his personal health needs.

### (4) Personnel.

(a) Primary care provider team. The center shall have one (1) or more full-time licensed physician(s) and one (1) or more full-time advanced registered nurse practitioner(s) or one (1) or more full-time registered nurse(s).

1. Physician. The physician, shall be in active practice, and shall be responsible for all medical aspects of the center, and shall provide direct medical services in accordance with [the Medical Practice Act.] KRS Chapter 311. Physicians employed by or having an agreement with the center to perform direct medical services shall be qualified to practice general medicine (e.g., general practitioners, family practitioners, obstetrician/gynecologists, pediatricians, and internists). Physicians employed by or having an agreement with the center to perform direct medical services should be members of the medical staff of, or hold at least courtesy staff privileges at, one (1) or more hospitals with which the center has a formal transfer agreement.

2. Nurse. The advanced registered nurse practitioner(s) and the registered nurse(s) shall provide services within their respective scope of practice pursuant to KRS Chapter 314.

(b) In-service training. All center personnel shall participate in ongoing in-service training programs relating to their respective job activities. These programs shall include thorough job orientation for new personnel, regular in-service training programs, emphasizing professional competence and the human relationship necessary for effective health care.

### (5) Medical records.

(a) The center shall maintain a type of family-centered medical records identifying all family members (a single patient may be considered a family unit). Medical records shall contain at least the following:

1. Medical and social history, including data obtainable from other providers;

2. Description of each medical visit or contact, to include condition or reason necessitating visit or contact, assessment, diagnosis, services provided, medications and treatments prescribed, and disposition made;

3. Reports of all laboratory, x-ray, and other test findings;

4. Documentation of all referrals made, to include reason for referral, to whom patient was referred, and any information obtained from referral source.

(b) Confidentiality of all patient records shall be maintained at all times.

(c) Transfer of records. The center shall establish systematic procedures to assist in continuity of care where the patient moves to another source of care, and the center shall, upon proper release, transfer medical records or an abstract thereof when requested.

(d) Retention of records. After patient's death or discharge the completed medical record shall be placed in an inactive file and retained for five (5) years or in case of a minor, three (3) years after the patient reaches the age of majority under state law, whichever is the longest.

### (6) Linkage agreements.

(a) The center shall have linkages through written agreements with providers of other levels of care which may be medically indicated to supplement the services available in the center. These linkages shall include:

1. Hospitals; and

2. Emergency medical transportation services in the service area.

(b) Linkage agreements with inpatient care facilities shall incorporate provisions for appropriate referral and acceptance of patients from the center, provisions for appropriate coordination of discharge planning with center staff, and provisions for the center to receive a copy of the discharge summary for each patient referred to

the center.

(c) The written transfer agreements shall include designation of:

1. Responsibility for transfer of information;

2. Responsibility for provision of transportation;

3. Responsibility for sharing of services, equipment, and personnel;

4. Responsibility for provision of total care or portions thereof in relation to facility and agency capability.

(d) These linkage requirements shall not be construed as criteria for determining financial liability in the case of provision of services by the center through linkage agreements.

(7) Utilization review and medical audit. In order to determine the appropriateness of the services delivered, the center shall establish procedures for the medical audit and utilization review of services provided in the center. The center may use professional capabilities and assistance obtainable from other agencies and sources. There shall be a written plan for utilization review developed by the center including frequency of reviews and composition of the body conducting the review.

Section 4. Provision of Services. (1) Hours of operation and coverage. Scheduled hours of the center's operation shall reasonably accommodate the various segments of the population served. Provisions shall be made for scheduled evening hours and/or weekend hours if needed.

(2) Basic services. The center shall provide directly (except as noted) at least the following services:

(a) Medical diagnostic and treatment services of sufficiently broad scope to accommodate the basic health needs (including prenatal and postnatal care) of all age groups;

(b) Emergency services.

1. The center shall provide emergency medical services during the regularly scheduled hours for treatment of injuries and minor trauma.

2. The center shall post in a conspicuous area at the entrance, visible from the outside of the center, the hours that emergency medical services will be available in the center, and where emergency medical services not provided by the center can be obtained during and after the center's regular scheduled hours of operation.

(c) Preventive health services of sufficiently broad scope to provide for the usual and expected health needs of persons in all age groups.

(d) Education in the appropriate use of health services and in the contribution each individual can make to the maintenance of his own health.

(e) Chronic illness management.

(f) Laboratory, x-ray and treatment services shall be provided directly or arranged through other providers.

### (3) Supplemental services.

(a) The center shall provide additional professional services to complement the basic services provided in the program of the center. At least two (2) of the following services shall be provided by the center at some time during the scheduled hours of operation, either directly or by contract on site. The center shall establish linkages with those supplemental services which currently exist in the service area and which are not provided directly or by contract by the center to include:

1. Pharmacy: licensed pharmacist;

2. Dentistry: licensed dentist;

3. Optometry: licensed optometrist or ophthalmologist;

4. Midwifery services: certified nurse midwife;

5. Family planning;

6. Nutrition: qualified dietician or nutritionist;

7. Social service counseling: licensed social worker; and

8. Home health: licensed home health agency.

(b) Any center which does not have a linkage agreement with the above listed supplemental services but which documents a good faith

## ADMINISTRATIVE REGISTER - 1961

attempt to enter into such a linkage agreement, shall be exempt from the linkage agreement requirement.

(4) Extension services. The center may provide primary care services on a temporary or regular basis in locations [a location(s)] separate from its permanent facility, provided any extension services are set forth in the licensure application and meet [Kentucky Certificate of Need law] requirements of [(KRS 216B.010 to 216B.130)]. The extension shall comply with the minimum staffing requirements of Section 3(4) of this administrative regulation.

(a) The center shall have written policies and procedures pertaining to all aspects of the extension service, including patient care (including protocols) and patient rights, services, medical records, linkage agreements, hours of operation and staffing.

(b) The extension service shall be located within the primary care center's service area.

(c) The licensee of the center shall be responsible for all aspects of any extension services.

(d) The center's utilization review program shall include any extension services.

(5) Outreach activities. The physician may engage in outreach activities to provide medical service within the primary care center's service areas.

(6) Holding-observation accommodations. Utilization of holding-observation accommodations maintained by the center will be allowed within the limitations outlined below:

(a) Utilization of these accommodations shall not exceed twenty-four (24) hours medical observation [and] or recuperation in anticipation of transfer to an inpatient facility or to the patient's home.

(b) The decision to hold a patient shall be the responsibility of a physician(s) on the medical staff of the center.

(c) A registered nurse shall be on duty at the center when a patient is held in the center's accommodations beyond regular scheduled hours.

(7) [(6)] Plan of care. The center shall establish and periodically update a written plan of care of all patients and/or family units, reflecting staff discussion of all medical and social information obtained relative to the patient and his family.

(8) [(7)] Telephone screening and referral. The center shall provide telephone screening and referral services for prospective patients after regularly scheduled hours of operation.

Section 5. Separability. If any clause, sentence, paragraph, section or part of these administrative regulations shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which the judgment was rendered.

TIMOTHY L. VENO, Inspector General

JOHN MORSE, Secretary

JOHN H. WALKER, Attorney

APPROVED BY AGENCY: February 12, 1998

FILED WITH LRC: February 13, 1998 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 23, 1998, at 9 a.m., at the Health Services Auditorium, 1st Floor, CHR Building. Individuals interested in attending this hearing shall notify this agency in writing by March 16, 1998, 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, in which case the person requesting the transcript shall be responsible for payment. 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: Mae B. Lewis, Cabinet Regulation Coordinator, Cabinet for Health Services, Office of the General Counsel, 275 East Main Street, 4W-C, Frankfort, Kentucky 40621, Telephone: (502) 564-7905, Fax: (502) 564-7573.

### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Ralph Von Derau

(1) Type and number of entities affected: There are presently 52 primary care centers licensed pursuant to KRS 216B.042 and 216B.105.

(2) Direct and indirect costs or savings to those affected:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comment received: No public comments addressing this issue 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 comments addressing this issue 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: No additional reporting requirements imposed.

2. Second and subsequent years: None

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: No direct or indirect costs should be associated with this program beyond printing this new regulation.

1. First year: \$500 for printing regulation.

2. Continuing costs or savings: No additional costs or savings, since reprinting of regulations is provided for in the continuing budget.

3. Additional factors increasing or decreasing costs: No additional factors.

(b) Reporting and paperwork requirements: No additional paperwork.

(4) Assessment of anticipated effect on state and local revenues: No effect.

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

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: No public comments addressing this issue were received.

(b) Kentucky: No public comments addressing this issue were received.

(7) Assessment of alternative methods; reasons why alternatives were rejected: KRS Chapter 216B mandates that minimum standards be established for licensure.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: These are minimum health care standards intended to protect the public.

(b) State whether a detrimental effect on environment and public health would result if not implemented: No

(c) If detrimental effect would result, explain detrimental effect:

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

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions?

(10) Any additional information or comments:

## ADMINISTRATIVE REGISTER - 1962

(11) TIERING: Is tiering applied? No. This is a licensure program and, as such, applies to all licensed services.

### CABINET FOR HEALTH SERVICES Office of Inspector General (Amendment)

#### 902 KAR 20:180. Psychiatric hospitals; operation and services.

RELATES TO: KRS 216B.010 to 216B.131, 216B.990

STATUTORY AUTHORITY: KRS 216B.042, 216B.105, 314.011(8), 314.042(8), 320.240(14), EO 96-862

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216B.042 and 216B.105 mandate that the Kentucky Cabinet for Health Services regulate health facilities and health services. This administrative regulation provides minimum licensure requirements for the operation and services of psychiatric hospitals and for the provision of psychiatric services in general hospitals which have a psychiatric unit. Executive Order 96-862, effective July 2, 1996, reorganizes the Cabinet for Human Resources and places the Office of Inspector General and its programs under the Cabinet for Health Services.

Section 1. Definitions. (1) "Governing authority" means the individual, agency, partnership, or corporation, in which the ultimate responsibility and authority for the conduct of the institution is vested.

(2) "Professional staff" means psychiatrists and other physicians, psychologists, psychiatric nurses and other nurses, social workers and other professionals with special education or experience in the care of the mentally ill who are involved in the diagnosis and treatment of patients with mental illness.

(3) "Psychiatric unit" means a department of a general acute care hospital consisting of eight (8) or more psychiatric beds organized for the purpose of providing psychiatric services.

(4) "Restraint" means the application of any physical device, the application of physical body pressure by another person in such a way as to control or limit physical activity, or the intravenous, intramuscular, or subcutaneous administration of any pharmacologic or chemical agent to a mentally ill patient with the sole or primary purpose of controlling or limiting the physical activities of the patient.

(5) "Seclusion" means the confinement of a mentally ill or mentally retarded patient alone in a locked room.

Section 2. Scope of Operation and Services. Psychiatric hospitals are establishments with organized professional staffs and permanent facilities with inpatient beds, which provide general medical and psychiatric services, continuous nursing services, psychological services, therapeutic activities, social services, and related support services for the diagnosis and treatment of patients who have a variety of mental illnesses.

Section 3. Applicability. (1) General acute care hospitals which have a psychiatric unit shall designate the location and number of beds to be licensed as psychiatric beds and shall meet the requirements of 902 KAR 20:016 and the additional requirements contained in this administrative regulation. A facility requesting licensure as a psychiatric hospital exclusively shall meet the requirements of this administrative regulation.

(2) A facility shall not be licensed as or be called a psychiatric hospital unless it provides the full range of services required by this administrative regulation and provides for the treatment of a variety of mental illnesses. Facilities which receive certificate of need approval and are licensed after the effective date of this administrative regulation which have, according to the last Annual Hospital Utilization Report, an average daily census of patients whose primary illness is alcoholism or other chemical dependency exceeding ten (10) percent

of the licensed bed capacity shall apply for a certificate of need to convert an appropriate number of beds to be licensed under 902 KAR 20:160, Chemical dependency treatment services.

Section 4. Administration and Operation. (1) General requirements.

(a) The hospital shall comply with the requirements of 902 KAR 20:016, Section 3 and the additional requirements contained in this section.

(b) The hospital shall comply with the requirements of KRS Chapters 202A and 202B and 902 KAR Chapter 12, Hospitalization of mentally ill and mentally retarded.

(2) Professional staff. A facility requesting licensure as a psychiatric hospital exclusively which operates with an organized professional staff shall comply with the following requirements rather than those in 902 KAR 20:016, Section 3(8):

(a) The hospital shall have a professional staff organized under bylaws approved by the governing authority, which is responsible to the governing authority of the hospital for the quality of clinical care provided to patients and for the ethical conduct and professional practice of its members.

(b) The professional staff shall develop and adopt policies or bylaws, subject to the approval of the governing authority, which shall:

1. Require that a licensed physician be responsible for admission, diagnosis, all medical care and treatment, and discharge; 2. State the necessary qualifications for professional staff membership;

3. Define and describe the responsibilities and duties of each category of professional staff (e.g., active, associate, courtesy, consulting, or honorary), delineate the clinical privileges of staff members, and establish a procedure for granting and withdrawing staff privileges, to include credentials review;

4. Provide a mechanism for appeal of decisions regarding staff membership and privileges;

5. Provide a method for the selection of officers of the professional staff;

6. Establish requirements regarding the frequency of, and attendance at, general staff and department or service meetings of the professional staff; and

7. Provide for the appointment of standing and special committees, and include requirements for composition and organization, frequency of and attendance at meetings, and the minutes and reports which shall be part of the permanent records of the hospital. These committees may include: executive committee, credentials committee, medical audit committee, medical records committee, infections control committee, pharmacy and therapeutic committee, utilization review committee and quality assurance committee.

(c) The hospital shall develop a process of appointment to the professional staff which will assure that the person requesting staff membership is appropriately licensed, certified, registered, or experienced, and qualified for the privileges and responsibilities sought.

(3) Policies.

(a) The hospital's written admission and discharge policies shall be consistent with the requirements of KRS Chapters 202A and 202B and 902 KAR Chapter 12, Hospitalization of Mentally Ill and Mentally Retarded.

(b) The hospital shall have written policies pertaining to patient rights and the use of restraints and seclusion consistent with KRS Chapters 202A and 202B and 902 KAR Chapter 12, Hospitalization of Mentally Ill and Mentally Retarded.

(c) The hospital shall also have written policies concerning the use of special treatment procedures that may have abuse potential, or be life-threatening, and specifying the qualifications required for professional staff using special treatment procedures.

(4) Patient rights. The hospital shall assure that patient rights are provided for pursuant to the requirements of KRS Chapters 202A and 202B and 902 KAR Chapter 12, Hospitalization of Mentally Ill and

## ADMINISTRATIVE REGISTER - 1963

Mentally Retarded.

(5) Medical records.

(a) Patient information shall be released only on written consent of the patient or the patient's authorized representative, or as otherwise authorized by law. The written consent shall contain the following information:

1. The name of the person, agency or organization to which the information is to be disclosed;
2. The specific information to be disclosed;
3. The purpose of disclosure; and
4. The date the consent was signed and the signature of the individual witnessing the consent.

(b) In addition to the requirements of 902 KAR 20:016, Section 3(11)(d) the medical record shall contain:

1. Appropriate court orders or consent of patient, appropriate family members or guardians for admission, evaluation, and treatment;
2. A provisional or admitting diagnosis which includes a physical diagnosis, if applicable, as well as a psychiatric diagnosis;
3. Results of the psychiatric evaluation;
4. A complete social history;
5. An individualized comprehensive treatment plan;
6. Progress notes, dated and signed by physician, nurse, social worker, psychologist, or other appropriate individuals involved in treatment of patient. Progress notes shall document all services and treatments provided and the patient's progress in response to such services and treatments;
7. A record of the patient's weight;
8. Special clinical justification for the use of special treatment procedures specified in Section 5(3) of this administrative regulation;
9. A discharge summary which includes a recapitulation of the patient's hospitalization and recommendations from appropriate services concerning follow-up or after care as well as a brief summary of the patient's condition on discharge;
10. If a patient dies, a summation statement in the form of a discharge summary, including events leading to the death, signed by the attending physician; and
11. When an autopsy is performed, a provisional anatomic diagnosis shall be included in the patient's record within seventy-two (72) hours, with the complete summary and pathology report, including cause of death, recorded within three (3) months.

Section 5. Patient Management. (1) Assessment. The hospital shall be responsible for conducting a complete assessment of each patient.

(a) A provisional or admitting diagnosis, which includes the diagnosis of physical diseases, if applicable, as well as the psychiatric diagnosis, shall be made on each patient at the time of admission.

(b) A physical examination of each patient shall be completed and appropriate laboratory tests shall be initiated within twenty-four (24) hours after admission. A physician shall be responsible for assessing each patient's physical health.

(c) A psychiatric evaluation for each patient shall be completed within seventy-two (72) hours of admission. It shall include a medical history; a record of mental status; details regarding onset of illness and circumstances leading to admission; a description of attitudes and behavior; an estimate of intellectual functioning, memory functioning, and orientation; and an inventory of the patient's assets in a descriptive, not interpretative, fashion.

(d) A social assessment of each patient shall be recorded.

(e) An activities assessment of each patient shall be prepared and shall include information relating to the patient's current skills, talents, aptitudes, and interest.

(f) When appropriate, nutritional, vocational, and legal assessments shall be conducted. The legal assessment shall be used to determine the extent to which the patient's legal status will influence progress in treatment.

(2) Treatment plans. Each patient shall have a written individualized treatment plan that is based on assessments of his clinical needs and approved by the patient's attending physician. Overall development and implementation of the treatment plan shall be assigned to appropriate members of the professional staff.

(a) Within seventy-two (72) hours following admission, a designated member of the professional staff shall develop an initial treatment plan that is based on at least an assessment of the patient's presenting problems, physical health, emotional and behavioral status. Appropriate therapeutic efforts shall begin before a master treatment plan is finalized.

(b) A master treatment plan shall be developed by a multidisciplinary team within ten (10) days for any patient remaining in treatment beyond the initial evaluation. It shall be based on a comprehensive assessment of the patient's needs and include a substantiated diagnosis and the short-term and long-range treatment needs and address the specific treatment modalities required to meet the patient's needs.

1. The treatment plan shall include referrals for services not provided directly by the facility.

2. The treatment plan shall contain specific and measurable goals for the patient to achieve.

3. The treatment plan shall describe the services, activities, and programs to be provided to the patient, and shall specify staff members assigned to work with the patient and also the time and frequency for each treatment procedure.

4. The treatment plan shall specify criteria to be met for termination of treatment.

5. The patient shall participate to the maximum extent feasible in the development of his treatment plan, and such participation shall be documented in the patient's record.

6. A specific plan for involving the patient's family or significant others shall be included in the treatment plan when indicated.

7. The treatment plan shall be reviewed and updated through multidisciplinary case conferences as clinically indicated, but in no case shall this review and update be completed later than thirty (30) days following the first ten (10) days of treatment and every sixty (60) days thereafter for the first year of treatment.

8. Following one (1) year of continuous treatment, the review and update may be conducted at three (3) month intervals.

(3) Special treatment procedures.

(a) Special documentation shall be included in the patient's medical record concerning the use of restraints, seclusion and other special treatment procedures which may have abuse potential or be life threatening.

(b) The documentation shall include a physician's or advanced registered nurse practitioner's as authorized in KRS 314.011(8) and 314.042(8) written order, justification for the use of the procedure, the required consent forms, a description of any procedures employed to protect the patient's safety and rights, and a description of the procedure used.

(c) The use of physical restraints and seclusion shall be governed by the following:

1. Restraint or seclusion shall be used only to prevent a patient from injuring himself or others, or to prevent serious disruption of the therapeutic program;

2. A written, time-limited order from a physician or advanced registered nurse practitioner as authorized in KRS 314.011(8) and 314.042(8) shall be required for the use of restraint or seclusion;

3. The head of the medical staff shall give written approval when restraint or seclusion is utilized for longer than twenty-four (24) hours;

4. PRN orders shall not be used to authorize the use of restraint or seclusion;

5. The head of the medical staff or his designee shall review daily all uses of restraint or seclusion and investigate unusual or possibly unwarranted patterns of utilization;

6. Restraint or seclusion shall not be used in a manner that

## ADMINISTRATIVE REGISTER - 1964

causes undue physical discomfort, harm, or pain to the patient;

7. Appropriate attention shall be paid every fifteen (15) minutes to a patient in restraint or seclusion, especially in regard to regular meals, bathing, and use of the toilet; and staff shall document in the patient's record that such attention was given to the patient; and

~~[8. In no case shall a locking restraint be used.]~~

(d) Locking restraints may be used in the circumstances outlined in subparagraph 5 of this paragraph, if prior to the facility's use, the cabinet finds that the facility has instituted policies which comply with the provisions of paragraph (c) of this subsection and the following additional requirements:

1. The facility's direct care nursing staff shall have in their possession a key to the locking restraint so that the restraint can be immediately removed in the case of an emergency and a plan setting forth who should use the key and how;

2. Orders for the locking restraints shall be time-limited as follows:

a. Four (4) hours for adults up to a maximum of twenty-four (24) hours wherein the continued need for the restraint shall be evaluated at four (4) hour intervals until the maximum time is reached;

b. Two (2) hours for children and adolescents ages nine (9) to seventeen (17) up to a maximum of twenty-four (24) hours wherein the continued need for the restraint shall be evaluated at two (2) hour intervals until the maximum time is reached;

c. One (1) hour for patients under the age of nine (9) up to a maximum of twenty-four (24) hours wherein the continued need for the restraint shall be evaluated at one (1) hour intervals until the maximum time is reached; and

d. Orders pursuant to this paragraph (d) shall specify the restraint type and criteria for release in the patient's medical record.

3. If, after twenty-four (24) hours, a patient still needs restraints, the patient shall receive a face-to-face reassessment by a licensed physician for continuation of the use of the restraint. If the restraint is continued, the physician shall write a time-limited order according to the time frames set out in subsection (2) of this section;

4. A facility may reinstitute the use of a restraint that has been discontinued if the time frame limited order for the restraint has not expired; and

5. A facility found to be in compliance with this section may use locking restraints only under the following circumstances:

a. For the transport of forensic or other impulsively violent patients;

b. For the crisis situation stabilization of forensic and other impulsively violent patients;

c. To prevent a patient that has demonstrated the ability to remove themselves from a nonlocking restraint on one (1) or more occasions from harming themselves or others; or

d. For patients requiring ambulatory restraints as approved by a behavioral health management team.

Section 6. Provision of Services. (1) Psychiatric and general medical services.

(a) Psychiatric services shall be under the supervision of a clinical director, service chief, or equivalent, who is qualified to provide the leadership required for an intensive treatment program.

1. The clinical director, or equivalent, shall be certified by the American Board of Psychiatry and Neurology, or meet the training and experience requirements for examination by the board.

2. If the psychiatrist in charge of the clinical program is not board certified, there shall be evidence that consultation is given to the clinical program on a continuing basis by a psychiatrist certified by the American Board of Psychiatry and Neurology.

(b) General medical services provided in the hospital shall be under the direction of a physician member of the professional staff in accordance with staff privileges granted by the governing authority.

1. The attending physician shall assume full responsibility for diagnosis and care of his patient. Physician assistants and advanced registered nurse practitioners may provide services in accordance with

their scope of practice and the hospital's protocols and bylaws.

2. A physician member of the professional staff shall conduct and record a complete history and physical examination for the patient within twenty-four (24) hours after admission to the hospital.

3. All incidental medical services necessary for the care and support of patients shall be provided by in-house staff or through agreement with outside resources. When the patient's condition requires services not available in the hospital, the patient, upon physician's orders (except in cases of emergency), shall be transferred promptly to an appropriate level of care.

4. There shall be a written plan delineating the manner in which emergency services are provided by the hospital or through clearly defined arrangements with another facility. The plan shall clearly specify the following:

a. The arrangements the hospital has made to assure that the patient being transferred for emergency services to a nonpsychiatric facility will continue to receive further evaluation or treatment of his psychiatric problem, as needed;

b. The policy for referring patients needing continued psychiatric care after emergency services back to the referring facility; and

c. The policy concerning notification of the patient's family of emergencies and of arrangements that have been made for referring or transferring the patient to another facility for emergency service.

(c) Physician services shall be available twenty-four (24) hours a day on at least an on-call basis.

(d) There shall be sufficient physician staff coverage for all psychiatric and medical services of the hospital in keeping with their size and scope of activity.

(e) The attending physician shall state his final diagnosis, complete the discharge summary and sign the records within fifteen (15) days following the patient's discharge.

(2) Nursing services.

(a) The hospital shall have a nursing department organized to meet the nursing care needs of the patients and maintain established standards of nursing practice.

(b) The psychiatric nursing service shall be under the direction of a registered nurse who:

1. Has a master's degree in psychiatric or mental health nursing, or its equivalent, from a school of nursing accredited by the National League for Nursing; or

2. Has a baccalaureate degree in nursing with two (2) years' experience in nursing administration or supervision and experience in psychiatric nursing.

(c) There shall be a registered nurse on duty twenty-four (24) hours a day.

(d) There shall be an adequate number of registered nurses, licensed practical nurses, and other nursing personnel to provide the nursing care necessary under each patient's active treatment program.

(e) There shall be continuing in-service and staff development programs to prepare the registered nurses and other nursing personnel for active participation in interdisciplinary meetings affecting the planning or implementation of nursing care plans for patients.

(3) Psychological services.

(a) The hospital shall provide psychological services to meet the needs of patients.

(b) Psychological services shall be provided under the direction of a licensed psychologist.

(c) There shall be an adequate number of psychologists, consultants, and supporting personnel to assist in essential diagnostic formulations, and to participate in program development and evaluation of program effectiveness, in training activities and in therapeutic interventions.

(4) Therapeutic activities.

(a) The hospital shall provide a therapeutic activities program that is appropriate to the needs and interests of the patients and is directed toward restoring and maintaining optimal levels of physical



## ADMINISTRATIVE REGISTER - 1965

and psychosocial functioning.

(b) The number of qualified therapists, support personnel, and consultants shall be adequate to provide comprehensive therapeutic activities, such as occupational, recreational, and physical therapy, consistent with each patient's active treatment program.

(5) Pharmaceutical services. The hospital shall comply with requirements of 902 KAR 20:016, Section 4(5) and the following additional requirements:

(a) Medications shall be administered by a registered nurse, a physician, or dentist, except in the case of a licensed practical nurse under the supervision of a registered nurse.

(b) No medication shall be given without a written order signed by a physician, or dentist when applicable, or advanced registered nurse practitioner as authorized in KRS 314.011(8) and 314.042(8), or therapeutically-certified optometrists as authorized in KRS 320.240(14). Telephone orders for medications shall be given only to licensed practical or registered nurses or a pharmacist and signed by the physician, dentist, advanced registered nurse practitioner or therapeutically-certified optometrist within twenty-four (24) hours from the time the order is given. Telephone orders may be given to licensed physical, occupational, speech or respiratory therapists in accordance with the therapist's scope of practice and the hospital's protocols.

(6) Laboratory services. The hospital shall comply with the requirements of 902 KAR 20:016, Section 4(4) concerning the provision of laboratory and pathology services.

(7) Social services.

(a) The hospital shall provide social services to meet the need of the patients.

(b) There shall be a director of social services who has a master's degree from an accredited school of social work.

(c) There shall be an adequate number of social workers, consultants, and other assistants or case aides to perform the following functions:

1. Secure information about patients development and current life situations to provide psychosocial data for diagnosis and treatment planning and for direct therapeutic services to patients, patient groups or families;

2. Identification or development of community resources including family or foster care programs;

3. Participate in interdisciplinary conferences and meetings concerning diagnostic formulation, treatment planning and progress reviews; and

4. Participate in discharge planning, arrange for follow-up care, and develop mechanisms for exchange of appropriate information with sources outside the hospital.

(8) Dietary services. The hospital shall comply with the requirements of 902 KAR 20:016, Section 4(3), pertaining to the provision of dietary services, plus the additional requirements contained in this subsection.

(a) Dietary service personnel who have personal contact with the patients shall be made aware that emotional factors may cause patients to change their food habits and shall inform appropriate members of the professional staff of any change.

(b) Meals shall be provided in central dining areas for ambulatory patients.

(9) Radiology services. If radiology services are provided within the facility, the hospital shall comply with the requirements of 902 KAR 20:016, Section 4(6) concerning the provision of such services. If they are not provided within the facility, the hospital shall have arrangements with an outside source, which shall be outlined in a written plan, for the provision of radiology services. The outside radiology service shall have a current license or registration pursuant to KRS 211.842 to 211.852 and any administrative regulations promulgated thereunder.

(10) Other services. If surgery, anesthesia, physical therapy or outpatient services are provided within the facility, the hospital shall

comply with the applicable sections of 902 KAR 20:016.

(11) Chemical dependency treatment services. Psychiatric hospitals providing chemical dependency treatment services shall meet the requirements of 902 KAR 20:160, Sections 3 and 4, and designate the location and number of beds to be used for this purpose.

TIMOTHY L. VENNO, Inspector General

JOHN MORSE, Secretary

JOHN H. WALKER, Attorney

APPROVED BY AGENCY: February 12, 1998

FILED WITH LRC: February 13, 1998 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 23, 1998, at 9 a.m., at the Health Services Auditorium, 1st Floor, CHR Building. Individuals interested in attending this hearing shall notify this agency in writing by March 16, 1998, 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, in which case the person requesting the transcript shall be responsible for payment. 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: Mae B. Lewis, Cabinet Regulation Coordinator, Cabinet for Health Services, Office of the General Counsel, 275 East Main Street, 4W-C, Frankfort, Kentucky 40621, Telephone: (502) 564-7905, Fax: (502) 564-7573.

### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Ralph Von Derau

(1) Type and number of entities affected: There are presently 39 psychiatric hospitals licensed pursuant to KRS 216B.042 and 216B.105.

(2) Direct and indirect costs or savings to those affected:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comment received: No public comments addressing this issue 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 comments addressing this issue 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: No additional reporting requirements imposed.

2. Second and subsequent years: None

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: No direct or indirect costs should be associated with this program beyond printing this new regulation.

1. First year: \$500 for printing regulation.

2. Continuing costs or savings: No additional costs or savings, since reprinting of regulations is provided for in the continuing budget.

3. Additional factors increasing or decreasing costs: No additional factors.

(b) Reporting and paperwork requirements: No additional paperwork.

(4) Assessment of anticipated effect on state and local revenues: No effect.

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



## ADMINISTRATIVE REGISTER - 1966

(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 addressing this issue were received.

(b) Kentucky: No public comments addressing this issue were received.

(7) Assessment of alternative methods; reasons why alternatives were rejected: KRS Chapter 216B mandates that minimum standards be established for licensure.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: These are minimum health care standards intended to protect the public.

(b) State whether a detrimental effect on environment and public health would result if not implemented: No

(c) If detrimental effect would result, explain detrimental effect:

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

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions?

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? No. This is a licensure program and, as such, applies to all licensed services.

### CABINET FOR HEALTH SERVICES Office of Inspector General Division of Licensing and Regulation (Amendment)

#### 902 KAR 20:320. Psychiatric residential treatment facility operation and services.

RELATES TO: KRS 216B.010 to 216B.130, 216B.450 to 216B.459, 216B.990, 42 CFR 441.156

STATUTORY AUTHORITY: KRS 216B.042, 216B.105, 216B.450 to 216B.459, 314.011(8), 314.042(8), 320.240(14), EO 96-862

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216B.042, 216B.105 and 216B.450 to 216B.459 mandate that the Kentucky Cabinet for Health Services regulate health facilities and services. This administrative regulation provides minimum licensure requirements regarding the operation of and services provided in psychiatric residential treatment facilities. Executive Order 96-862, effective July 2, 1996, reorganizes the Cabinet for Human Resources and places the Office of Inspector General and its programs under the Cabinet for Health Services.

Section 1. Definitions. (1) "Clinical privileges" means authorization by the governing body to provide certain resident care and treatment services in the facility specified by the governing body within well-defined limits, based on the individual's license, education, training, experience, competence, and judgment.

(2) "Direct-care staff" means residential or child-care workers who directly supervise residents.

(3) "Freestanding" means a completely detached.

(4) ["Full-time equivalent (FTE)"] for this administrative regulation means one (1) employee working thirty-seven and one-half (37.5) hours per week or a combination of the hours worked by more than one (1) part-time employee totaling thirty-seven and one-half (37.5) hours per week.

(5) "Governing body" means the individual, agency, partnership, or corporation, in which the ultimate responsibility and authority for the conduct of the facility is vested.

(5) [(6)] "Holding" means forced positioning of a resident by staff without use of mechanical devices.

(6) [(7)] "Licensure agency" means the Division of Licensing and Regulation in the Office of the Inspector General, Cabinet for Health Services.

(7) [(8)] "Living unit" means the area within a single building that is supplied by the facility for daily living and therapeutic interaction of the residents. There shall be no more than ~~a maximum of~~ eight (8) residents per living unit.

(8) [(9)] "Mental health associate" is an individual with a minimum of a bachelor's degree in a mental health related field; a registered nurse with at least one (1) year's experience in a psychiatric inpatient or residential treatment setting for children; or an individual with a high school diploma or an equivalence certificate and at least five (5) years work experience in a psychiatric inpatient or residential treatment setting for children, two (2) years of which shall be in a supervisory role, and shall have successfully completed the medicine administration course approved by the Kentucky Board of Nursing for use in child caring facilities.

(9) "Mental health [(10)-]" professional [staff]" means a person employed and meeting requirements for a position on the professional staff of a PRTF on the effective date of this administrative regulation until December 31, 2001; a qualified mental health professional as defined by KRS 202A.011; a professional art therapist who is certified pursuant to KRS 309.133; a marriage and family therapist who is certified pursuant to KRS 335.330; a professional counselor who is certified pursuant to KRS 335.525; or a licensed registered nurse with two (2) years experience in a mental health setting [psychiatrist; a psychologist with Ph.D. or master's degree and autonomous functioning, or master's degree under the supervision of a Ph.D.; a social worker with master's degree; a registered nurse with two (2) years' supervised experience in a mental health setting; a recreation therapist with a master's degree, or bachelor's degree and two (2) years' experience in a residential or mental health setting for children, or adolescents; and other professionals from disciplines related to the treatment of mental illness, such as a certified marriage and family therapist, occupational, or expressive therapist, with a master's degree in that discipline and specialized training or experience in the treatment of mental illness].

(10) [(11)] "Psychiatric residential treatment facility (PRTF)" is defined in KRS 216B.450(4).

(11) [(12)] "Restraint" means the use of a mechanical device to involuntarily restrain movement of the whole or a portion of a resident's body as a means of controlling a resident's physical activities to protect the resident or others from injury or the use of intravenous, intramuscular, or subcutaneous administration of any pharmacologic or chemical agent to the resident with the sole or primary purpose of controlling or limiting the physical activities of the resident. Restraint is differentiated from mechanisms usually and customarily employed during medical, diagnostic, or surgical procedures.

(12) [(13)] "Seclusion" means the involuntary confinement of a resident in a room, which the resident is physically prevented from leaving, for any period of time.

(13) [(14)] "Special treatment procedures" means any procedure such as restraint or seclusion and holding which may have abuse potential or be life threatening.

(14) [(15)] "Unusual treatment" means any procedure not readily accepted as a standard method of treatment by the relevant professional.

Section 2. Applicability. (1) A psychiatric residential treatment facility shall be a freestanding eight (8) bed facility.

(a) An entity which was licensed as a PRTF prior to April 9, 1992, may be licensed within a single building for a maximum of sixteen (16) beds, but shall have a minimum of two (2) separate living units. A living unit in a sixteen (16) bed PRTF shall have no more than eight

## ADMINISTRATIVE REGISTER - 1967

(8) beds.

(b) An entity which has obtained approval for a certificate of need for a sixteen (16) bed PRTF prior to March 26, 1992, may be licensed by the cabinet as two (2) freestanding eight (8) bed PRTFs located on a common campus.

(c) An eight (8) bed PRTF may be located on a common campus with an existing eight (8) bed PRTF, but each shall be freestanding.

(2) If a psychiatric residential treatment facility is located on grounds shared by another licensed facility other than a PRTF, the following shall apply:

(a) The residents of the PRTF and the licensed facility with which it shares grounds shall not have any joint activities or interactions, except for organized education activities conducted by a school operated by the local educational authority for residents for whom it is determined by the local educational authority that the program provided by the school is appropriate for all residents in the program and is provided in accordance with Section 12(6) of this administrative regulation, or organized recreational activities;

(b) ~~[The program director and]~~ Direct-care staff of ~~[shall not serve both]~~ the licensed facility with which the PRTF ~~[it]~~ shares grounds may provide relief, replacement, or substitute staff coverage to ~~[and]~~ the PRTF;

(c) For continuity of care, at least fifty (50) percent of direct care staff of the PRTF shall be employed by the PRTF;

(d) If the provisions of paragraph (a) of this subsection are met, the only services or components of the physical plant that may be shared are those related to housekeeping, maintenance, dietary and recreational facilities or grounds.

(3) PRTF's that are located on the same grounds in accordance with subsection (1) of this section may share joint activities and staff.

Section 3. Licensure. The psychiatric residential treatment facility shall comply with all the conditions for licensure contained in 902 KAR 20:008.

Section 4. Governing Body. Each facility shall have a governing body with overall authority and responsibility for the facility's operation.

(1) The governing body shall be a legally constituted entity in the Commonwealth of Kentucky by means of a charter, articles of incorporation, partnership agreement, franchise agreement, or legislative or executive act.

(2) A facility that is part of a multifacility system or is operated by a government agency shall have a written description of the system's administrative structure and lines of authority.

(3) The authority and responsibility of any person designated to function as the governing body shall be specified in writing.

(4) If a business relationship exists between a governing body member(s) and the organization, there shall be a conflict-of-interest policy that governs the member's participation in decisions influenced by the business interest.

(5) The responsibilities of the governing body shall be stated in writing and shall describe the process for ~~[include at least]~~ the following:

(a) Adopting ~~[bylaws that describe how the governing body, through the program director, shall develop]~~ policies and procedures;

(b) ~~Providing [and make]~~ sufficient ~~[resources available (e.g.,)]~~ funds, staff, equipment, supplies, and facilities~~{}]~~ to assure that the facility is capable of providing appropriate and adequate services to residents;

(c) ~~[(b)]~~ Overseeing the system of financial management and accountability;

(d) ~~[(e)]~~ Adopting a program to monitor and evaluate the quality of all care provided and to appropriately address identified problems in care;

(e) ~~[(d)]~~ Electing, appointing, or employing the ~~[program director, clinical director, and other supervisors or administrators to direct the]~~

clinical and administrative leadership personnel ~~[activities]~~ of the facility, and defining the qualifications, authority, responsibility, and function of such positions; and

~~[(e)] Establishing an organization table and establishing bylaws, rules or policies and procedures to guide the relationships between itself, the administrative staff, the direct care staff, the professional staff, and the community. The bylaws, rules or policies and procedures shall define the means by which the administrative, direct care, and professional staffs cooperatively function, participate in the development of policies concerning program management and resident care, and report to the governing body. The bylaws, rules or policies and procedures shall be reviewed at least every two (2) years and revised as necessary; and]~~

(f) Approving employment of mental health ~~[appointments to the]~~ professional staff ~~[and granting or revising clinical privileges upon the documented recommendation of the clinical director].~~

(6) The governing body shall meet as a whole at least quarterly and keep records that demonstrate the ongoing discharge of its responsibilities.

(7) When a facility is a component of a larger organization, the facility staff, subject to the overall authority of the governing body, shall be given the necessary authority to plan, organize, and operate the program.

Section 5. Program Director. (1) The program director shall be ~~[employed by the governing body and shall be responsible for the day-to-day management and ongoing direction of the facility's program. In the event of the program director's absence, he shall designate a person who shall be]~~ responsible for the administrative ~~[day-to-day]~~ management of the facility.

(2)(a) The program director shall be qualified by training and experience to direct a treatment program for children and adolescents with emotional problems.

(b) Minimum qualifications shall be a master's degree or bachelor's degree in the human services field including:

1. Social work;

2. Sociology;

3. Psychology;

4. Guidance and counseling;

5. Education;

6. Religion;

7. Business administration;

8. Criminal justice;

9. Public administration;

10. Child care administration;

11. Christian education;

12. Divinity;

13. Pastoral counseling;

14. Nursing; or

15. Other human service field related to working with families and children. ~~[those defined as professional staff in Section 4 of this administrative regulation; or at least a master's degree in education with appropriate licenses.]~~

(c) Applicants with a master's degree shall have two (2) years supervisory experience in a human services program, and those with a bachelor's degree shall have four (4) years supervisory experience in a human services program.

(d) The program director shall have ~~[two (2) years experience in services to children or adolescents including administrative responsibility in an organization for children and adolescents;]~~ three (3) professional references; two (2) personal references; and a police record check.

(e) ~~[(d)]~~ If there is a prior crime conviction or pleas of guilty pursuant to KRS 17.165 or a Class A felony, the applicant shall not be employed.

(3) The program director shall be responsible to the governing body in accordance with the bylaws, rules or policies for the following:

(a) Overseeing the overall operation of the facility, including the control, utilization, and conservation of its physical and financial assets and the recruitment and direction of staff;

(b) ~~[Hiring and direction of personnel;~~

(c) Assuring that sufficient staff meeting minimum standards under appropriate supervision are on duty to meet the needs of the residents at all times;

(d) ~~[(d)]~~ Approving purchases and payroll;

(e) ~~[(e)]~~ Assuring that treatment planning, medical supervision, and quality assurance occur as specified in this administrative regulation;

(f) ~~[(f)]~~ Advising the governing body of all significant matters bearing on the facility's licensure and operations;

(g) ~~[(g)]~~ Preparation of reports or items necessary to assist the governing body in formulating policies and procedures to assure that the facility is capable of providing appropriate and adequate services to residents;

(h) ~~[(h)]~~ Preparation of a written manual that defines policies and procedures which is regularly revised and updated; and

(i) ~~[(i)]~~ Assuring that all written facility policies, plans, and procedures are followed.

~~[(4) The program director shall attend and maintain documentation of attendance and participation of staff in continuing education programs.]~~

#### Section 6. Administration and Operation. (1) Written plan.

(a) The governing body shall formulate and specify the facility's goals and objectives and describe its programs in a written plan so that the facility's performance can be measured.

(b) A copy of the written plan shall be given to each mental health ~~[all]~~ professional ~~[staff]~~ and to the program director.

(c) The written plan shall be reviewed at least annually and revised as necessary, in accordance with the changing needs of the residents and the community and with the overall objectives and goals of the facility when reviewed or revised. Revisions in the plan shall incorporate, as appropriate, relevant findings from the facility's quality assurance and utilization review programs.

(d) The written plan shall include the following:

1. An organizational chart that includes position titles and the name of the person occupying the position, and that shows the chain of command;

2. A service philosophy with clearly defined assumptions and values;

3. Estimates of the clinical needs of the children and adolescents in the area served by the facility;

4. The services provided by the facility in response to needs;

5. The population served, including age groups and other relevant characteristics of the resident population;

6. The intake or admission process, including how the initial contact is made with resident and the family or significant others;

7. The assessment and evaluation procedures provided by the facility;

8. The methods used to deliver services to meet the identified clinical needs of the residents served;

9. The methods used to deliver services to meet the basic needs of residents in a manner as consistent with normal daily living as possible;

10. The methods used to create a home-like environment for all residents;

11. The methods, means and linkages by which the facility will involve all residents in community activities, organization, and events;

12. The treatment planning process and the periodic review of therapy;

13. The discharge and aftercare planning processes;

14. The ~~[organizational relationships of each of the]~~ facility's therapeutic programs~~[- including channels of staff communication, responsibility, and authority, as well as supervisory relationships];~~

15. How ~~[all]~~ professional services will be provided ~~[supervised]~~ by qualified, experienced personnel;

16. How mental health ~~[all members of the]~~ professionals and direct-care staff who have been assigned specific treatment responsibilities are qualified by training or experience and demonstrated competence and have appropriate clinical privileges; or are supervised by a mental health professional ~~[staff members]~~ who is ~~[are]~~ qualified by experience to supervise such treatment;

17. How the facility will be linked to regional interagency councils, psychiatric hospitals, community mental health centers, Department for Social Services offices and facilities, and school systems in the facility's service area; and

18. The means by which the facility provides, or makes arrangements for the provision of:

a. Emergency services and crisis stabilization;

b. Discharge and aftercare planning, that promotes continuity of care; and

c. Education and vocational services, whether provided by the facility or by agreement. Educational services to be provided by local education agency or a private agency, at a minimum, shall be arranged for sixty (60) days prior to the need for the service to be provided.

(2) Professional staff.

(a) The facility shall employ sufficient mental health ~~[appropriately qualified]~~ professionals ~~[staff]~~ to meet the treatment needs of residents and the goals and objectives of the facility.

(b) Mental health professionals ~~[staff]~~ shall meet all requirements in the licensing, registration, or certification laws relating to their respective professions.

(c) ~~[Staffing:]~~ The facility shall meet the following ~~[specific]~~ requirements with regard to professional staffing:

1. A board-eligible or board-certified child psychiatrist or board-certified adult psychiatrist shall be employed to meet the treatment needs of the residents and the functions which shall be performed by a psychiatrist specified within this administrative regulation. If a facility has residents ages twelve (12) and under, the psychiatrist shall be board-eligible or board-certified in child psychiatry. The psychiatrist shall be present in the facility to provide professional services to the facility's residents at least weekly.

2. Except for a PRTF licensed in accordance with Section 2(1)(a) or (b) of this administrative regulation, a PRTF shall employ at least one (1) full-time mental health professional. [A recreational therapist with a master's degree, or bachelor's degree and two (2) years' experience in a residential, or mental health setting for children and adolescents shall be employed to meet the treatment needs of the residents and the functions which shall be performed by a recreational therapist specified within this administrative regulation.]

3. A PRTF licensed in accordance with Section 2(1)(a) or (b) of this administrative regulation shall employ:

a. At least one (1) full-time mental health professional for a PRTF with eight (8) or less residents; or

b. At least two (2) full-time mental health professionals for a PRTF with nine (9) or more residents. [A total of at least one (1) full-time staff shall be employed from one (1) of the following professions:

a. ~~Psychologist with Ph.D. or master's degree and autonomous functioning, or master's degree under supervision of a Ph.D.;~~

b. ~~Social worker with master's degree with two (2) years of inpatient or outpatient clinical experience in psychiatric social work, or a person who meets the qualifications of the professional staff referenced in Section 1(10) of this administrative regulation with two (2) years of experience in a residential setting for children; or~~

c. ~~Registered nurse with two (2) years' supervised experience in a mental health setting.~~

4. ~~Staff for the profession listed in subparagraph 3 of this paragraph who is not employed on a full-time basis, shall be employed or employed under contract at least ten (10) percent of full-time equivalency.~~

## ADMINISTRATIVE REGISTER - 1969

5. A member of the professional staff shall be on the unit or otherwise interacting with residents, in addition to planned verbal therapies, setting the tone of the therapeutic milieu at least two (2) hours each weekday and four (4) hours one (1) day each weekend during a nonschool waking-hour shift.]

4. A mental health [6. Appropriate] professional [staff] shall be available to assist on-site in emergencies on at least an on-call basis at all times.

5. [7.] A physician shall be available on at least an on-call basis at all times.

(d) Clinical director. The governing body shall designate one (1) [member of the] full-time mental health professional [staff] as clinical director for the PRTE.

1. In addition to the requirements related to his profession, the clinical director shall have at least [a master's degree in a field related to the treatment of mental illness and] two (2) years' clinical [supervisory] experience in a mental health setting that serves [program for] children or adolescents with emotional problems.

2. The governing body shall define the authority and duties of the clinical director [in its bylaws].

3. The clinical director may be the program director if the qualifications of both positions are met.

4. The clinical director shall [supervise professional staff and] be responsible for:

- a. The maintenance of the facility's therapeutic milieu; and
- b. Assuring that treatment plans developed in accordance with Section 11(3) of this administrative regulation are implemented.

5. A full-time mental health professional may be designated as clinical director for more than one (1) PRTE when more than one (1) PRTE shares the same building or is located on a common campus with an existing PRTE.

[(e) The clinical director, in consultation with professional staff, shall develop written policies and procedures approved by the governing body that specify the following:

1. The clinical privileges of professional staff;
2. The responsibility of professional staff for supervising and directing individuals who require supervision or direction in the provision of resident care services;
3. The responsibilities of physicians in relation to nonphysician members of the professional staff; and
4. The responsibility of professional staff for accounting to the governing body for the quality of clinical care provided to the residents, and for its ethical conduct and professional practice.]

(3) Direct-care staff.

(a) The facility shall employ adequate direct-care staff to ensure the continuous provision of sufficient regular and emergency supervision of all residents twenty-four (24) hours a day.

(b) Direct-care staff shall have at least [be a mental health associate or hold] a high school diploma or equivalency and [have] two (2) years' experience in a program in the mental health field serving children or adolescents. Completion of a twenty-four (24) hour training curriculum meeting the requirements of subsection (4)(c) [(8)(f)] within one (1) month of employment may be substituted for experience, except that no direct-care staff so qualified shall be given clinical privileges in his first year of employment.

(c) In order to assure that the residents are adequately supervised and are cared for in a safe and therapeutic manner, the direct-care staffing plan shall meet each of the following requirements:

1. At least one (1) direct-care staff member who is a mental health associate shall be assigned direct-care responsibilities for every eight (8) residents at all times when residents awake and are not in school;

2. At least three (3) direct-care staff members shall be assigned to direct-care responsibilities during normal waking hours when the residents are on-site; however, if the number of residents present on-site is six (6) or fewer, the number of direct-care staff members may be reduced to two (2);

3. At least one (1) direct-care staff member shall be assigned to direct-care responsibilities for each three (3) residents who are twelve (12) and under and one (1) for each four (4) adolescents who are over twelve (12) during all hours the residents are awake, not on the living unit, and not in school;

4. At least one (1) direct-care staff member shall be assigned direct-care responsibilities, be awake, and be continuously available on each living unit during all hours the residents are asleep. A minimum of one (1) additional direct-care staff member who is a mental health associate shall be immediately available on the grounds of the PRTE [on-site] to assist with emergencies or problems which might arise;

5. If a mental health [member of the] professional [staff] is directly involved in an activity with a group of residents, he may meet the requirement for a direct-care staff member; and

6. The direct-care staff member who is supervising residents shall know the whereabouts of each resident at all times.

(d) [The clinical director, in consultation with professional staff, shall develop] Written policies and procedures approved by the governing body shall [that]:

1. Specify the clinical privileges, if any, of each member of the direct-care staff;
2. Provide for the supervision of the direct-care staff; and
3. Describe the responsibilities of direct-care staff in relation to professional staff.

(4) [Support staff:

(a) Environmental services. There shall be an adequate number of domestic and maintenance staff to maintain the facility's buildings and grounds in a healthful, comfortable condition and in good repair. Such services may be provided by contractual agreement.

(b) Clerical staff. The facility shall employ a sufficient number of clerical staff qualified by high school diploma or equivalency to maintain correspondence, records, reports and files.

(5) Student field placements or internships. The facility shall ensure that student interns are supervised directly by an appropriate paid staff member who will act as a liaison between the facility and the school making placements.

(6) Volunteers:

(a) The facility may use volunteers to help meet residents' basic needs for social interaction, self-esteem, and self-fulfillment.

(b) The governing body shall adopt written policies and procedures which address screening, selection, and supervision of all volunteers.

(c) Volunteers used within the program shall meet the qualifications for the positions for which they volunteer.

(d) Volunteers shall not be used in place of required staff.

(e) Volunteers shall be oriented to the facility's goals and services and given appropriate clinical background regarding the facility's residents.

(7) Part-time employees. Part-time employees shall meet minimum qualifications of full-time staff and shall not be utilized to the extent that continuity in resident care is disrupted by frequent shift changes or changes in personnel from day-to-day.

(8) Staff development.

(a) [Appropriate] Staff development programs shall be provided and documented for administrative, professional, direct-care, and support staff [under the supervision and direction of the program director or designee. Responsibility for any part of the staff development program may be delegated to appropriately qualified individuals.

(b) The participation of the program director and professional, direct-care, and support staff in staff development programs shall be documented].

(b) [(e)] Professional and direct-care staff shall meet the continuing education requirements of their profession or be provided with twenty (20) hours per year of in-service training by the facility.

[(d) Library services shall be made available to meet the professional and technical needs of the facility staff. A facility which does

## ADMINISTRATIVE REGISTER - 1970

~~not maintain a professional library shall have arrangements with a library or institution for use of its professional library.~~

~~(e) The facility shall communicate and collaborate, as appropriate, with national, state, and local mental health professional organizations in planning and providing ongoing training.]~~

~~(c) [(f) The program director shall require that] Each staff member working directly with residents shall demonstrate basic knowledge in the following areas:~~

1. Child and adolescent growth and development;
2. Therapeutic principles and modalities used in the facility;
3. Building and maintaining a positive therapeutic milieu on the living unit;
4. Techniques of group and child management; and
5. Detection and reporting of child abuse and neglect.

~~(5) [(9)] Employment practices.~~

(a) The facility shall have employment and personnel policies and procedures designed, established, and maintained to promote the objectives of the facility, to ensure that an adequate number of qualified personnel under appropriate supervision is provided during all hours of operation, and to support quality of care and functions of the facility.

(b) The policies and procedures shall be written, systematically reviewed, and approved on an annual basis by the governing body, and dated to indicate the time of last review.

(c) The policies and procedures shall provide for the recruitment, selection, promotion, and termination of staff.

(d) The facility shall maintain job descriptions approved by the governing body for all positions specifying the qualifications, duties, and supervisory relationship of the position. Job descriptions shall accurately reflect the actual job situation and shall be revised whenever a change is made in the required qualifications, duties, supervision, or any other major job-related factor. In addition, salary range for each position shall be provided.

(e) The personnel policies and procedures shall be available and apply to all employees and shall be discussed with all new employees. The governing body shall establish a mechanism for notifying employees of changes in the policies and procedures.

(f) Information on the following shall be included in the policies and procedures:

1. Employee benefits;
2. Recruitment;
3. Promotion;
4. Training and staff development;
5. Employee grievances;
6. Safety and employee injuries;
7. Relationships with employee organizations;
8. Disciplinary systems;
9. Suspension and termination mechanisms;
10. Rules of conduct;
11. Lines of authority;
12. Performance appraisals;
13. Wages, hours and salary administration; and
14. Equal employment opportunity and, when required, affirmative action policies.

(g) The personnel policies and procedures shall describe methods and procedures for supervising all personnel, including volunteers.

(h) The policies and procedures shall require appropriate criminal history and police record checks for all staff and volunteers to assure that only persons whose presence does not jeopardize the health, safety, and welfare of residents are employed and used.

(i) The policies and procedures shall provide for reporting and cooperating in the investigation of suspected cases of child abuse and neglect by facility personnel.

(j) A personnel record shall be kept on each staff member and shall contain the following items:

1. Application for employment;
2. Written references and a record of verbal references;

3. Verification of all training and experience and of licensure, certification, registration, or renewals;

4. Wage and salary information, including all adjustments;

5. Performance appraisals;

6. Counseling actions;

7. Disciplinary actions;

8. Commendations;

9. Employee incident reports; and

10. Initial and subsequent health clearances.

(k) The policies and procedures shall assure the confidentiality of personnel records and specify who has access to various types of personnel information.

(l) Performance appraisals shall relate job description and job performance and shall be written. The criteria used to evaluate job performance shall be objective.

Section 7. Resident Rights. (1) The facility shall support and protect the basic human, civil, and constitutional rights of the individual resident.

(2) Written policy and procedure approved by the governing body shall provide a description of the resident's rights and the means by which these rights are protected and exercised.

(3) At the point of admission, the facility shall provide the resident and parent, guardian, or custodian with a clearly written and readable statement of rights and responsibilities. The statement shall be read to the resident or parent, guardian, or custodian if either cannot read and shall cover, at a minimum:

(a) Each resident's access to treatment, regardless of race, religion, or ethnicity;

(b) Each resident's right to recognition and respect of his personal dignity in the provision of all treatment and care;

(c) Each resident's right to be provided treatment and care in the least restrictive environment possible;

(d) Each resident's right to an individualized treatment plan;

(e) Each resident's and family's participation in planning for treatment;

(f) The nature of care, procedures, and treatment that he shall receive;

(g) The risks, side effects, and benefits of all medications and treatment procedures used; and

(h) The right, to the extent permitted by law, to refuse the specific medications or treatment procedures and the responsibility of the facility when the resident refuses treatment, to seek appropriate legal alternatives or orders of involuntary treatment, or, in accordance with professional standards, to terminate the relationship with the resident upon reasonable notice.

(4) The rights of residents shall be written in language which is understandable to the resident, his parents, custodians, or guardians and shall be posted in appropriate areas of the facility.

(5) The policy and procedure concerning resident rights shall assure and protect the resident's personal privacy within the constraints of his treatment plan. These rights to privacy shall at least include:

(a) Visitation by the resident's family or significant others in a suitable private area of the facility;

(b) Sending and receiving mail without hindrance or censorship; and

(c) Telephone communications with the resident's family or significant others at a reasonable frequency.

(6) If any rights to privacy must be limited, the resident and his parent, guardian, or custodian shall receive a full explanation. Limitations shall be documented in the resident's record and their therapeutic effectiveness shall be evaluated and documented by professional staff every seven (7) days.

(7) The right to initiate a complaint or grievance procedure and the means for requesting a hearing or review of a complaint shall be specified in a written policy approved by the governing body and

## ADMINISTRATIVE REGISTER - 1971

made available to residents, parents, guardians, and custodians responsible for the resident. The procedure shall indicate:

- (a) To whom the grievance is to be addressed; and
- (b) Steps to be followed for filing a complaint, grievance, or appeal.

(8) The resident and his parent, guardian, or custodian shall be informed of the current and future use and disposition of products of special observation and audio-visual techniques such as one (1) way vision mirrors, tape recorders, television, movies, or photographs.

(9) The policy and procedure regarding resident's rights shall ensure the resident's right to confidentiality of all information recorded in his record maintained by the facility. The facility shall ensure the initial and continuing training of all staff in the principles of confidentiality and privacy.

(10) The resident shall be allowed to work for the facility only under the following conditions:

- (a) The work is part of the individual treatment plan;
- (b) The work is performed voluntarily;
- (c) The patient receives wages commensurate with the economic value of the work;
- (d) The work project complies with applicable law and administrative regulation; and
- (e) The performance of tasks related to the responsibilities of family-like living, such as laundry and housekeeping, shall not be considered work for the facility and need not be compensated or voluntary.

(11) Written policy and procedure developed in consultation with professional and direct care staff and approved by the governing body shall provide for the measures utilized by the facility to discipline residents. These measures shall be fully explained to each resident and the resident's parent, guardian, or custodian.

(12) The facility shall prohibit all cruel and unusual disciplinary measures including the following:

- (a) Corporal punishment;
- (b) Forced physical exercise;
- (c) Forced fixed body positions;
- (d) Group punishment for individual actions;
- (e) Verbal abuse, ridicule, or humiliation;
- (f) Denial of three (3) balanced nutritional meals per day;
- (g) Denial of clothing, shelter, bedding, or personal hygiene needs;
- (h) Denial of access to educational services;
- (i) Denial of visitation, mail, or phone privileges for punishment;
- (j) Exclusion of the resident from entry to his assigned living unit; and
- (k) Restraint or seclusion as a punishment or employed for the convenience of staff.

(13) Written policy shall prohibit residents from administering disciplinary measures upon one another and shall prohibit persons other than professional or direct-care staff from administering disciplinary measures to residents.

(14) Written rules of resident conduct shall be developed in consultation with the professional and direct-care staff and be approved by the governing body. Residents shall participate in the development of the rules to a reasonable and appropriate extent. These rules shall be based on generally acceptable [normal and natural] behavior for the resident population served.

(15) The application of disciplinary measures shall relate to the violation of established rules.

**Section 8. Resident Records.** (1) The facility shall have written policies or procedures concerning resident records developed in consultation with professional staff and a registered records administrator and approved by the governing body.

(2) The facility shall maintain a written resident record on each resident, to be directly accessible to staff members caring for the resident.

(3) The resident record shall contain at a minimum:

- (a) Basic identifying information;
- (b) Appropriate court orders or consent of appropriate family members or guardians for admission, evaluation, and treatment;
- (c) A provisional or admitting diagnosis which includes a physical diagnosis, if applicable, as well as a psychiatric diagnosis;
- (d) The report by the parent, guardian, or custodian of the patient's immunization status;
- (e) A psychosocial assessment of the resident and his family, including:

- 1. An evaluation of the effect of the family on the resident's condition and the effect of the resident's condition on the family; and
- 2. A summary of the resident's psychosocial needs.

(f) An evaluation of the resident's growth and development, including physical, emotional, cognitive, educational, and social development; and needs for play and daily activities;

(g) The resident's legal custody status, when applicable;

(h) The family's, guardian's, or custodian's expectations for, and involvement in, the assessment, treatment, and continuing care of the resident;

(i) Physical health assessment, including evaluations of the following:

- 1. Motor development and functioning;
- 2. Sensorimotor functioning;
- 3. Speech, hearing, and language functioning;
- 4. Visual functioning; and
- 5. Immunization status.

(4) The resident record shall also include:

(a) Physician's notes which shall include an entry made at least weekly by the staff psychiatrist regarding the condition of the resident.

(b) Professional progress notes which shall be completed following each professional service except when the service is provided daily to groups of residents, when weekly summaries may be used. Professional progress notes shall be signed and dated by the mental health professional who provided the service.

(c) Direct-care progress notes which shall record implementation of all treatment and any unusual or significant events which occur for the residents. Direct-care progress notes shall be completed at least by the end of each direct-care shift and summarized weekly. Direct-care notes shall be signed and dated by the direct-care staff making the entry.

(d) Special clinical justifications for the use of special and unusual treatment procedures and reports.

(e) Discharge summary.

(f) If a patient dies, the resident record shall include a summation statement in the form of a discharge summary, including events leading to the death, signed by the attending physician.

(5) The facility shall maintain confidentiality of resident records. Resident information shall be released only on written consent of the resident or his parent, guardian, or custodian or as otherwise authorized by law. The written consent shall contain the following information:

(a) The name of the person, agency, or organization to which the information is to be disclosed;

(b) The specific information to be disclosed;

(c) The purpose of disclosure; and

(d) The date the consent was signed and the signature of the individual witnessing the consent.

**Section 9. Quality Assurance.** (1) The facility shall have an organized quality assurance program designed to enhance resident treatment and care through the ongoing objective assessment of important aspects of resident care and the correction of identified problems.

(2) The facility shall prepare a written quality assurance plan designed to ensure that there is an ongoing quality assurance program that includes effective mechanisms for reviewing and



## ADMINISTRATIVE REGISTER - 1972

evaluating resident care, and that provides for appropriate response to findings. [The written quality assurance plan shall be approved by the governing body and shall:

~~(a) Assign responsibility for the monitoring and evaluation activities;~~

~~(b) Delineate scope of care provided by the facility;~~

~~(c) Identify the aspects of care that the facility provides;~~

~~(d) Identify indicators (and appropriate clinical criteria) that can be used to monitor these aspects of care;~~

~~(e) Establish thresholds for the indicators at which further evaluation of the care is triggered;~~

~~(f) Collect and organize the data for each indicator;~~

~~(g) Evaluate the care when the thresholds are reached in order to identify problems or opportunities to improve care;~~

~~(h) Take actions to correct identified problems or to improve care;~~

~~(i) Assess the effectiveness of the actions and document the improvement in care; and~~

~~(j) Communicate relevant information to other individuals, departments, or services and to the facility-wide quality assurance program.]~~

(3) The facility shall record all incidents or accidents that present a direct or immediate threat to the health, safety or security of any resident or staff member. Examples of incidents to be recorded include the following: physical violence, fighting, absence without leave, use or possession of drugs or alcohol, or inappropriate sexual behavior. The record should be kept on file and retained at the facility and shall be made available for inspection by the licensure agency.

Section 10. Admission Criteria. (1) The facility shall have written admission criteria approved by the governing body and which are consistent with the facility's goals and objectives.

(2) Admission criteria shall be made available to referral sources and to parents, guardians, or custodians and shall include:

(a) Types of admission (crisis stabilization, long-term treatment);

(b) Age and sex of accepted;

(c) Criteria that preclude admission;

(d) Clinical needs and problems typically addressed by the facility's programs and services;

(e) Criteria for discharge; and

(f) Any preplacement requirements of the resident, his parents, guardians, custodians, or the placing agency.

(3) [A facility may only admit children with an emotional disability as defined in KRS 200.503(1) or a severe emotional disability as defined in KRS 200.503(2) (this does not preclude the facility from admitting a child with multiple diagnoses) who meet its written admission criteria and for whom the facility finds:

~~(a) Less-restrictive treatment resources accessible and available in the resident's community will not meet his treatment needs;~~

~~(b) Proper treatment of the resident's psychiatric condition requires care and treatment under the direction of a psychiatrist within a psychiatric residential treatment facility;~~

~~(c) Proper treatment of the resident's psychiatric condition requires twenty-four (24) hour care in a facility which provides comprehensive and structured therapeutic mental health treatment in a less structured environment than an inpatient hospital; and~~

~~(d) Care and treatment in a psychiatric residential treatment facility can reasonably be expected to improve the resident's condition or prevent further regression so that residential treatment facility services will no longer be needed; provided that a poor prognosis shall not in itself constitute grounds for a denial of admission if treatment can be expected to effect a positive change in prognosis.~~

~~(4)] Residents admitted to the facility shall have obtained age six (6), but not attained age eighteen (18). Residents may remain in care until age twenty-one (21) if admitted by their 18th birthday. Admission criteria related to age at admission shall be determined by the age grouping of children currently in residence and shall reflect a range no greater than five (5) years in a living unit.~~

(4) [(5)] Children and adolescents who are a danger to self or others for whom the facility is unable to develop a risk-management plan shall not be admitted.

Section 11. Resident Management. (1) Intake.

(a) The facility shall have written policies and procedures approved by the governing body for the intake process which addresses at a minimum the following:

1. Referral, records, and statistical data to be kept regarding applicants for residence;

2. Criteria for determining the eligibility of individuals for admission;

3. Methods used in the intake process which shall be based on the services provided by the facility and the needs of residents; and

4. Procurement of appropriate consent forms. This may include the release of educational and medical records.

(b) The intake process shall include an initial assessment of the resident performed by a mental health [the] professional [staff]. The results of the assessment shall be explained to the parent or guardian or custodian if appropriate, and to the resident. As a condition at admission, the assessment shall conclude that:

1. The treatment required by the resident is appropriate to the intensity and restrictions of care provided by the facility; and

2. Alternatives for less intensive and restrictive treatment are not available or accessible to the resident.

(c) The intake process shall be designed to provide at least the following information:

1. Identification of agencies who have been involved in the treatment of the resident in the community and the anticipated extent of involvement of those agencies during and after the resident's stay in the facility;

2. [Temporary treatment plan including the proposed initial level of intervention with the resident, the health and safety needs, the education and activity plan, and] Legal, custody and visitation orders; and

3. Proposed discharge plan and anticipated length of stay.

(d) The intake process shall include an orientation for the parent, guardian, or custodian as appropriate and the resident which includes the following:

1. The rights and responsibilities of residents, including the rules governing resident conduct and the types of infractions that can result in disciplinary action or discharge from the facility;

2. Rights, responsibilities, and expectations of the parent, guardian, or custodian; and

3. Preparation of the staff and residents of the facility for the new resident.

(e) Upon admission each resident of school age shall have been certified or be referred for assessment as a child with a disability pursuant to 20 USC 1400.

~~[(f) The temporary treatment plan shall be reviewed by all staff involved in the resident's treatment, approved by the clinical director and psychiatrist, and implemented upon admission.]~~

(2) Assessment.

(a) A complete evaluation and assessment shall be performed for each resident which includes, but is not necessarily limited to, physical, emotional, behavioral, social, recreational, educational, legal, vocational, and nutritional needs.

(b) The physical examination of each resident shall be initiated within twenty-four (24) hours after admission and shall include, but not be limited to, evaluations of the following:

1. Motor development and functioning;

2. Sensorimotor functioning;

3. Speech, hearing, and language functioning;

4. Visual functioning; and

5. Immunization status. If a resident's immunization is not complete as defined in the report of the Committee on Infectious Diseases of the American Academy of Pediatrics, the facility shall be



## ADMINISTRATIVE REGISTER - 1973

responsible for its completion and shall begin to complete any immunizations which are outside of the set periodicity schedule within thirty (30) days of admission or the physical examination, whichever is later.

(c) If the resident has had a complete physical examination by a qualified physician within the previous three (3) months which includes the requirements of subsection (b) of this section and if the facility obtains complete copies of the record, that examination may be used to meet the requirement for a physical examination in subsection (b) of this section.

(d) A physician shall be responsible for assessing each resident's physical health, his need for a current examination in spite of one done in the prior three (3) months, and his need for special clinical examinations and tests within twenty-four (24) hours of admission.

(e) Facilities shall have all the necessary diagnostic tools and personnel available or have written agreements with another organization to provide physical health assessments, including electroencephalographic equipment, a qualified technician trained in dealing with children and adolescents, and a properly qualified physician to interpret electroencephalographic tracing of children and adolescents.

(f) An emotional and behavioral assessment of each resident that includes an examination by a psychiatrist shall be completed and entered in the resident's record. The emotional and behavioral assessment shall include the following:

1. A history of previous emotional, behavioral, and substance abuse problems and treatment;
2. The resident's current emotional and behavioral functioning;
3. A direct psychiatric evaluation;
4. When indicated, psychological assessments, including intellectual, projective, and personality testing;
5. When indicated, other functional evaluations of language, self-care, and social-affective and visual-motor functioning; and
6. An evaluation of the developmental age factors of the resident.

(g) The facility shall have an assessment procedure for the early detection of mental health problems that are life threatening, are indicative of severe personality disorganization or deterioration, or may seriously affect the treatment or rehabilitation process.

(h) A social assessment of each resident shall be undertaken and include:

1. Environment and home;
2. Religion;
3. Childhood history;
4. Financial status;
5. The social, peer-group, and environmental setting from which the resident comes; and
6. The resident's family circumstances, including the constellation of the family group; the current living situation; and social, ethnic, cultural, emotional, and health factors, including drug and alcohol use.

(i) The social assessment shall include a determination of the need for participation of family members or significant others in the resident's treatment.

(j) An activities assessment of each resident shall include information relating to the individual's current skills, talents, aptitudes, and interest.

(k) An assessment shall be performed to evaluate the resident's potential for involvement in community activity, organizations, and events.

(l) For adolescents age sixteen (16) and older, a vocational assessment of the resident shall be done which includes the following:

1. Vocational history;
2. Education history, including academic and vocational training; and
3. A preliminary discussion, between the resident and the staff member doing the assessment, concerning the resident's past experiences with and attitude toward work, present motivations or

areas of interest, and possibilities for future education, training, and employment.

(m) When appropriate, a legal assessment of the resident shall be undertaken and shall include the following:

1. A legal history; and
2. A preliminary discussion to determine the extent to which the legal situation will influence his progress in treatment and the urgency of the legal situation.

(3) Treatment plans.

(a) Within seventy-two (72) hours following admission, a mental health ~~[the clinical director or a member of the]~~ professional ~~[staff designated by him]~~ shall develop an initial treatment plan that is based at least on an assessment of the resident's presenting problems, physical health, and emotional and behavioral status. Appropriate therapeutic efforts shall begin before a master treatment plan is finalized.

(b) A master treatment plan shall be developed by a multidisciplinary team conference in conformity with 42 CFR 441.156 within ten (10) days of admission for any resident remaining in treatment. It shall be based on the comprehensive assessment of the resident's needs completed pursuant to subsection (2) of this section, include a substantiated diagnosis and the short-term and long-range treatment needs, and address the specific treatment modalities required to meet the resident's needs.

1. The treatment plan shall contain specific and measurable goals for the resident to achieve.

2. The treatment plan shall describe the services, activities, and programs to be provided to the resident, and shall specify staff members assigned to work with the resident and the time or frequency for each treatment procedure.

3. The treatment plan shall specify criteria to be met for termination of treatment.

4. The treatment plan shall include any referrals necessary for services not provided directly by the facility.

5. The resident shall participate to the maximum extent feasible in the development of his treatment plan, and such participation shall be documented in the resident's record.

6. The treatment plan shall specify the ways in which the resident will participate in community activities, organizations, and events.

7. The treatment plan shall address ways in which the environment for the resident is normalized.

8. A specific plan for involving the resident's family or significant others shall be included in the treatment plan. The parent, guardian, or custodian shall be given the opportunity to participate in the multidisciplinary treatment plan conference where feasible and shall be given a copy of the resident's master treatment plan. The master treatment plan shall identify the mental health professional ~~[staff member]~~ who is responsible for coordinating and facilitating the family's involvement throughout treatment.

9. The treatment plan shall be reviewed and updated through multidisciplinary team conferences as clinically indicated, but in no case shall this review and update be completed later than thirty (30) days following the first ten (10) days of treatment and every sixty (60) days thereafter.

10. Following one (1) year of continuous treatment, the review and update may be conducted at three (3) month intervals.

(c) The master treatment plan and each review and update shall be signed by the participants in the multidisciplinary team conference that developed it, ~~and approved by the clinical director~~.

(4) Progress notes.

(a) Progress notes shall be entered in the resident's records, be used as a basis for reviewing the treatment plan, signed and dated by the individual making the entry and shall include the following:

1. Documentation of implementation of the treatment plan;
2. Chronological documentation of all treatment provided to the resident and documentation of the resident's clinical course; and
3. Descriptions of each change in each of the resident's condi-

## ADMINISTRATIVE REGISTER - 1974

tions.

(b) All entries involving subjective interpretation of the resident's progress shall be supplemented with a description of the actual behavior observed.

(c) Efforts shall be made to secure written progress reports for residents receiving services from outside sources and, when available, to include them in the resident record.

(d) The resident's progress and current status in meeting the goals and objectives of his treatment plan shall be regularly recorded in the resident record.

(5) Discharge planning. The facility shall have written policies and procedures for discharge of residents.

(a) Discharge planning shall begin at admission and be documented in the resident's record. At least ninety (90) days prior to the planned discharge of a resident from the facility, or within ten (10) days after admission if the anticipated length of stay is under ninety (90) days, the multidisciplinary team shall formulate a discharge and aftercare plan. This plan shall be maintained in the resident's record and reviewed and updated with the master treatment plan.

(b) All discharge recommendations shall be determined through a conference, including the appropriate facility staff, the resident, the resident's parents, guardian, or custodian and, if indicated, the representative of the agency to whom the resident may be referred for aftercare service(s), and the affected local school districts. All aftercare plans shall delineate those parties responsible for the provision of aftercare services.

(c) If the aftercare plan involves placement of the resident in another licensed program following discharge, facility staff shall share resident information with representatives of the aftercare program provider if authorized by written consent of the parent, guardian, or custodian.

(d) A facility deciding to release a resident on an unplanned basis shall:

1. Have reached the decision to release at a multidisciplinary team conference chaired by the clinical director that determined, in writing, that services available through the facility cannot meet the needs of the resident;

2. Provide at least ninety-six (96) hours notice to the resident's parent, guardian, or custodian and the agency which will be providing aftercare services. If authorized by written consent of the parent, guardian, or custodian, the facility shall provide to the receiving agency copies of the resident's records and discharge summary.

3. Consult with the receiving agency in situations involving placement for the purpose of ensuring that such placement reasonably meets the needs of the resident; and

4. Provide a written statement explaining the reasons for discharge to the receiving agency.

(e) Within fourteen (14) days of a resident's discharge from the facility, the facility shall compile and complete a written discharge summary for inclusion in the resident's record. The discharge summary shall include:

1. Name, address, phone number, and relationship of the person to whom the resident was released;

2. Description of circumstances leading to admission of the resident to the facility;

3. Significant problems of the resident;

4. Clinical course of the resident's treatment;

5. Assessment of remaining needs of the resident and alternative services recommended to meet those needs;

6. Special clinical management requirements including psychotropic drugs;

7. Brief descriptive overview of the aftercare plan designed for the resident; and

8. Circumstances leading to the unplanned or emergency discharge of the resident, if applicable.

(6) The facility shall request periodic follow-up reports from each agency providing services to the resident in accordance with the

aftercare plan, and shall be responsible for documenting the outcome of the aftercare plan as possible.

Section 12. Services. The facility shall provide the following services in a manner which takes into account and addresses the social life; emotional, cognitive, and physical growth and development; and the educational needs of the resident.

(1) Mental health services.

(a) Mental health assessments and evaluations shall be provided as required in Section 11 of this administrative regulation.

(b) The mental health services available through the residential treatment facility shall include the services listed below. These mental health services shall be provided [directly] by staff of the residential treatment facility:

1. Case coordination services to assure the full integration of all services provided to each resident. Case coordination activities include monitoring the resident's daily functioning to assure the continuity of service in accordance with the resident's treatment plan and ensuring that all staff responsible for the care and delivery of services actively participate in the development and implementation of the resident's treatment plan.

2. Planned on-site verbal therapies including formal individual, family, and group therapies. ~~[These therapies shall be provided on site.]~~ These therapies include psychotherapy and other face-to-face verbal contacts between staff and the resident which are planned to enhance the resident's psychological and social functioning as well as to facilitate the resident's integration into a family unit. Verbal contacts that are incidental to other activities are excluded from this service.

3. Task and skill training to enhance a resident's age appropriate skills necessary to facilitate the resident's ability to care for himself and to function effectively in community settings. Task and skill training activities include homemaking, housekeeping, personal hygiene, budgeting, shopping, and the use of community resources.

(2) Physical health services.

(a) The physical health services available through the residential treatment facility shall include the services listed below. Physical health services may be provided directly by the facility or may be provided by written agreement.

1. Assessments and evaluations as required in Section 11 of this administrative regulation;

2. Diagnosis, treatment, and consultation for acute or chronic illnesses occurring during the resident's stay at the facility or for problems identified during an evaluation;

3. Preventive health care services to include periodic assessments in accordance with the periodicity schedule established by the American Academy of Pediatrics;

4. A dental examination within six (6) months of admission, periodic assessments in accordance with the periodicity schedule established by the American Dental Association, and treatment as needed;

5. Health and sex education; and

6. An ongoing immunization program; and

- ~~7. A physical examination within five (5) days of the client's planned date of discharge from the facility].~~

(b) When physical health services are provided by written agreement with a provider of services other than the facility, the written agreement shall, at a minimum, address:

1. Referral of residents;

2. Qualifications of staff providing services;

3. Exchange of clinical information; and

4. Financial arrangements.

(3) Dietary services.

(a) The facility shall have written policies and procedures approved by the governing body for the provision of dietetic services for staff and residents which may be provided directly by the facility staff or through written contractual agreement.

(b) Adequate staff, space, equipment, and supplies shall be

## ADMINISTRATIVE REGISTER - 1975

provided for safe sanitary operation of the dietetic service, the safe and sanitary handling and distribution of food, the care and cleaning of equipment and kitchen area, and the washing of dishes.

(c) The nutritional aspects of resident's care shall be planned, reviewed, and periodically evaluated by a qualified dietitian registered by the Commission on Dietetic Registration and employed by the facility as a staff member or consultant.

(d) The food shall be served to residents and staff in a common eating place and:

1. Shall account for the special food needs and tastes of residents;
2. Shall not be withheld as punishment; and
3. Shall provide for special dietary need of residents such as those relating to problems, such as diabetes and allergies.

(e) Residents shall participate in the preparation and serving of food as appropriate.

(f) At least three (3) meals per day shall be served with not more than a fifteen (15) hour span between the substantial evening meal and breakfast. The facility shall arrange for and make provision for between-meal and unscheduled snacks.

(g) Except for school lunches and meals at restaurants, all members of a living unit shall be provided their meals together as a therapeutic function of the living unit.

(4) Emergency services.

(a) The facility shall provide for the prompt notification of the resident's parents, guardian, or custodian in case of serious illness, injury, surgery, or death.

(b) The facility shall provide or arrange for the training of all direct-care and professional staff in first aid and CPR.

(c) All staff shall be knowledgeable of a written plan and procedure for meeting potential disasters and emergencies such as fires or severe weather. The plan shall be posted. Staff shall be trained in properly reporting a fire, extinguishing a small fire, and in evacuation from the building. Fire drills shall be practiced in accordance with state fire administrative regulations.

(d) The facility shall have written procedures to be followed by staff in the event of a psychiatric, medical, or dental emergency of a resident that specifies:

1. Notification of designated member of the facility's chain of command;
2. Designation of staff person who shall decide to refer resident to outside treatment resources;
3. Notification of resident's parent, guardian, or custodian;
4. Transportation to be used;
5. Staff member to accompany resident;
6. Necessary consent and referral forms to accompany resident; and
7. Name, location, and telephone of designated treatment resources.

(e) The facility shall have designated treatment resources who shall have agreed to accept a resident for emergency treatment. At a minimum the resources shall include:

1. Licensed physician and an alternate designee;
2. Licensed dentist and an alternate designee;
3. Licensed hospital; and
4. Licensed hospital with an accredited psychiatric unit.

(5) Pharmacy services. The facility shall have written policies and procedures approved by the governing body for proper management of pharmaceuticals that are consistent with the following requirements:

(a) Medications shall be administered by a registered nurse, physician, or dentist, except in the case of a licensed practical nurse, certified medication aide, or ~~direct care staff [mental health associate]~~ under the supervision of a registered nurse. Direct care staff who administer medications ~~[A mental health associate]~~ shall have successfully completed the medicine administration course approved by the Kentucky Board of Nursing for use in child caring facilities;

(b) Medications shall not be given without a written order signed

by a physician, or dentist when applicable, or advanced registered nurse practitioner as authorized in KRS 314.011(8) and 314.042(8), or therapeutically-certified optometrist as authorized in KRS 320.240(14). Telephone orders for medications shall be given only to registered nurses or a pharmacist and signed by the physician, dentist, advanced registered nurse practitioner or therapeutically-certified optometrist within twenty-four (24) hours from the time the order is given;

(c) Psychotropic medications shall be prescribed only when clinically indicated as one (1) facet of a program of therapy. The facility shall ensure that no stimulant or psychotropic medication is administered solely for the purpose of program management or control, and that no medication is prescribed for the purposes of experimentation or research;

(d) All medications shall require "stop orders";

(e) All prescriptions shall be reevaluated by the prescriber prior to its renewal;

(f) There shall be a systematic method for prescribing, ordering, receipting, storing, dispensing, administering, distributing and accounting for all medications;

(g) The facility shall provide maximum security storage of and accountability for all legend medications, syringes, and needles;

(h) Self-administration of medication shall be permitted only when specifically ordered by the responsible physician and supervised by a member of the professional staff or a mental health associate. Drugs to be self-administered shall be stored in a secured area and be made available to the resident at the time of administration;

(i) Residents permitted to self-administer drugs shall be counseled regarding the indications for which the drugs are to be used, the primary side effects, and the physical dosage forms which are to be administered;

(j) Drugs brought into the facility by residents shall not be administered unless they have been identified and unless written orders to administer these specific drugs are given by the responsible physician. Otherwise these drugs are to be packaged, sealed, and stored, and, if approved by the responsible physician, returned to the resident, parent, guardian, or custodian at the time of discharge.

(6) Education and vocational services.

(a) Educational and vocational services available through the facility shall include the minimum requirements of Kentucky Revised Statutes and federal laws and regulations regarding regular education, vocational education, and special education as appropriate to meet the needs of the residents.

1. Educational services may be provided [directly] by:

a. The facility;

b. ~~[- or may be provided by written agreement with]~~ The local school district in which the facility is located; or

c. ~~[with]~~ A nonpublic school program which is specially accredited and approved by the Kentucky Department of Education to provide special education services to students with disabilities.

2. If the educational services are provided by the facility, the school program must be specially accredited and approved by the Kentucky Department of Education to provide special education services to students with disabilities.

3. Educational services provided by a local school district may be provided within the facility or within the local school district.

4. The facility's multidisciplinary team shall make a recommendation concerning the delivery site of educational services provided by a local school district that is based on least restrictive environment determinations for individual residents.

5. In any case, education services approved by the Department of Education shall be available either on the same site or in close physical proximity to the residential treatment facility.

(b) When the education services are not provided directly by the facility, there shall be a written plan for the provision of ~~[agreement between the provider of]~~ education services ~~[and the facility]~~. The education provider shall be a state education department-approved

## ADMINISTRATIVE REGISTER - 1976

program. The written plan [agreement] shall, at a minimum, address:

1. Qualifications of staff providing educational services;
2. Participation of educational and vocational staff in the treatment planning process;
3. Access by staff of the facility to educational and vocational programs and records; and
4. Financial and service arrangements.

(c) The facility shall ensure that residents have opportunities to be educated in the least restrictive environment consistent with the treatment needs of the resident as determined by the multidisciplinary team and reflected in the resident's master treatment plan.

(d) Upon admission each resident of school age shall have been certified or be referred for assessment as a child with a disability pursuant to 20 USC 1400.

(e) The facility shall ensure that education services are developed and implemented in conjunction with the master treatment plan and meet the following requirements:

1. The resident's teacher shall be a member of the multidisciplinary team, when possible.

2. Each resident's master treatment plan shall include formal academic goals for remediation and continuing education.

3. Each resident eligible for special education services to the handicapped shall have treatment activities developed by the multidisciplinary team, which may be incorporated into the individualized treatment plan developed by the local school district. The multidisciplinary team shall develop treatment activities which extend into the classroom as appropriate. The program director or designee shall request an invitation to attend all individualized treatment plan meetings. If allowed, the program director or designee shall attend all individualized treatment plan meetings.

4. To avoid unnecessary duplication and make maximum use of resources, the services provided by the education and treatment components for children with disabilities pursuant to 20 USC 1400 shall be developed with the opportunity for input from both parties.

(f) The facility shall provide or arrange for vocational services for residents, as is age appropriate and is in accordance with the master treatment plan. The services shall be planned, implemented and supervised by a vocational counselor or appropriate therapist who may be a full- or part-time employee of the facility or a consultant.

(g) Residents may be permitted to accumulate earnings in a bank account established with the resident by the facility.

(7) Activity services.

(a) [The recreational therapist shall prepare] A daily schedule of planned recreational activities shall be prepared for the approval of the clinical director prior to implementation of the schedule.

1. The schedule shall be for normal waking hours that residents are not in school, or in active treatment.

2. The schedule shall include a full range of activities including physical recreation, team sports, art, and music; attendance at recreational and cultural events in the community; and individualized, directed activities like reading and crafts.

3. Nondirected leisure time shall be limited to two (2) one-half (1/2) hour periods on school days and three (3) one-half (1/2) hour periods on nonschool days.

4. The activity schedule shall identify the professional or direct-care staff who will lead and support each activity.

5. Changes made to the schedule as the schedule is implemented shall be indicated on a copy of each daily schedule maintained as a permanent record by the clinical director.

(b) [The recreational therapist shall direct, consult with, and train staff responsible for leading the scheduled activities.]

(c) The recreational therapist shall evaluate the effectiveness of the activity services.

(d) Appropriate time, space, and equipment shall be provided by the facility for leisure activity and free play.

(c) [(e)] The facility shall provide the means of observing holidays and personal milestones in keeping with the cultural and religious

background of the residents.

(8) Speech, language, and hearing services. The facility shall provide or arrange for speech, language, and hearing services to meet the identified needs of residents. These services shall be provided by the facility or through written agreement with a qualified speech-language and hearing clinician. The written agreement shall, at a minimum, address:

- (a) Referral of residents;
- (b) Qualifications of staff providing services;
- (c) Exchange of clinical information; and
- (d) Financial arrangements.

Section 13. Special Treatment Procedures. (1) Special treatment procedures include procedures such as restraint or seclusion and holding which may have abuse potential or be life threatening. Special treatment shall be used only as a means to prevent a resident from injuring himself or others or to prevent serious disruption of the therapeutic environment.

(2) Special treatment procedures shall not be used as punishment or as a convenience of staff.

(3) Special treatment procedures may be used only by trained, clinically-privileged staff.

(4) The facility shall have a written plan approved by the governing body for the use of special treatment procedures which at a minimum meet the following requirements:

(a) Any use of special treatment procedures requires clinical justification;

(b) A rationale and the clinical indications for the use of special treatment procedures shall be clearly stated in the resident's record for each occurrence. The rationale shall address the inadequacy of less restrictive intervention techniques;

(c) The plan shall specify the length of time for which a specific approval remains effective; [and]

(d) The plan shall specify the length of time the special treatment procedure may be utilized; and

(e) The plan shall specify when continued or repeated special treatment procedures shall trigger multidisciplinary team review.

(5) Restraint or seclusion may be ordered or carried out only after the physician who is authorizing the use of the procedure has conducted a clinical assessment or has consulted with a mental health professional [member of the clinical staff] who has conducted a clinical assessment of the resident.

(6) Each written order for restraint or seclusion shall be time limited and shall not exceed twenty-four (24) hours. No PRN orders for restraint or seclusion may be written.

(7) Restraint or seclusion may be utilized in an emergency by trained, clinically-privileged staff. The emergency implementation of restraint or seclusion shall not exceed thirty (30) minutes at which time a physician staff member's oral order is required if use of the procedure is to continue. The physician's written order to confirm restraint or seclusion shall be entered in the resident's record as soon as possible, but not more than twenty-four (24) hours after the implementation of the procedure.

(8) ~~[Use of restraint or seclusion for a period of twenty-four (24) hours shall be approved by a committee made up of the professional staff, the clinical director, and the program director prior to the expiration of the first twenty-four (24) hour order.]~~

(9) Staff who implement special treatment procedures shall have documented training in the proper use of the procedure used and shall be certified in physical management by a nationally recognized training program in which certification is obtained through skilled-out testing.

(9) [(10)] A [professional or direct-care] staff member shall be constantly, physically present with a resident in restraint; and attention shall be given in regard to regular meals, bathing and use of the toilet. This attention shall be documented in the resident's record.

(10) [(11)] A [professional or direct-care] staff member [person]

## ADMINISTRATIVE REGISTER - 1977

shall always be in the seclusion room with a resident twelve (12) years of age or under so long as the staff member [person] is not placed in undue physical danger due to the relative size and strength of the resident who is in seclusion. Attention shall be given in regard to regular meals, bathing and use of the toilet. This attention shall be documented in the resident's record.

(11) [(+2)] Constant visual attention through physical presence, remote video, or window shall be paid to an adolescent who is in seclusion and over twelve (12) years of age or a resident who is under twelve (12) years of age if the staff member [person] would be placed in undue physical danger due to the resident's relative size and strength. A [Professional or direct care] staff member shall check the resident's breathing and talk to the resident every fifteen (15) minutes and shall attend to the resident's regular meals, bathing, and use of the toilet. This attention shall be documented in the resident's record.

(12) [(+3)] At no time may a procedure be used in a manner that causes undue physical discomfort, harm, or pain to a resident.

(13) [(+4)] All uses of special treatment procedures shall be reviewed on a daily basis by the clinical director and evaluated by him for the possibility of unusual or unwarranted patterns of use.

(14) [(+5)] A facility shall not use extraordinary risk procedures including, but not limited to experimental treatment modalities, psychosurgery, aversive conditioning, electroconvulsive therapies, behavior modification procedures that use painful stimuli, unusual medications, and investigational and experimental drugs.

(15) [(+6)] Unusual treatment shall require the informed consent of the resident and parent, guardian, or custodian prior to the provision of unusual treatment as follows:

(a) The proposed unusual treatment shall be reviewed and interpreted by one (1) or more persons legally qualified to prescribe treatment addressing the rationale for use, methods to be used, specified time to be used, who will provide the treatment, and the methods that will be used to evaluate the efficacy of the treatment.

(b) The potential risks, side effects, and benefits of the proposed unusual treatment shall be explained, verbally and in writing, to the resident and the parent, guardian, or custodian prior to their granting approval for the unusual treatment. The approval shall be given in writing prior to implementation of the treatment.

Section 14. Housekeeping Services. (1) The facility shall have policies and procedures for and services which maintain a clean, safe, and hygienic environment for residents and facility personnel. Policies and procedures shall include guidelines for at least the following:

(a) The use, cleaning, and care of equipment;

(b) Assessing the proper use of housekeeping and cleaning supplies;

(c) Evaluating the effectiveness of cleaning; and

(d) The role of the facility staff in maintaining a clean environment.

(2) A laundry service shall be provided by the facility or through contractual agreement.

(3) Pest control shall be provided by the facility or through contractual agreement.

Section 15. Infection Control. (1) Because infections acquired in a facility or brought into a facility from the community are potential hazards for all persons having contact with the facility, there shall be an infection control program developed to prevent, identify, and control infections.

(2) Written policies and procedures pertaining to the operation of the infection control program shall be established, reviewed at least annually, and revised as necessary.

(3) A practical system shall be developed for reporting, evaluating, and maintaining records of infections among residents and personnel.

(4) The system shall include assignment of responsibility for the ongoing collection and analysis of data, as well as for the im-

plementation of required follow-up actions.

(5) Corrective actions shall be taken on the basis of records and reports of infections and infection potentials among residents and personnel and shall be documented.

(6) All new employees shall be instructed in the importance of infection control and personal hygiene and in their responsibility in the infection control program.

(7) The facility shall document that in-service education in infection prevention and control is provided to all services and program components.

TIMOTHY L. VENO, Inspector General

JOHN MORSE, Secretary

JOHN H. WALKER, Attorney

APPROVED BY AGENCY: February 12, 1998

FILED WITH LRC: February 13, 1998 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 23, 1998, at 9 a.m., at the Health Services Auditorium, 1st Floor, CHR Building. Individuals interested in attending this hearing shall notify this agency in writing by March 16, 1998, 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, in which case the person requesting the transcript shall be responsible for payment. 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: Mae B. Lewis, Cabinet Regulation Coordinator, Cabinet for Health Services, Office of the General Counsel, 275 East Main Street, 4W-C, Frankfort, Kentucky 40621, Telephone: (502) 564-7905, Fax: (502) 564-7573.

### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Ralph Von Derau

(1) Type and number of entities affected: There are presently 12 psychiatric residential treatment facilities licensed pursuant to KRS 216B.042 and 216B.105.

(2) Direct and indirect costs or savings to those affected:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comment received: No public comments addressing this issue 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 comments addressing this issue 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: No additional reporting requirements imposed.

2. Second and subsequent years: None

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: No direct or indirect costs should be associated with this program beyond printing this new regulation.

1. First year: \$500 for printing regulation.

2. Continuing costs or savings: No additional costs or savings, since reprinting of regulations is provided for in the continuing budget.

3. Additional factors increasing or decreasing costs: No additional factors.

(b) Reporting and paperwork requirements: No additional paperwork.

## ADMINISTRATIVE REGISTER - 1978

(4) Assessment of anticipated effect on state and local revenues: No effect.

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

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: No public comments addressing this issue were received.

(b) Kentucky: No public comments addressing this issue were received.

(7) Assessment of alternative methods; reasons why alternatives were rejected: KRS Chapter 216B mandates that minimum standards be established for licensure.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: These are minimum health care standards intended to protect the public.

(b) State whether a detrimental effect on environment and public health would result if not implemented: No

(c) If detrimental effect would result, explain detrimental effect:

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

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions?

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? No. This is a licensure program and, as such, applies to all licensed services.

### CABINET FOR HEALTH SERVICES Office of Inspector General Division of Licensing and Regulation (Amendment)

#### 902 KAR 20:330. Psychiatric residential treatment facilities.

RELATES TO: KRS 216B.010 to 216B.130, 216B.450 to 216B.459, 216B.990

STATUTORY AUTHORITY: KRS 216B.042, 216B.105, EO 96-862

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216B.042 and 216B.105 mandate [mandates] that the Kentucky Cabinet for Health Services [Human Resources] regulate health facilities and services. This administrative regulation provides for the minimum licensure requirements regarding physical plant requirements for psychiatric residential treatment facilities. This administrative regulation is intended to allow existing facilities or residential occupancies, with modifications, to be licensed in this category of health care. Executive Order 96-862, effective July 2, 1996, reorganizes the Cabinet for Human Resources and places the Office of Inspector General and its programs under the Cabinet for Health Services.

Section 1. Definitions. (1) "Certificate of need" is defined in KRS 216B.015(7). "Psychiatric residential treatment facility (PRTF)" means freestanding facility with a maximum of eight (8) beds, except for those facilities licensed prior to April 9, 1992, which provides inpatient psychiatric residential treatment to residents age six (6) to twenty-one (21) who are capable of self-preservation during an internal disaster. Any entity which has obtained approval for a certificate of need for a sixteen (16) bed facility prior to March 26, 1992, may be licensed by the cabinet as two (2) eight (8) bed facilities located on a common campus. After the effective date of this administrative regulation, no PRTF shall be licensed to be located on property which is contiguous

with another licensed PRTF or psychiatric hospital, except as provided for in this subsection.]

(2) "Freestanding" means a completely detached building.

(3) "Licensure agency" means the Division for Licensing and Regulation in the Office of the Inspector General, Cabinet for Health Services. [Human Resources]

(3) "Certificate of need" means an authorization by the Commission for Health Economics Control in Kentucky or the Interim Office of Health Planning and Certification or its successor agency to proceed with any acquisition, initiation, construction or expansion pursuant to KRS Chapter 216B.

(4) "License" means an authorization issued by the cabinet for the operation of a residential treatment facility.]

(4) [(5)] "Living unit" means the area within a single building that is supplied by the facility for daily living and therapeutic interaction of the residents. There shall be no more than [a maximum of] eight (8) residents per living unit.

(5) "Psychiatric residential treatment facility (PRTF)" is defined in KRS 216B.450(4).

[(6)] "Freestanding" means a completely detached and separate building, street access, telephone service, dining and street address.]

Section 2. Preparation and Approval of Plans and Specifications. After receiving certificate of need [from the Commission for Health Economics Control in Kentucky or the Interim Office of Health Planning and Certification or its successor agency, if necessary,] the following procedures shall be followed:

(1) Before construction shall begin for the erection of new buildings or alterations to existing buildings or any changes in facilities, the licensee or applicant shall submit plans in the detail specified in Section 3 of this administrative regulation to the licensure agency for approval.

(2) All architectural, mechanical and electrical drawings shall bear either the seal of a professional engineer registered in the Commonwealth of Kentucky, or an architect registered in the Commonwealth of Kentucky.

(3) Drawings shall not exceed thirty-six (36) inches by forty-six (46) inches when trimmed.

(4) All such plans and specifications shall be approved by the licensure agency prior to commencement of construction of new buildings or alterations of existing buildings.

(5) Plans and specifications in specific detail as required by the Kentucky Building Code shall be submitted together with architectural or engineering stamps as required by KRS Chapters 322 and 323, to the Department of Housing Buildings and Construction for determining compliance with the Kentucky Building Code. Plans and specifications shall be approved by the Department of Housing, Buildings and Construction and appropriate local building permits shall be obtained prior to commencement of construction.

(6) Access to the work. Representatives of the appropriate state agencies shall have access at all reasonable times to the work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

Section 3. Compliance with Building Codes, Ordinances and Regulations.

(1) General. The PRTF shall be in compliance with building codes, ordinances, and regulations which are enforced by city, county, or state jurisdictions.

(2) The following requirements shall apply where applicable and as adopted by the respective agency authority:

(a) Requirements for fire safety pursuant to 815 KAR 10:050 [10:020].

(b) Requirements for plumbing pursuant to 815 KAR 20:010 through 20:191.

(c) Requirements for elevators pursuant to 815 KAR 4:010 through 4:025.



## ADMINISTRATIVE REGISTER - 1979

(d) Requirements for making buildings and facilities accessible to and usable by persons with disabilities [the physically handicapped; pursuant to KRS 198B.260 and administrative regulations promulgated thereunder].

(3) Prior to occupancy, the facility shall have final approval from appropriate agencies.

(4) All facilities shall be currently approved by the Department of Housing, Buildings and Construction before licensure and relicensure is granted by the licensure agency.

Section 4. Facility Requirements and Special Conditions. (1) Facilities shall be accessible to and usable by persons with disabilities in compliance [available to the public, staff, and residents who may be physically handicapped with special attention given to ramps; drinking fountain height, mirrors, and shall comply] with the provisions of the Americans With Disabilities Act.

(2) Access to the facility shall be by means of a paved or gravel roadway which shall be available for use by traffic prior to a license being issued to a facility for occupancy.

(3) A copy of the narrative program for each project shall be provided to the licensure agency by the sponsor which describes the functional space requirements, staffing patterns, departmental relationships, and other basic information relating to the fulfillment of the objectives of the facility.

(4) The [extent (number and types of rooms)] of the diagnostic, clinical, and administrative facilities to be provided shall be determined by the services to be provided and the estimated patient load as described in the narrative program.

Section 5. Living Unit. A living unit shall be located within a single building and shall include: [The following shall be included:]

(1) Bedrooms.

(a) Bedrooms shall not be used to sleep more than two (2) children and shall have clearances of at least three (3) feet between each bed, and four (4) feet from the foot of the beds.

(b) Bedrooms shall be equipped with a bed for each resident. Beds shall be not less than thirty-six (36) inches wide nor less than five (5) feet in length and shall be long and wide enough to accommodate the resident's size. A mattress cover, two (2) sheets and a pillow and such bed covering as is required to keep the resident comfortable, shall be provided for each bed. Rubber or impervious sheets shall be placed over the mattress cover when appropriate. Each bed shall be equipped with a support mechanism and a clean mattress.

(c) Beds occupied by residents shall be placed so that no child may experience discomfort because of proximity to radiators, heat outlets, or exposure to drafts.

(d) There shall be separate sleeping quarters for males and females.

(e) Residents shall not be housed in rooms, detached buildings, or other enclosures which have not been previously inspected and approved for residential use by the licensure agency and the Department of Housing, Buildings and Construction.

(2) Bathrooms.

(a) Each living unit shall have a minimum of one (1) wash basin with hot and cold water, one (1) flush toilet, and one (1) bath or shower with hot and cold water for every four (4) residents, or fraction thereof, residing within the living unit. (Separate toilet and bath/shower facilities shall be provided for each sex.)

(b) Each bathroom shall be supplied with toilet paper, towels, soap, and wastebaskets.

(c) Where more than one (1) toilet is provided in the same room, each toilet shall be partitioned and include a door capable of remaining closed which affords full visual privacy.

(d) Bathtubs and showers shall have enclosures or screens for individual privacy. Shower heads shall be of institutional safety type.

(e) At least one (1) bathing facility shall have space for a

wheelchair resident with an assisting attendant. It may serve both sexes.

(f) Each bathroom shall contain at least one (1) nondistorting mirror secured to the wall at a convenient height for both individuals with disabilities and other residents.

(g) The bathrooms shall not be constructed to create a thoroughfare bathroom to bedrooms. The bathroom shall only have one (1) door.

(3) Wardrobe or closet for each resident. Minimum clear dimensions: one (1) foot and ten (10) inches deep by one (1) foot and eight (8) inches wide with full length hanging space; provide clothes rod and shelf. Additional areas shall be provided for storage of resident's winter coats, raincoats and other bulky articles of clothing, etc. Those areas shall be key-locked and under staff control.

(4) Desk and chair for each resident. Minimum clear dimensions: for the desk: one (1) foot and six (6) inches deep by three (3) feet wide by two (2) feet high.

(5) Window. Degree of security required shall be as determined by the program. Where glass fragments may create a hazard, safety glazing or other appropriate security features shall be incorporated.

(6) If a staff call system is included, provisions shall be made to permit removal of call buttons or use of blank plates as appropriate.

(7) Bedrooms shall not be located more than (60) feet from the duty station, and the door shall be within visual contact with the duty station.

(8) Rooms shall not be used as a resident bedroom where the access is through another resident's bedroom.

(9) Resident's living, dining, and recreation area:

(a) The total area provided for living and recreation shall be not less than forty (40) square feet per resident;

(b) The total area providing for dining shall not be less than fifteen (15) square feet per resident.

(c) The living area shall provide comfortable seating for at least ten (10) persons.

(d) Indoor recreation equipment in good condition and appropriate for the ages of residents on the living unit shall be provided and maintained.

(e) Storage shall be provided for recreational equipment and supplies. (Such as wall cabinets or closets.)

(f) The facility shall provide space for outdoor recreation activities for residents. The outdoor area shall be free from litter, glass and other objects which pose undue safety hazards to residents.

(g) Outdoor recreation equipment in good condition and appropriate for the age of the residents shall be provided and maintained.

(10) Service areas for each living unit. The size and location of each area will depend on the number of residents served and shall include:

(a) Duty station. Adequate space for charting and other required administrative functions shall be provided.

(b) Medicine area. Provision shall be made for twenty-four (24) hours distribution of medicine to residents. This may be from a medicine preparation room or unit, a self-contained medicine dispensing unit, or by another approved system. If a medicine preparation room or unit is used it shall be under the treatment staff's visual control and contain a work counter, refrigerator, sink and locked storage for biologicals and drugs. If a medicine dispensing unit is used it may be located at the duty station, in a clean workroom, or in an alcove under direct control of the treatment or pharmacy staff. The controlled substances shall be kept under double lock.

(c) Clean linen storage shall be kept in an enclosed room.

(11) Each living unit shall be equipped with a working sink, stove and refrigerator, unless a kitchen is directly available within the same building as the living unit.

(12) A living unit shall house a maximum of eight (8) residents.

Section 6. Kitchen Area. If a commercial service is used or meals



## ADMINISTRATIVE REGISTER - 1980

provided by an adjacent facility, dietary areas and equipment shall be designed to accommodate the requirements for sanitary, efficient and safe storage, processing, and handling, otherwise the following shall be provided:

- (1) Food serving facilities to accommodate residents and staff.
- (2) Refrigerated storage to accommodate a three (3) day supply minimum.
- (3) Dry storage to accommodate a three (3) day supply minimum.
- (4) Janitor's closet. Storage for housekeeping supplies and equipment. A locked area shall be provided for hazardous materials.

Section 7. Administration Area. Sufficient space shall be allotted for administrative operations.

Section 8. Consultation and Visitation Rooms. Professional consultation rooms shall be provided which provide for the privacy and dignity of the patient during interview, examination, treatment, and visitation.

Section 9. Pharmacy or Drug Area. There shall be adequate facilities for the safe storage and handling of pharmaceuticals including double locking of controlled substances and refrigeration for biologicals and drugs which require refrigeration.

Section 10. Seclusion Room. A seclusion room may be provided. The room shall be located in a manner affording direct observation of the patient by the nursing staff. This room shall be completely padded and be constructed to minimize the resident's hiding, escape, injury or suicide. The seclusion room is intended for short term occupancies by residents who may have become violent or suicidal. Special fixtures, hardware, furniture or other items which might potentially endanger the safety of the secluded resident shall not be placed in the room. Electrical switches, receptacles, etc. shall not be provided in the rooms. Doors shall swing outward and have provisions for staff observation while maintaining privacy from public and other patients. The room shall be designed to allow for the constant visual inspection of the entire room.

Section 11. Storage and Service Areas. The following shall be included:

- (1) Sufficient storage space shall be provided.
- (2) Engineering service and equipment areas. The following shall be provided where applicable:
  - (a) Storage room for housekeeping equipment. (Need not be provided if space is available in janitor's closets or elsewhere);
  - (b) Refuse area, for holding trash prior to disposal, shall be located convenient to service entrance.

Section 12. Details and Finishes. A high degree of safety for the occupants in minimizing the incidence of accidents shall be provided. Hazards such as sharp corners shall be avoided. All details and finishes shall meet the following requirements:

- (1) Details.
  - (a) All doors opening onto corridors shall be swing-type except elevator doors. Alcoves and similar spaces which generally do not require doors are excluded from this requirement.
  - (b) All doors to resident room toilet rooms shall swing outward or shall be equipped with hardware which will permit access in any emergency.
  - (c) Thresholds and expansion joint covers, if used, shall be flush with the floor.
  - (d) ~~Lavatories intended for use by residents shall be installed to permit wheelchairs to slide under.~~
  - (e) ~~Mirrors shall be arranged for convenient use by residents in wheelchairs as well as by residents in standing position.~~
  - (f) Towel rack or dispensers shall be provided at all lavatories and sinks used for handwashing.

- (e) ~~(f)~~ Ceiling heights shall not be less than seven (7) feet and six (6) inches.

(2) Finishes.

(a) Floors generally shall be easily cleanable and shall have the wear resistance appropriate for the location involved. Floors in kitchen and related spaces shall be waterproof and grease-proof. In all areas where floors are subject to wetting, they shall have a nonslip finish.

(b) Adjacent dissimilar floor materials shall be flush with each other to provide an unbroken surface.

(c) Walls generally shall be washable and in the immediate area of plumbing fixtures, the finish shall be moisture-proof. Wall bases in dietary areas shall be free of spaces that can harbor insects.

(d) Ceilings generally shall be washable or easily cleanable. This requirement does not apply to mechanical and building equipment rooms, shops and similar spaces.

(e) Rooms containing heat-producing equipment such as laundries and food preparation areas shall be insulated and ventilated to prevent any floor surface from exceeding a temperature of ten (10) degrees Fahrenheit above the ambient room temperature.

Section 13. Construction. Foundations shall rest on natural solid ground if a satisfactory soil is available at reasonable depths. Proper soil bearing values shall be established in accordance with recognized standards. If solid ground is not encountered at practical depths, the structure shall be supported on driven piles or drilled piers designed to support the intended load without detrimental settlement.

Section 14. Mechanical Requirements. (1) Steam and hot water systems. If boilers are provided in residential treatment facilities the design and installation shall comply with 815 KAR 15:010 through 15:080.

(2) Temperature.

(a) A minimum temperature of sixty-eight (68) degrees Fahrenheit shall be provided for in occupied areas in winter conditions.

(b) A maximum temperature of eighty-five (85) degrees Fahrenheit shall be provided for in occupied areas in summer conditions.

(3) Plumbing and other piping systems. All showers and bathtubs shall be equipped with a temperature control device ~~[antiscald thermostatic mixing valves]~~ which controls hot water at a maximum temperature of 110 degrees Fahrenheit. Fixtures used in the dietary area, the clean work room and medi/prep area shall be trimmed with valves which can be operated without the use of hands. Where blade handles are used for this purpose, they shall be approximately four (4) inches in length. The fixtures shall be installed to provide adequate side clearances for proper use of the blade handles.

(4) Water supply systems.

(a) System shall be designed to supply water to the fixtures and equipment on the upper floors at a minimum pressure of fifteen (15) pounds per square inch during maximum demand periods.

(b) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.

(c) Hot, cold and chilled water piping and waste piping on which condensation may occur shall be insulated. Insulation of cold and chilled water lines shall include an exterior barrier.

(d) Backflow preventers (vacuum breakers) shall be installed on hose bibs and on all fixtures to which hoses or tubing can be attached such as janitor's sinks and bedpan flushing attachments.

(e) Hot water distribution systems shall be arranged to provide hot water at each fixture at all times.

(f) Piping over food preparation centers, food serving facilities, food storage areas, and other critical areas shall be kept to a minimum and shall not be exposed. Special precautions shall be taken to protect these areas from possible leakage of, or condensation from necessary overhead piping systems.

(5) Hot water heaters and tanks.

(a) The hot water heating equipment shall have sufficient capacity

## ADMINISTRATIVE REGISTER - 1981

to supply the water at the temperature and amounts indicated below:

Gal/hr/bed	6 1/2
Temperature (Degrees Fahrenheit)	100-110

(b) Storage tank(s) shall be provided and shall be fabricated of corrosion-resistant metal, or have noncorrosive lining.

(6) Plumbing approval. Prior to licensure and relicensure, all specifications shall be approved by the Kentucky Division of Plumbing, Department of Housing, Buildings and Construction.

Section 15. Electrical Requirements. (1) General. Electrical requirements of the Kentucky Building Code shall apply where applicable.

(2) The wiring in each home shall be inspected by a certified electrical inspector and a certificate of approval shall be issued, to the facility, prior to occupancy; however, the wiring in existing buildings shall be approved by a certified electrical inspector only when the building has not been previously so approved for health care occupancy or where the State Fire Marshal finds that a hazardous condition exists.

(3) Switchboard and power panel. All breakers and switches shall be indexed.

(4) Lighting.

(a) All spaces occupied by people, machinery, and equipment within buildings, and the approaches thereto, and parking lots shall have electric lighting.

(b) Residents' bedrooms shall have general lighting. A reading light shall be provided for each resident when appropriate. Residents' reading lights and other fixed lights not switched at the door shall have switch controls convenient for use at the luminary. Night lights shall be provided in each resident's room.

(5) Receptacles (convenience outlets).

(a) Bedroom. Each resident bedroom shall have duplex receptacles as follows: one (1) side of the head of each bed; receptacles for luminaries, television and motorized beds, if used, and one (1) receptacle on another wall. Receptacles shall be of a safety type or protected with five (5) milliamperes ground fault interrupters.

(b) Corridors. Duplex receptacles for general use shall be installed approximately fifty (50) feet apart in all corridors and within twenty-five (25) feet of ends of corridors. Receptacles shall be of a safety type or protected with five (5) milliamperes ground fault interrupters.

TIMOTHY L. VENO, Inspector General

JOHN MORSE, Secretary

JOHN H. WALKER, Attorney

APPROVED BY AGENCY: February 12, 1998

FILED WITH LRC: February 13, 1998 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 23, 1998, at 9 a.m., at the Health Services Auditorium, 1st Floor, CHR Building. Individuals interested in attending this hearing shall notify this agency in writing by March 16, 1998, 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, in which case the person requesting the transcript shall be responsible for payment. 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: Mae B. Lewis, Cabinet Regulation Coordinator, Cabinet for Health Services, Office of the General Counsel, 275 East Main Street, 4W-C, Frankfort, Kentucky 40621, Telephone: (502) 564-7905, Fax: (502) 564-7573.

## REGULATORY IMPACT ANALYSIS

Agency Contact Person: Ralph Von Derau

(1) Type and number of entities affected: There are presently 12 psychiatric residential treatment facilities licensed pursuant to KRS 216B.042 and 216B.105.

(2) Direct and indirect costs or savings to those affected:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comment received: No public comments addressing this issue 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 comments addressing this issue 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: No additional reporting requirements imposed.

2. Second and subsequent years: None

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: No direct or indirect costs should be associated with this program beyond printing this new regulation.

1. First year: \$500 for printing regulation.

2. Continuing costs or savings: No additional costs or savings, since reprinting of regulations is provided for in the continuing budget.

3. Additional factors increasing or decreasing costs: No additional factors.

(b) Reporting and paperwork requirements: No additional paperwork.

(4) Assessment of anticipated effect on state and local revenues: No effect.

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

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: No public comments addressing this issue were received.

(b) Kentucky: No public comments addressing this issue were received.

(7) Assessment of alternative methods; reasons why alternatives were rejected: KRS Chapter 216B mandates that minimum standards be established for licensure.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: These are minimum health care standards intended to protect the public.

(b) State whether a detrimental effect on environment and public health would result if not implemented: No

(c) If detrimental effect would result, explain detrimental effect:

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

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions?

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? No. This is a licensure program and, as such, applies to all licensed services.

## ADMINISTRATIVE REGISTER - 1982

### CABINET FOR HEALTH SERVICES Department for Public Health Division of Public Health Protection and Safety (Amendment)

#### 902 KAR 100:019. Standards for protection against radiation.

RELATES TO: KRS 211.842 to 211.852, 211.990(4), 10 CFR 20.1001-20.1906, 20.2101-20.2204, 20.2206, Appendixes A, B to 20.1001-20.2401, 40 CFR 190, 49 CFR 100-180, 173.403(m),(w), 173.421-173.424

STATUTORY AUTHORITY: KRS 13B.170, 194.050, 211.090, 211.844, 10 CFR 10.1001-20.1906, 20.2101-20.2204, 20.2206, Appendixes A, B to 20.1001-20.2401, 40 CFR 190, 49 CFR 100-180, 49 CFR 173.403(m),(w), 173.421-173.424, EO 96-862

NECESSITY, FUNCTION, AND CONFORMITY: Executive Order 96-862, effective July 2, 1996, reorganizes the Cabinet for Human Resources and places the Department for Public Health and its programs under the Cabinet for Health Services. KRS 211.844 authorizes the Cabinet for Health Services [~~Human Resources~~] to provide by administrative regulation for the registration and licensing of the possession or use of sources of ionizing or electronic product radiation and the handling and disposal of radioactive waste. This administrative regulation provides standards for the protection of the user and general public against radiation exposure and shall establish standards for protection against ionizing radiation resulting from activities conducted by persons issued licenses or registrations by the cabinet. This administrative regulation provides standards to control the receipt, possession, use, transfer, and disposal of sources of radiation by a person, licensee, or registrant so the total dose to an individual (including doses resulting from licensed and unlicensed radioactive material and radiation sources other than background radiation) shall not exceed the standards for protection against radiation prescribed in this administrative regulation. 902 KAR 100:020 and 902 KAR 100:025 are repealed due to the promulgation of new radiation standards by the U.S. Nuclear Regulatory Commission in 10 CFR 20.

Section 1. Radiation Protection Implementation. (1) This administrative regulation shall not limit actions required in order to protect against an immediate danger to public health and safety.

(2) This administrative regulation shall apply to a person licensed or registered by the cabinet to receive, possess, use, transfer, or dispose of sources of radiation.

(3) The limits in this administrative regulation shall not apply to doses due to background radiation, exposure of patients to radiation for the purpose of medical diagnosis or therapy, or voluntary participation in medical research programs.

Section 2. Radiation Protection Programs. A person, licensee, or registrant shall:

(1) Develop, document, and implement a radiation protection program commensurate with the scope and extent of their activities and sufficient to ensure compliance with the provisions of this administrative regulation.

(2) Use procedures and engineering controls based upon sound radiation protection principles to achieve occupational doses and doses to members of the public that shall be as low as reasonably achievable (ALARA) pursuant to 902 KAR 100:015, Section 2.

(3) Annually review the radiation protection program content and implementation.

(4) Establish a constraint on air emissions of radioactive material to the environment, excluding radon-222 and its daughters, to implement the ALARA requirements of subsection (2) of this section and in addition to the requirements of Section 10 of this administrative regulation.

(a) These constraints shall be established so that the individual

member of the public likely to receive the highest dose will not be expected to receive a total effective dose equivalent in excess of ten (10) millirems (0.1 mSv) per year from these emissions.

(b) A licensee, if required to establish these constraints, shall report an exceedance as provided in Section 40 of this administrative regulation and take appropriate corrective action to ensure against recurrence.

Section 3. Occupational Dose Limits for Adults. (1) A person, licensee, or registrant shall control the occupational dose to individual adults, except for planned special exposures as described in Section 7 of this administrative regulation, to the following dose limits:

(a) An annual limit, which shall be the more limiting of the:

1. Total effective dose equivalent being equal to five (5) rems (0.05 sievert (Sv)); or

2. Sum of the deep-dose equivalent and the committed dose equivalent to an individual organ or tissue other than the lens of the eye being equal to fifty (50) rems (five-tenths (0.50) Sv).

(b) The annual limits to the lens of the eye, the skin, and the extremities shall be:

1. An eye dose equivalent of fifteen (15) rems (0.15 Sv); and

2. A shallow-dose equivalent of fifty (50) rems (five-tenths (0.50) Sv) to the skin or to each of the extremities.

(2) Doses received in excess of the annual limits, including doses received during accidents, emergencies, and planned special exposures, shall be subtracted from the limits for planned special exposures that the individual may receive during the current year and during the individual's lifetime as described in Section 7(3)(a) and (b) of this administrative regulation.

(3) The assigned deep-dose equivalent and shallow-dose equivalent shall be for the part of the body receiving the highest exposure. If the individual monitoring device was not in the region of highest potential exposure, or the results of individual monitoring are unavailable, the deep-dose equivalent, eye dose equivalent, and shallow-dose equivalent may be assessed from surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose limits.

(4) Derived air concentration (DAC) and annual limit on intake (ALI) values are presented in Section 44 of this administrative regulation and shall be used to:

(a) Determine the individual's dose as required in Section 34 of this administrative regulation; and

(b) Demonstrate compliance with the occupational dose limits.

(5) In addition to the annual dose limits, the person, licensee, or registrant shall limit the soluble uranium intake by an individual to ten (10) milligrams in a week in consideration of chemical toxicity (see footnote 3 in Section 44 of this administrative regulation).

(6) A person, licensee, or registrant shall reduce the dose that an individual may be allowed to receive in the current year by the amount of occupational dose received while employed by a person as described in Section 32 of this administrative regulation.

Section 4. Compliance with Requirements for Summation of External and Internal Doses. (1) If a licensee or registrant is required to monitor by both Section 13(1) and (2) of this administrative regulation, the licensee or registrant shall demonstrate compliance with the dose limits by summing external and internal doses.

(2) If a licensee or registrant is required to monitor only by Section 13(1) or (2) of this administrative regulation, summation shall not be required to demonstrate compliance with the dose limits.

(3) A licensee or registrant may demonstrate compliance with the requirements for summation of external and internal doses by meeting one (1) of the conditions specified in subsection (5) of this section and the conditions in subsections (6) and (7) of this section.

(4) The dose equivalents for the lens of the eye, the skin, and the extremities shall not be included in the summation, but shall be subject to separate limits.

(5) If the only intake of radionuclides occurs by inhalation, the total effective dose equivalent limit shall not be exceeded if the sum of the deep-dose equivalent divided by the total effective dose equivalent limit, and one (1) of the following, does not exceed unity:

(a) Sum of the fractions of the inhalation ALI for each radionuclide;

(b) Total number of derived air concentration-hours (DAC-hours) for radionuclides divided by 2,000; or

(c) Sum of the calculated committed effective dose equivalents to significantly irradiated organs or tissues (T) calculated from bioassay data using appropriate biological models and expressed as a fraction of the annual limit.

(6) If the occupationally exposed individual also receives an intake of radionuclides by oral ingestion greater than ten (10) percent of the applicable oral ALI, the licensee or registrant shall account for this intake and include it in demonstrating compliance with the limits.

(7) A licensee or registrant shall evaluate and, to the extent practical, account for intakes through wounds or skin absorption. The intake through intact skin has been included in the calculation of DAC for hydrogen-3 and may not need to be further evaluated.

Section 5. Determination of External Dose from Airborne Radioactive Material. (1) If determining the dose from airborne radioactive material, a licensee or registrant shall include the contribution to the deep-dose equivalent, eye dose equivalent, and shallow-dose equivalent from external exposure to the radioactive cloud.

(2) If the airborne radioactive material includes radionuclides other than noble gases or the cloud of airborne radioactive material is not relatively uniform, airborne radioactivity measurements and DAC values shall not be used as the primary means to assess the deep-dose equivalent.

(3) The determination of the deep-dose equivalent to an individual shall be based upon measurements using instruments or individual monitoring devices.

Section 6. Determination of Internal Exposure. (1) For purposes of assessing dose used to determine compliance with occupational dose equivalent limits, the licensee or registrant shall, if required by Section 13 of this administrative regulation, take suitable and timely measurements of:

(a) Concentrations of radioactive materials in the air in work areas;

(b) Quantities of radionuclides in the body;

(c) Quantities of radionuclides excreted from the body; or

(d) Combinations of these measurements.

(2) A licensee or registrant shall assume an individual inhales radioactive material at the airborne concentration in which the individual is present, unless respiratory protective equipment is used, as provided in Section 19 of this administrative regulation, or the assessment of intake is based on bioassays.

(3) If specific information on the physical and biochemical properties of the radionuclides taken into the body, or the behavior or material in an individual is known, a licensee or registrant may:

(a) Use the information to calculate the committed effective dose equivalent; and, if used, the licensee or registrant shall document the information in the individual's record;

(b) Upon prior approval by the cabinet, adjust the DAC or ALI values to reflect the actual physical and chemical characteristics of airborne radioactive material (for example, aerosol size distribution or density); and

(c) Separately assess the contribution of fractional intakes of Class D, W, or Y compounds of a radionuclide, as provided in Section 44 of this administrative regulation, to the committed effective dose equivalent.

(4) If a licensee or registrant chooses to assess intakes of Class Y material using the measurements provided in subsection (1)(b) or

(c) of this section, the licensee or registrant may delay the recording and reporting of the assessments for periods up to seven (7) months, unless otherwise required by Sections 39 or 40 of this administrative regulation, in order to permit the licensee or registrant to make additional measurements basic to the assessments.

(5) If the identity and concentration of radionuclides in a mixture are known, the fraction of the DAC applicable to the mixture for use in calculating DAC-hours shall be the:

(a) Sum of the ratios of the concentration to the appropriate DAC value (e.g., D, W, Y) from Section 44 of this administrative regulation for radionuclides in the mixture; or

(b) Ratio of the total concentration for radionuclides in the mixture to the most restrictive DAC value for a radionuclide in the mixture.

(6) If the identity of radionuclides in a mixture is known, but the concentration of one (1) or more of the radionuclides in the mixture is not known, the DAC for the mixture shall be the most restrictive DAC of a radionuclide in the mixture.

(7) If a mixture of radionuclides in air exists, a licensee or registrant may disregard certain radionuclides in the mixture if the:

(a) Licensee or registrant uses the total activity of the mixture in demonstrating compliance with the dose limits in Section 3 of this administrative regulation and in complying with the monitoring requirements in Section 13(2) of this administrative regulation;

(b) Concentration of a disregarded radionuclide is less than ten (10) percent of its DAC; and

(c) Sum of these percentages for the disregarded radionuclides in the mixture does not exceed thirty (30) percent.

(8) In order to calculate the committed effective dose equivalent, a licensee or registrant may assume that the inhalation of one (1) ALI, or an exposure of 2,000 DAC-hours, results in a committed effective dose equivalent of five (5) rems (0.05 Sv) for radionuclides having their ALIs or DACs based on the committed effective dose equivalent.

(a) If the ALI, and the associated DAC, is determined by the nonstochastic organ dose limit of fifty (50) rems (five-tenths (0.50) Sv), the intake of radionuclides that result in a committed effective dose equivalent of five (5) rems (0.05 Sv) (the stochastic ALI) is listed in parentheses in Section 44 of this administrative regulation. A licensee or registrant may, as a simplifying assumption, use the stochastic ALIs to determine committed effective dose equivalent.

(b) If a licensee or registrant uses the stochastic ALIs, the licensee or registrant shall also demonstrate that the limit in Section 3(1)(a)2 of this administrative regulation shall be met.

Section 7. Planned Special Exposures. (1) A licensee or registrant may authorize an adult worker to receive doses in addition to, and accounted for separately from the doses received under, the limits specified in Section 3 of this administrative regulation provided each of the following conditions are satisfied:

(a) The licensee or registrant authorizes a planned special exposure only in an exceptional situation if alternatives that may avoid the higher exposure are unavailable or impractical;

(b) The licensee or registrant, and employer if the employer is not the licensee or registrant, specifically authorize the planned special exposure, in writing, before the exposure occurs;

(c) Before a planned special exposure, the licensee or registrant ensures that the individuals involved are:

1. Informed of the purpose of the planned operation;

2. Informed of the estimated doses and associated potential risks and specific radiation levels or other conditions that may be involved in performing the task; and

3. Instructed in the measures to be taken to keep the dose ALARA considering other risks that may be present.

(2) Prior to permitting an individual to participate in a planned special exposure, a licensee or registrant shall ascertain prior doses as required by Section 32(2) of this administrative regulation during the lifetime of the individual for each individual involved.

(3) Subject to Section 3(2) of this administrative regulation, a

## ADMINISTRATIVE REGISTER - 1984

licensee or registrant shall not authorize a planned special exposure that shall cause an individual to receive a dose from planned special exposures and doses in excess of the limits to exceed:

(a) The numerical values of the dose limits in Section 3(1) of this administrative regulation in a year; and

(b) Five (5) times the annual dose limits in Section 3(1) of this administrative regulation during the individual's lifetime.

(4) A licensee or registrant shall:

(a) Maintain records of the conduct of a planned special exposure pursuant to Section 33 of this administrative regulation; and

(b) Submit a written report pursuant to Section 41 of this administrative regulation.

(5) A licensee or registrant shall record the best estimate of the dose resulting from the planned special exposure in the individual's record and inform the individual, in writing, of the dose within thirty (30) days from the date of the planned special exposure. The dose from planned special exposures shall not be considered in controlling future occupational dose of the individual by Section 3(1) of this administrative regulation, but shall be included in evaluations required by Section 7(2) and (3) of this administrative regulation.

Section 8. Occupational Dose Limits for Minors. The annual occupational dose limits for minors shall be ten (10) percent of the annual dose limits specified for adult workers in Section 3 of this administrative regulation.

Section 9. Dose to an Embryo or Fetus. (1) A licensee or registrant shall ensure that the dose to an embryo or fetus during the entire pregnancy, due to occupational exposure of a declared pregnant woman, does not exceed five-tenths (0.5) rem (5 mSv).

(2) A licensee or registrant shall make efforts to avoid substantial variation above a uniform monthly exposure rate to a declared pregnant woman to satisfy the limit in subsection (1) of this section.

(3) The dose to an embryo or fetus shall be taken as the sum of:

(a) The deep-dose equivalent to the declared pregnant woman; and

(b) The dose to the embryo or fetus from radionuclides in the embryo or fetus and radionuclides in the declared pregnant woman.

(4) If the dose to the embryo or fetus is found to have exceeded five-tenths (0.5) rem (five (5) mSv), or is within 0.05 rem (five-tenths (0.5) mSv) of this dose, by the time the woman declares the pregnancy to a licensee or registrant, the licensee or registrant shall be in compliance with subsection (1) of this section if the additional dose to the embryo or fetus does not exceed 0.05 rem (five-tenths (0.5) mSv) during the remainder of the pregnancy.

Section 10. Radiation Dose Limits for Individual Members of the Public. (1) A licensee or registrant shall conduct operations to ensure:

(a) The total effective dose equivalent to individual members of the public from [the] licensed, registered, and other operations shall not exceed one-tenth (0.1) rem (one (1) mSv) in a year, exclusive of the dose contributions from:

1. Background radiation;

2. A medical administration the individual received;

3. An exposure to individuals administered radioactive material and released in accordance with 902 KAR 100:073, Section 25;

4. Voluntary participation in medical research programs; and

5. The licensee's or registrant's disposal of radioactive material into sanitary sewerage under 902 KAR 100:021, Section 3; and

(b) The dose in an unrestricted area from external sources, exclusive of the dose contributions from patients administered radioactive material and released in accordance with 902 KAR 100:073, Section 25, shall not exceed 0.002 rem (0.02 mSv) in one (1) hour.

(2) If a licensee or registrant permits members of the public to have access to controlled areas, the limits for members of the public shall continue to apply to those individuals.

(3) A licensee, [or] registrant, or applicant for a license or registration may apply for prior authorization to operate up to an annual dose limit for an individual member of the public of five-tenths (0.5) rem (five (5) mSv). The application shall include the following information:

(a) Demonstration of the need for, and the expected duration of, operations in excess of the limit in subsection (1) of this section;

(b) A licensee's or registrant's program to assess and control dose within the five-tenths (0.5) rem (five (5) mSv) annual limit; and

(c) The procedures to be followed to maintain the dose ALARA.

(4) In addition to the provisions of this administrative regulation, a person, licensee, or registrant subject to the provisions of U.S. Environmental Protection Agency's applicable environmental radiation standards in 40 CFR 190 shall comply with those standards.

(5) The cabinet may impose additional restrictions on radiation levels in unrestricted areas and on the total quantity of radionuclides that a licensee or registrant may release in effluents in order to restrict the collective dose.

Section 11. Compliance with Dose Limits for Individual Members of the Public. (1) To demonstrate compliance with the dose limits for individual members of the public in Section 10 of this administrative regulation, a licensee or registrant shall make or cause to be made, as appropriate, surveys of:

(a) Radiation levels in unrestricted and controlled areas; and

(b) Radioactive materials in effluents released to unrestricted and controlled areas.

(2) A licensee or registrant shall show compliance with the annual dose limit in Section 10 of this administrative regulation by:

(a) Demonstrating by measurement or calculation that the total effective dose equivalent to the individual likely to receive the highest dose from the licensed operation shall not exceed the annual dose limit; or

(b) Demonstrating that:

1. The annual average concentrations of radioactive material released in gaseous and liquid effluents at the boundary of the restricted area shall not exceed the values specified in Section 44(9), Table II, of this administrative regulation; and

2. If an individual were continually present in an unrestricted area, the dose from external sources shall not exceed 0.002 rem (0.02 mSv) in an hour and 0.05 rem (five-tenths (0.5) mSv) in a year.

(3) Upon approval from the cabinet, a licensee or registrant may adjust the effluent concentration values in Section 44(9), Table II, of this administrative regulation, for members of the public, to take into account the actual physical and chemical characteristics of the effluents (for example, aerosol size distribution, solubility, density, radioactive decay equilibrium, or chemical form).

Section 12. Surveys and Monitoring. (1) A licensee or registrant shall make or cause to be made, surveys that are:

(a) Necessary for the licensee or registrant to comply with the provisions in this administrative regulation; and

(b) Reasonable under the circumstances to evaluate:

1. The extent of radiation levels;

2. Concentrations or quantities of radioactive material; and

3. The potential radiological hazards that may be present.

(2) A licensee or registrant shall ensure that instruments and equipment used for quantitative radiation measurements (for example, dose rate and effluent monitoring) are calibrated periodically for the radiation measured.

(3) Personnel dosimeters, except direct and indirect reading pocket ionization chambers and those dosimeters used to measure the dose to the extremities, that require processing to determine the radiation doses used by licensees or registrants to comply with Section 3 of this administrative regulation, other applicable provisions of 902 KAR Chapter 100, or conditions specified in a license shall be processed and evaluated by a dosimetry processor:

## ADMINISTRATIVE REGISTER - 1985

(a) Holding current personnel dosimetry accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology; and

(b) Approved in this accreditation process for the type of radiation or radiations included in the NVLAP program that most closely approximates the type of radiation or radiations for which the individual wearing the dosimeter is monitored.

Section 13. Conditions Requiring Individual Monitoring of External and Internal Occupational Dose. (1) A licensee or registrant shall monitor exposures to radiation and radioactive material at levels sufficient to demonstrate compliance with the occupational dose limits of this administrative regulation. As a minimum, the licensee or registrant shall monitor occupational exposure to radiation, and shall supply and require the use of individual monitoring devices by:

(a) Adults likely to receive, in one (1) year from sources external to the body, a dose in excess of ten (10) percent of the limits in Section 3(1) of this administrative regulation;

(b) Minors and declared pregnant women likely to receive, in one (1) year from sources external to the body, a dose in excess of ten (10) percent of the applicable limits in Sections 8 or 9 of this administrative regulation; and

(c) Individuals entering a high or very high radiation area.

(2) A licensee or registrant shall monitor, pursuant to Section 6 of this administrative regulation, the occupational intake of radioactive material by, and assess the committed effective dose equivalent to:

(a) Adults likely to receive, in one (1) year, an intake in excess of ten (10) percent of the applicable ALIs in Section 44(9), Table I, Columns 1 and 2, of this administrative regulation; and

(b) Minors and declared pregnant women likely to receive, in one (1) year, a committed effective dose equivalent in excess of 0.05 rem (five-tenths (0.5) mSv).

Section 14. Control of Access to High Radiation Areas. (1) A licensee or registrant shall ensure that each entrance or access point to a high radiation area shall have at least one (1) of the following features:

(a) A control device that, upon entry into the area, shall cause the level of radiation to be reduced below the level an individual may receive a deep-dose equivalent of one-tenth (0.1) rem (one (1) mSv) in one (1) hour at thirty (30) centimeters from the radiation source or from a surface that the radiation penetrates;

(b) A control device that shall energize a conspicuous visible or audible alarm signal so the individual entering the high radiation area and the supervisor of the activity shall be made aware of the entry; or

(c) Entryways that shall be locked, except during periods that access to the areas is required, with positive control over each individual entry.

(2) In place of the controls required by subsection (1) of this section for a high radiation area, a licensee or registrant may substitute continuous direct or electronic surveillance that shall be capable of preventing unauthorized entry.

(3) A licensee or registrant may apply to the cabinet for approval of alternative methods for controlling access to high radiation areas.

(4) A licensee or registrant shall establish the controls required by subsections (1) and (3) of this section that shall not prevent individuals from leaving a high radiation area.

(5) Control shall not be required for an entrance or access point to a room or other area that is a high radiation area solely because of the presence of radioactive materials prepared for transport and packaged and labeled in accordance with 49 CFR 100-180 if the packages will not remain in the area longer than three (3) days, and the dose rate at one (1) meter from the external surface of a package will not exceed 0.01 rem (one-tenth (0.1) mSv) per hour.

(6) Control of entrance or access to rooms or other areas in hospitals shall not be required solely because of the presence of patients containing radioactive material if personnel are in attendance

who:

(a) Take the necessary precautions to prevent the exposure of individuals to radiation or radioactive material in excess of the limits established in this administrative regulation; and

(b) Operate within the ALARA provisions of the licensee's or registrant's radiation protection program.

(7) A registrant is not required to control entrance or access to rooms or other areas containing sources of radiation capable of producing a high radiation area as described in this section if the registrant has met the specific requirements for access and control specified in 902 KAR 100:100, 902 KAR 100:115, and 902 KAR 100:155.

Section 15. Control of Access to Very High Radiation Areas. (1) In addition to the provisions in Section 14 of this administrative regulation, a licensee or registrant shall institute additional measures to ensure that an individual shall not be able to gain unauthorized or inadvertent access to areas in which radiation levels may be encountered at 500 rads (five (5) grays) or more in one (1) hour at one (1) meter from a radiation source or a surface through which the radiation penetrates.

(2) A registrant shall not be required to control entrance or access to rooms or other areas containing sources of radiation capable of producing a very high radiation area as described in subsection (1) of this section if the registrant has met the specific requirements for access and control specified in 902 KAR 100:100, 902 KAR 100:115, and 902 KAR 100:155.

Section 16. Control of Access to Very High Radiation Areas for Irradiators. (1) This section shall apply to radiation from sources of radiation used in sealed sources in nonself-shielded irradiators.

(2) This section shall not apply to:

(a) Sources of radiation used in teletherapy, radiography, or completely self-shielded irradiators in which the source:

1. Is both stored and operated within the same shielding radiation barrier; and

2. In the designed configuration of the irradiator, is always physically inaccessible to an individual and cannot create high levels of radiation in an area that is accessible to an individual.

(b) Sources from which the radiation shall be incidental to some other use or to nuclear reactor-generated radiation.

(3) Areas where radiation levels may exist in excess of 500 rads (five (5) grays) in one (1) hour at one (1) meter from a source of radiation used to irradiate materials shall meet the following requirements.

(a) An entrance or access point shall be equipped with entry control devices which:

1. Function automatically to prevent an individual from inadvertently entering the area if very high radiation levels exist;

2. Permit deliberate entry into the area only after a control device is actuated that causes the radiation level within the area, from the source of radiation, to be reduced below a level where it is possible for an individual to receive a deep-dose equivalent in excess of one-tenth (0.1) rem (one (1) mSv) in one (1) hour; and

3. Prevent operation of the source of radiation if the source would produce radiation levels in the area that may result in a deep-dose equivalent to an individual in excess of one-tenth (0.1) rem (one (1) mSv) in one (1) hour.

(b) Additional control devices shall be provided so that, upon failure of the entry control devices to function as required by subsection (3)(a) of this section:

1. The radiation level within the area, from the source of radiation, is reduced below a level where it is possible for an individual to receive a deep-dose equivalent in excess of one-tenth (0.1) rem (one (1) mSv) in one (1) hour; and

2. Conspicuous visible and audible alarm signals are generated to make an individual attempting to enter the area aware of the



## ADMINISTRATIVE REGISTER - 1986

hazard, and at least one (1) other authorized individual who is physically present, familiar with the activity, and prepared to render or summon assistance, aware of the failure of the entry control devices;

(c) A licensee or registrant shall provide control devices so that, upon failure or removal of physical radiation barriers other than the source's shielded storage container:

1. The radiation level from the source of radiation shall be reduced below a level where it is possible for an individual to receive a deep-dose equivalent in excess of one-tenth (0.1) rem (one (1) mSv) in one (1) hour; and

2. Conspicuous visible and audible alarm signals shall be generated to make potentially affected individuals aware of the hazard, and a licensee, registrant, or at least one (1) other individual who is familiar with the activity and prepared to render or summon assistance, aware of the failure or removal of the physical barrier;

(d) If the shield for the stored source is a liquid, the licensee or registrant shall provide means to:

1. Monitor the integrity of the shield; and

2. Automatically signal loss of adequate shielding;

(e) Physical radiation barriers that comprise permanent structural components, such as walls, that have no credible probability of failure or removal in ordinary circumstances need not meet the requirements of paragraphs (c) and (d) of this subsection;

(f) An area shall be equipped with devices that automatically generate conspicuous visible and audible alarm signals:

1. To alert personnel in the area before the source can be put into operation;

2. In sufficient time for an individual in the area to operate a clearly identified control device, which is installed in the area and can prevent the source from being put into operation;

(g) An area shall be controlled by use of administrative procedures and devices as are necessary to ensure that the area is cleared of personnel prior to use of the source;

(h) An area shall be checked by a radiation measurement to ensure that, prior to the first individual's entry into the area after use of the source of radiation, the radiation level from the source of radiation in the area is below a level where it is possible for an individual to receive a deep-dose equivalent in excess of one-tenth (0.1) rem (one (1) mSv) in one (1) hour;

(i) The entry control devices required in paragraph (a) of this subsection shall have been tested for proper functioning as follows:

1. Daily prior to initial operation with the source of radiation, unless operations were continued uninterrupted from a previous day;

2. Prior to resumption of operation of the source of radiation after an unintended interruption; and

3. By adherence to a submitted schedule for periodic tests of the entry control and warning systems.

(j) A licensee or registrant shall not conduct operations if control devices are not functioning properly, other than those necessary to place the source of radiation in safe condition or to effect repairs on controls;

(k) Entry and exit portals used in transporting materials to and from the irradiation area, and not intended for use by individuals, shall be controlled by devices and administrative procedures as are necessary to physically protect and warn against inadvertent entry by an individual through these portals. Exit portals for processed materials shall be equipped to detect and signal the presence of loose radiation sources carried toward an exit to automatically prevent loose radiation sources from being carried out of the area.

(4)(a) Persons holding licenses or registrations, or applicants for licenses or registrations, for radiation sources may apply to the cabinet for approval of the use of alternative safety measures if they:

1. Are governed by the provisions of subsection (3) of this section; and

2. May be used in a variety of positions or in locations, such as open fields or forests, that make it impracticable to comply with provisions of subsection (3) of this section (for example, those for the

automatic control of radiation levels).

(b) Alternative safety measures shall provide a degree of personnel protection equivalent to those specified in subsection (3) of this section.

(c) At least one (1) of the alternative measures shall include an entry-preventing interlock control, based on a measurement of the radiation, that ensures the absence of high radiation levels before an individual may gain access to the area in which sources of radiation are used.

(5) Entry control devices required by subsections (3) and (4) of this section shall be established in a way that an individual will not be prevented from leaving the area.

Section 17. Use of Process or Other Engineering Controls. The licensee or registrant shall use, to the extent practicable, process or other engineering controls (for example, containment or ventilation) to control the concentrations of radioactive material in air.

Section 18. Use of Other Controls. If it is not practicable to apply process or other engineering controls to control the concentrations of radioactive material in air to values below those that define an airborne radioactivity area, a licensee or registrant shall, consistent with maintaining the total effective dose equivalent ALARA, increase monitoring and limit intakes by one (1) or more of the following means:

(1) Control of access;

(2) Limitation of exposure times;

(3) Use of respiratory protection equipment; or

(4) Other controls approved by the cabinet.

Section 19. Use of Individual Respiratory Protection Equipment. (1) If a licensee or registrant uses respiratory protection equipment to limit intakes pursuant to Section 18 of this administrative regulation, the licensee or registrant shall use only respiratory protection equipment that shall be tested and certified or shall have had certification extended by the National Institute for Occupational Safety and Health/Mine Safety and Health Administration (NIOSH/MSHA).

(a) If a licensee or registrant wishes to use equipment that has not been tested or certified by NIOSH/MSHA, has not had certification extended by NIOSH/MSHA, or for which there exists no schedule for testing or certification, the licensee shall submit:

1. An application for authorized use of that equipment, including a demonstration by testing; or

2. A demonstration on the basis of reliable test information that the material and performance characteristics of the equipment shall be capable of providing the proposed degree of protection under anticipated conditions of use;

(b) A licensee or registrant shall implement and maintain a respiratory protection program that shall include:

1. Air sampling sufficient to identify the potential hazard, permit proper equipment selection, and estimate exposures;

2. Surveys and bioassays, as appropriate, to evaluate actual intakes;

3. Testing of respirators for operability immediately prior to each use;

4. Written procedures regarding:

a. Selection, fitting, issuance, maintenance, and testing of respirators, including testing for operability immediately prior to use;

b. Supervision and training of personnel;

c. Monitoring, including air sampling and bioassays; and

d. Recordkeeping; and

5. Determination by a physician prior to initial fitting of respirators, and either [subsequently-at-least] every twelve (12) months or at a frequency determined by a physician, that the individual user shall be physically able to use the respiratory protection equipment;

(c) A licensee or registrant shall issue a written policy statement on respirator usage covering the:



## ADMINISTRATIVE REGISTER - 1987

1. Use of process or other engineering controls, instead of respirators;

2. Routine, nonroutine, and emergency use of respirators; and
3. Periods of respirator use and relief from respirator use;

(d) A licensee or registrant shall advise a respirator user that the user may leave the area for relief from respirator use in the event of:

1. Equipment malfunction;
2. Physical or psychological distress;
3. Procedural or communication failure;
4. Significant deterioration of operating conditions; or
5. Other conditions that may require relief; and

(e) A licensee or registrant shall:

1. Use equipment within limitations for type and mode of use; and
2. If needed, provide proper visual, communication, and other special capabilities such as adequate skin protection.

(2) In estimating exposure of individuals to airborne radioactive materials, a licensee or registrant may make allowance for respiratory protection equipment used to limit intakes under Section 18 of this administrative regulation, if the following conditions, in addition to those in subsection (1) of this section, are satisfied:

(a) The licensee or registrant selects respiratory protection equipment that provides a protection factor greater than the multiple by which peak concentrations of airborne radioactive materials in the working area are expected to exceed the values specified in Section 44(9), Table 1, Column 3, of this administrative regulation.

1. If the selection of a respiratory protection device with a protection factor greater than the peak concentration is inconsistent with the goal specified in Section 18 of this administrative regulation of keeping the total effective dose equivalent ALARA, the licensee or registrant may select respiratory protection equipment with a lower protection factor only if the selection would result in keeping the total effective dose equivalent ALARA;

2. The concentration of radioactive material in air that is inhaled if respirators are worn may be initially estimated by dividing the average concentration in air during each period of uninterrupted use by the protection factor;

3. If the exposure is later found to be greater than estimated, the corrected value shall be used; and

4. If the exposure is later found to be less than estimated, the corrected value may be used; and

(b) The licensee or registrant shall obtain authorization from the cabinet before assigning respiratory protection factors in excess of those specified in Section 43 of this administrative regulation. The cabinet may authorize the licensee or registrant to use higher protection factors on receipt of an application that:

1. Describes the situation for which a need exists for higher protection factors; and

2. Demonstrates the respiratory protection equipment provides these higher protection factors under the proposed conditions of use.

(3) A licensee or registrant shall use as emergency devices only respiratory protection equipment that has been specifically certified or had certification extended for emergency use by NIOSH/MSHA.

(4) A licensee or registrant shall notify, in writing, the Manager of the Radiation Control Branch at least thirty (30) days before the date that respiratory protection equipment will first be used under the provisions of either subsection (1) or (2) of this section.

Section 20. Further Restrictions on the Use of Respiratory Protection Equipment. The cabinet may impose restrictions in addition to those in Sections 18, 19, and 43 of this administrative regulation to:

(1) Ensure that the respiratory protection program of the licensee shall be adequate to limit exposures of individuals to airborne radioactive materials; and

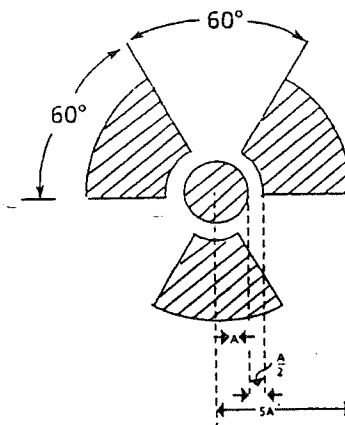
(2) Limit the extent to which a licensee shall use respiratory protection equipment instead of process or other engineering controls.

Section 21. Security of Sources of Radiation. A licensee or

registrant shall secure from unauthorized removal or access licensed materials stored in controlled or unrestricted areas.

Section 22. Control of Sources of Radiation Not in Storage. A licensee or registrant shall control and maintain constant surveillance of licensed or registered material in a controlled or unrestricted area and not in storage.

Section 23. Caution Signs and Standard Radiation Symbol. (1) Unless otherwise authorized by the cabinet, the symbol prescribed by this section shall use the colors magenta, purple, or black on yellow background. The symbol prescribed by this section shall be the three (3) bladed design:



RADIATION SYMBOL

- (a) Cross-hatched area shall be magenta, purple, or black; and
- (b) The background shall be yellow.

(2) Exception to color requirements for standard radiation symbol. A licensee or registrant may label sources, source holders, or device components containing sources of radiation subjected to high temperatures with conspicuously etched or stamped radiation caution symbols and without a color requirement.

(3) Additional information on signs and labels. In addition to the contents of signs and labels prescribed in this section, a licensee or registrant may provide, on or near the required signs and labels, additional information, as appropriate, to make individuals aware of potential radiation exposures and to minimize the exposures.

Section 24. Posting Requirements. (1) Posting of radiation areas. A licensee or registrant shall post a radiation area with a conspicuous sign or signs bearing the radiation symbol and the words: "CAUTION, RADIATION AREA".

(2) Posting of high radiation areas. A licensee or registrant shall post a high radiation area with a conspicuous sign or signs bearing the radiation symbol and the words: "CAUTION, HIGH RADIATION AREA" or "DANGER, HIGH RADIATION AREA".

(3) Posting of very high radiation areas. A licensee or registrant shall post a very high radiation area with a conspicuous sign or signs bearing the radiation symbol and words: "GRAVE DANGER, VERY HIGH RADIATION AREA".

(4) Posting of airborne radioactivity areas. A licensee or registrant shall post an airborne radioactivity area with a conspicuous sign or signs bearing the radiation symbol and the words: "CAUTION, AIRBORNE RADIOACTIVITY AREA" or "DANGER, AIRBORNE RADIOACTIVITY AREA".

(5) Posting of areas or rooms in which licensed or registered material shall be used or stored. A licensee or registrant shall post an area or room in which there is used or stored an amount of licensed or registered material exceeding ten (10) times the quantity of the

## ADMINISTRATIVE REGISTER - 1988

material specified in 902 KAR 100:030, Section 2, with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL(S)" or "DANGER, RADIOACTIVE MATERIAL(S)".

Section 25. Exceptions to Posting Requirements. (1) A licensee or registrant shall not be required to post caution signs in areas or rooms containing sources of radiation for periods of less than eight (8) hours, if the following conditions are met:

(a) The sources of radiation are constantly attended during these periods by an individual who takes the precautions necessary to prevent the exposure of individuals to radiation or radioactive materials in excess of the limits established in this administrative regulation; and

(b) The area or room are subject to the licensee's or registrant's control.

(2) Rooms or other areas in hospitals occupied by patients shall not be required to be posted with caution signs pursuant to Section 24 of this administrative regulation if the patient could be released from licensee control in accordance with 902 KAR 100:073, Section 25:

~~(a) The patient is being treated with sealed sources, has been treated with unsealed radioactive material in quantities less than thirty (30) millicuries or one and one-tenth (1.1) gigabecquerels (GBq), or the measured dose rate at one (1) meter from the patient is less than 0.005 rem (0.05 mSv) per hour; and~~

~~(b) There are personnel in attendance to take the necessary precautions to:~~

~~1. Prevent the exposure of individuals to radiation or radioactive material in excess of the limits established in this administrative regulation; and~~

~~2. Operate within the ALARA provisions of the licensee's radiation protection program].~~

(3) A room or area is not required to be posted with a caution sign because of the presence of a sealed source if the radiation level at thirty (30) centimeters from the surface of the source container or housing does not exceed 0.005 rem (0.05 mSv) per hour.

Section 26. Labeling Containers. (1) A licensee or registrant shall ensure a container of licensed or registered material bears a durable, clearly visible label with the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL" or "DANGER, RADIOACTIVE MATERIAL".

(a) The label shall provide the following information:

1. Radionuclide present;
2. An estimate of the quantity of radioactivity;
3. Date the activity is estimated;
4. Radiation levels, kinds of materials; and
5. Mass enrichment.

(b) Information in this subsection shall permit individuals handling or using the containers, or working in the vicinity of the containers, to take precautions to avoid or minimize exposures.

(2) A licensee or registrant shall, prior to removal or disposal of empty uncontaminated containers to unrestricted areas:

1. Remove or deface the radioactive material label; or
2. Clearly indicate the container no longer contains radioactive materials.

Section 27. Exemptions to Labeling Requirements. (1) A licensee or registrant shall not be required to label:

(a) Containers holding licensed or registered material in quantities less than the quantities listed in 902 KAR 100:030, Section 2;

(b) Containers holding licensed or registered material in concentrations less than those specified in Section 44(9), Table III, of this administrative regulation;

(c) Containers attended by an individual who takes precautions necessary to prevent the exposure of individuals in excess of the

limits established by this administrative regulation;

(d) Containers if they are in transport and packaged and labeled in accordance with 49 CFR Parts 100-180; or

(e) Containers that are accessible only to individuals authorized to handle or use them, or to work in the vicinity of the containers, if the contents are identified to these individuals by a readily available written record (for example, containers in locations that include water-filled canals, storage vaults, or hot cells). The record shall be retained as long as the containers are in use for the purpose indicated on the record; or

(f) Installed manufacturing or process equipment, such as chemical process equipment, piping, and tanks;

(2) Labeling of packages containing radioactive materials shall be required by the U.S. Department of Transportation (DOT) if the amount and type of radioactive material exceeds the limits for an excepted quantity or article pursuant to 49 CFR 173.403(m) and (w) and 173.421-173.424.

Section 28. Procedures for Receiving and Opening Packages. (1) A licensee or registrant who expects to receive a package containing quantities of radioactive material in excess of a Type A quantity pursuant to 902 KAR 100:010 shall make arrangements to receive:

(a) The package if the carrier offers it for delivery; or

(b) Notification of the arrival of the package at the carrier's terminal and take possession of the package expeditiously.

(2)(a) A licensee or registrant shall monitor the external surfaces of a labeled package [known to contain radioactive material] for [radioactive contamination and radiation levels, if the package]:

1. Radioactive contamination unless the package contains only radioactive material in the form of a gas or in special form as defined in 902 KAR 100:010;

2. Radiation levels unless the package contains quantities of radioactive material that are less than or equal to the Type A quantity defined in 902 KAR 100:010; and

(b) All packages known to contain radioactive material for radioactive contamination and radiation levels if there is (a) is labeled as containing radioactive material; or

(b) Has evidence of potential contamination such as packages that are crushed, wet, or damaged.

(3) A licensee or registrant shall perform the monitoring required by subsection (2) of this section as soon as practicable after receipt of the package, but not later than:

(a) Three (3) hours after the package is received at the licensee's facility if received during the licensee's or registrant's normal working hours; or

(b) Three (3) hours from the beginning of the next working day if received after working hours.

(4) A licensee or registrant shall immediately notify the final delivery carrier and, by telephone, telegram, mailgram, or facsimile, the Manager of the Radiation Control Branch if:

(a) Removable radioactive surface contamination exceeds the limits of 902 KAR 100:070, Section 14; or

(b) External radiation levels exceed the limits of 902 KAR 100:070, Section 14.

(5) A licensee or registrant shall:

(a) Establish, maintain, and retain written procedures for safely opening packages in which radioactive material is received; and

(b) Ensure that the procedures are followed and due consideration is given to special instructions for the type of package being opened.

(6) A licensee or registrant transferring special form sources in licensee or registrant owned or operated vehicles to and from a work site shall be exempt from the contamination monitoring requirements of subsection (2) of this section, but shall not be exempt from the survey requirement for measuring radiation levels that are required to ensure the source shall remain properly lodged in its shield.

## ADMINISTRATIVE REGISTER - 1989

Section 29. General Provisions for Records. (1) A licensee or registrant shall use the units curie, rad, and rem, including multiples and subdivisions, and shall clearly indicate the units of quantities on records required by this administrative regulation.

(2) A licensee or registrant shall make a clear distinction among the quantities entered on the records required by this administrative regulation, such as:

- (a) Total effective dose equivalent;
- (b) Shallow-dose equivalent;
- (c) Eye dose equivalent;
- (d) Deep-dose equivalent; and
- (e) Committed effective dose equivalent.

Section 30. Records of Radiation Protection Programs. (1) A licensee or registrant shall maintain records of the radiation protection program, including:

- (a) The provisions of the program; and
- (b) Audits and other reviews of program content and implementation.

(2) A licensee or registrant shall retain records required by subsection (1)(a) of this section until the cabinet terminates each pertinent license requiring the record.

(3) A licensee or registrant shall retain records required by subsection (1)(b) of this section for three (3) years after the record is made.

Section 31. Records of Surveys. (1) A licensee or registrant shall:

(a) Maintain records showing the results of surveys and calibrations required by Sections 12 and 28(2) of this administrative regulation; and

(b) Retain records for three (3) years after the record is made.

(2) A licensee or registrant shall retain the following records until the cabinet terminates the pertinent license or registration requiring the record:

(a) Results of surveys to determine the dose from external sources of radiation and used, in the absence of or in combination with individual monitoring data, in the assessment of individual dose equivalents;

(b) Results of measurements and calculations used to determine individual intakes of radioactive material and used in the assessment of internal dose;

(c) Results of air sampling, surveys, and bioassays required pursuant to Section 19(1)(c) 1 and 2 of this administrative regulation; and

(d) Results of measurements and calculations used to evaluate the release of radioactive effluents to the environment.

Section 32. Determination of Prior Occupational Dose. (1) For an individual ~~[who may enter a licensee's or registrant's restricted or controlled area and may]~~ likely to receive, in a year, an occupational dose requiring monitoring under Section 13 of this administrative regulation, the licensee or registrant shall:

(a) Determine the occupational radiation dose received during the current year; and

(b) Attempt to obtain the records of lifetime cumulative occupational radiation dose.

(2) Prior to permitting an individual to participate in a planned special exposure, a licensee or registrant shall determine:

(a) The internal and external doses from previous planned special exposures; and

(b) Doses in excess of the limits, including doses received during accidents and emergencies, received during the lifetime of the individual.

(3) In complying with the requirements of subsection (1) of this section, a licensee or registrant may:

(a) Accept, as a record of the occupational dose the individual received during the current year, a written signed statement from the

individual, or from the individual's most recent employer for work involving radiation exposure, that discloses the nature and amount of an occupational dose the individual may have received during the current year.

(b) Accept, as the record of lifetime cumulative radiation dose, an up-to-date NRC Form 4, "Cumulative Occupational Exposure History," or equivalent, signed by the individual and counter-signed by an:

1. Appropriate official of the most recent employer for work involving radiation exposure; or

2. The individual's current employer if the individual is not employed by the licensee or registrant.

(c) Obtain reports of the individual's dose equivalent from the most recent employer for work involving radiation exposure, or the individual's current employer if the individual is not employed by the licensee or registrant, by telephone, telegram, electronic media, or letter. If the authenticity of the transmitted report cannot be established, a licensee or registrant shall request a written verification of the dose data.

(4) A licensee or registrant shall record the exposure history, as required by subsection (1) of this section, on NRC Form 4, or other clear and legible record, of the information required on that form.

(a) The form or record shall:

1. Show each period the individual received occupational exposure to radiation or radioactive material; and

2. Be signed by the individual who received the exposure;

(b) For each period a licensee or registrant obtains reports, the licensee or registrant shall use the dose shown in the report in preparing NRC Form 4; and

(c) For a period in which a licensee or registrant does not obtain a report, the licensee shall place a notation on NRC Form 4 indicating the periods of time for which data are not available.

(5) If a licensee is unable to obtain a complete record of an individual's current and previously accumulated occupational dose, the licensee or registrant shall assume:

(a) In establishing administrative controls under Section 3(6) of this administrative regulation for the current year, that the allowable dose limit for the individual is reduced by 1.25 rems (twelve and five-tenths (12.5) mSv) for each quarter for which records were unavailable and the individual was engaged in activities that may have resulted in occupational radiation exposure; and

(b) That the individual is not available for planned special exposures.

(6) A licensee or registrant shall:

1. Retain the records on NRC Form 4, or equivalent, until the cabinet terminates the pertinent license or registration requiring this record; and

2. Retain records used in preparing NRC Form 4 for three (3) years after the record is made.

Section 33. Records of Planned Special Exposures. (1) For each use of the provisions of Section 7 of this administrative regulation for planned special exposures, a licensee or registrant shall maintain records that includes:

(a) The name of the management official who authorized the planned special exposure; and

(b) A copy of the signed authorization; and

(c) Description of:

1. The exceptional circumstances requiring the use of a planned special exposure;

2. What actions were necessary;

3. Why the actions were necessary;

4. How doses were maintained ALARA;

5. What individual and collective doses were expected to result; and

6. The doses actually received in the planned special exposure.

(2) A licensee or registrant shall retain the records until the cabinet terminates the pertinent license or registration requiring these

## ADMINISTRATIVE REGISTER - 1990

records.

Section 34. Records of Individual Monitoring Results. (1) A licensee or registrant shall maintain records of doses received:

(a) By individuals for whom monitoring was required by Section 13 of this administrative regulation; and

(b) During planned special exposures, accidents, and emergency conditions.

(2) The recordkeeping requirements shall include, if applicable:

(a) Deep-dose equivalent to the whole body;

(b) Eye dose equivalent;

(c) Shallow-dose equivalent to the skin and extremities;

(d) Estimated intake or body burden of radionuclides;

(e) Committed effective dose equivalent assigned to the intake or body burden of radionuclides;

(f) Specific information used to calculate the committed effective dose equivalent under Section 6(3) of this administrative regulation;

(g) Total effective dose equivalent, if required by Section 4 of this administrative regulation; and

(h) Total of the deep-dose equivalent and the committed dose to the organ receiving the highest total dose.

(3) A licensee or registrant shall make entries of the records specified in subsection (1) of this section at least annually.

(4) A licensee or registrant shall maintain the records specified in subsection (1) of this section on NRC Form 5, "Occupational Exposure Record for a Monitoring Period," in accordance with the instructions for NRC Form 5, or in clear and legible records containing the information required by NRC Form 5.

(5) The records required under this section shall be protected from public disclosure because of their personal privacy nature.

(6) A licensee or registrant shall maintain the:

(a) Records of dose to an embryo or fetus with the records of dose to the declared pregnant woman; and

(b) Declaration of pregnancy on file, but may be maintained separately from the dose records.

(7) A licensee or registrant shall retain each required form or record until the cabinet terminates the pertinent license or registration requiring the record.

(8) Assessments of dose equivalent and records made using units in effect before a licensee's or registrant's adoption of this administrative regulation need not be changed.

Section 35. Records of Dose to Individual Members of the Public.

(1) A licensee or registrant shall maintain records sufficient to demonstrate compliance with the dose limit for individual members of the public.

(2) A licensee or registrant shall retain the records required by subsection (1) of this section until the cabinet terminates the pertinent license or registration requiring the record.

Section 36. Records of Testing Entry Control Devices for Very High Radiation Areas. (1) A licensee or registrant shall maintain records of tests made under Section 16(4)(i) of this administrative regulation on entry control devices for very high radiation areas. These records shall include the date, time, and results of each test of function.

(2) A licensee or registrant shall retain the records required by subsection (1) of this section for three (3) years after the record is made.

Section 37. Form of Records. (1) Records required by 902 KAR Chapter 100 [this administrative regulation] shall be legible throughout the specified retention period.

(2) The record shall be:

1. The original;

2. A reproduced copy; or

3. A microform if the copy or microform is authenticated by

authorized personnel and the microform is capable of producing a clear copy throughout the required retention period.

(3) The record may be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period.

(4) Records such as letters, drawings, and specifications, shall include pertinent information such as stamps, initials, and signatures.

(5) A licensee or registrant shall maintain adequate safeguards against tampering with and loss of records.

Section 38. Reports of Theft or Loss of Licensed or Registered Sources of Radiation. (1) Telephone reports.

(a) A licensee or registrant shall report by telephone as follows:

1. Immediately after its occurrence becomes known to the licensee or registrant, lost, stolen, or missing licensed or registered material in an aggregate quantity equal to or greater than 1,000 times the quantity specified in 902 KAR 100:030, Section 2, under circumstances where it appears to the licensee or registrant that an exposure may result to persons in unrestricted areas; or

2. Within thirty (30) days after the occurrence of lost, stolen, or missing licensed or registered material becomes known to the licensee or registrant, licensed or registered material in a quantity greater than ten (10) times the quantity pursuant to 902 KAR 100:030, Section 2, still missing at this time.

(b) Reports shall be made to the cabinet.

(2) Written reports.

(a) A licensee or registrant required to make a report pursuant to subsection (1) of this section shall, within thirty (30) days after making the telephone report, make a written report setting forth the following information:

1. Description of the licensed or registered material involved, including:

a. Kind;

b. Quantity; and

c. Chemical and physical form;

2. Description of the circumstances under which the loss or theft occurred;

3. Statement of disposition, or probable disposition, of the licensed or registered material involved;

4. Exposures of individuals to radiation, circumstances under which the exposures occurred, and the possible total effective dose equivalent to persons in unrestricted areas;

5. Actions that have been, or shall be, taken to recover the material; and

6. Procedures or measures that have been, or shall be, adopted to ensure against a recurrence of the loss or theft of licensed or registered material.

(b) Reports shall be made to the cabinet.

(3) Subsequent to filing the written report, a licensee or registrant shall report additional substantive information on the loss or theft within thirty (30) days after the licensee or registrant learns of the information.

(4) A licensee or registrant shall prepare and file a report with the cabinet as required by this section so that names of individuals who may have received exposure to radiation shall be stated in a separate and detachable part of the report.

Section 39. Notification of Incidents. (1) Immediate notification. A licensee or registrant shall immediately report an event involving radioactive material possessed by the licensee or registrant that may have caused, or threatens to cause, one (1) or more of the following conditions:

(a) An individual may receive:

1. A total effective dose equivalent of twenty-five (25) rems (0.25 Sv) or more;

2. An eye dose equivalent of seventy-five (75) rems (0.75 Sv) or more; or

## ADMINISTRATIVE REGISTER - 1991

3. A shallow-dose equivalent to the skin or extremities of 250 rads (two and five-tenths (2.5) Gy) or more;

(b) The release of radioactive material, inside or outside of a restricted area; so that, had an individual been present for twenty-four (24) hours, the individual may have received an intake five (5) times the occupational annual limit on intake. The provisions of this paragraph shall not apply to locations in which personnel are not normally stationed during routine operations, such as in hot-cells or process enclosure;

(c) A loss of one (1) working week or more of the operation of facilities affected; or

(d) Damage to property in excess of \$200,000.

(2) Twenty-four (24) hour notification. A licensee or registrant shall, within twenty-four (24) hours of discovery of the event, report an event involving loss of control of licensed or registered source of radiation possessed by the licensee or registrant that may have caused, or shall threaten to cause, one (1) or more of the following conditions:

(a) An individual to receive, in a period of twenty-four (24) hours:

1. A total effective dose equivalent exceeding five (5) rems (0.05 Sv);
2. An eye dose equivalent exceeding fifteen (15) rems (0.15 Sv); or

3. A shallow-dose equivalent to the skin or extremities exceeding fifty (50) rems (five-tenths (0.5) Sv);

(b) The release of radioactive material, inside or outside of a restricted area; so that, had an individual been present for twenty-four (24) hours, the individual may have received an intake in excess of one (1) occupational annual limit on intake. The provisions of this paragraph shall not apply to locations in which personnel are not normally stationed during routine operations, such as in hot-cells or process enclosures;

(c) A loss of one (1) day or more of the operation of facilities affected; or

(d) Damage to property in excess of \$2,000.

(3) A licensee or registrant shall prepare and file a report with the cabinet as required by this section so that names of individuals who have received exposure to radiation or radioactive material are stated in a separate and detachable part of the report.

(4) Licensees or registrant shall make reports required by this section to the cabinet by:

- (a) Telephone;
- (b) Telegram;
- (c) Mailgram; or
- (d) Facsimile.

(5) The provisions of this section shall not include doses that result from planned special exposures that are within the limits for planned special exposures, and are reported under Section 41 of this administrative regulation.

Section 40. Reports of Exposures, Radiation Levels, and Concentrations of Radioactive Material Exceeding the Limits. (1) Reportable events. In addition to the notification required by Section 39 of this administrative regulation, a licensee or registrant shall submit a written report within thirty (30) days after learning of one (1) or more of the following occurrences:

(a) An incident for which notification shall be required by Section 39 of this administrative regulation; or

(b) Doses in excess of one (1) of the following:

1. Occupational dose limits for adults in Section 3 of this administrative regulation;
2. Occupational dose limits for a minor in Section 8 of this administrative regulation;
3. Limits for an embryo or fetus of a declared pregnant woman in Section 9 of this administrative regulation;
4. Limits for an individual member of the public in Section 10 of this administrative regulation;

5. Applicable limit in the license or registration;

6. ALARA constraints for air emissions established under Section 2(4); or

(c) Levels of radiation or concentrations of radioactive material in:

1. A restricted area in excess of an applicable limit in the license or registration; or

2. An unrestricted area in excess of ten (10) times an applicable limit set forth in this administrative regulation, the license, or the registration, regardless of exposure of an individual in excess of the limits in Section 10 of this administrative regulation occurs; or

(d) For a person, agency, or licensee subject to the provisions of 40 CFR 190, levels of radiation or releases of radioactive material in excess of those standards, or conditions related to those standards.

(2) Contents of reports.

(a) A report required by subsection (1) of this section shall describe the extent of exposure of individuals to radiation and radioactive material, including, as appropriate:

1. Estimates of each individual's dose;
2. The levels of radiation and concentrations of radioactive material involved;
3. The cause of the elevated exposures, dose rates, or concentrations; and
4. Corrective steps taken or planned to ensure against a recurrence, including the schedule for achieving conformance with applicable limits, ALARA constraints and environmental standards, and associated license or registration conditions.

(b) A report filed under subsection (1) of this section shall include for each individual exposed:

1. Name of the individual;
2. Social Security number; and
3. Date of birth.

(c) The report shall be prepared so that information is stated in a separate and detachable part.

(d) With respect to the limit for the embryo or fetus, the identifiers shall be of the declared pregnant woman.

(3) A licensee or registrant who makes a report under subsection (1) of this section shall submit the report, in writing, to the Manager of the Radiation Control Branch, Department for Health Services, 275 East Main Street, Frankfort, Kentucky 40621.

Section 41. Reports of Planned Special Exposures. (1) A licensee or registrant shall submit a written report to the Manager of the Radiation Control Branch, Department for Health Services, 275 East Main Street, Frankfort, Kentucky 40621, within thirty (30) days following a planned special exposure conducted in accordance with Section 7 of this administrative regulation.

(2) A licensee or registrant shall:

- (a) Inform the Manager of the Radiation Control Branch that a planned special exposure was conducted;
- (b) Indicate the date the planned special exposure occurred; and
- (c) Provide the information required by Section 33 of this administrative regulation.

Section 42. Reports of Individual Monitoring. (1) This section shall apply to persons licensed or registered by the cabinet to:

- (a) Possess or use sources of radiation for purposes of radiography authorized by 902 KAR 100:100;
- (b) Receive radioactive waste from other persons for disposal pursuant to 902 KAR 100:022; or
- (c) Possess or use, for processing or manufacturing for distribution required by 902 KAR 100:058, byproduct material in amounts exceeding one (1) of the following quantities:

# ADMINISTRATIVE REGISTER - 1992

	Quantity of Radionuclide <sup>a</sup> in curies
Cesium-137	1
Cobalt-60	1
Gold-198	100
Iodine-131	1
Iridium-192	10
Krypton-85	1,000
Promethium-147	10
Technetium-99m	1,000

<sup>a</sup>The cabinet may require as a license or registration condition, KRS 211.842-211.852 or 902 KAR 100:015, Section 8, reports from licensees or registrants who are licensed or registered to use radionuclides not on this list, in quantities sufficient to cause comparable radiation levels.

(2) A licensee or registrant in a category listed in subsection (1) of this section shall:

(a) Submit an annual report of the results of individual monitoring carried out by the licensee for each individual for whom monitoring was required by Section 13 of this administrative regulation during that year;

(b) The licensee or registrant shall use Form NRC 5, or other clear and legible record, which contains all the information required by Form NRC 5.

(3) A licensee or registrant may include additional data for individuals for whom monitoring may be provided, but not required.

(4) A licensee or registrant shall:

(a) File the report required by subsection (2) of this section covering the preceding year on or before April 30 of each year; and

(b) Submit the report to the Manager of the Radiation Control Branch, Department for Health Services, 275 East Main Street, Frankfort, Kentucky 40621.

Section 43. Protection Factors for Respirators. Protection Factors<sup>a</sup>:

Description <sup>b</sup>	Protection Factors <sup>d</sup>			Tested & Certified Equipment
	Modes <sup>c</sup>	Particulates only	Particulates, gases & vapors <sup>e</sup>	
I. AIR-PURIFYING RESPIRATORS:				
Facepiece, half-mask <sup>g</sup>	N	10		30 CFR Part 11, Subpart K.
Facepiece, full	NP	50		
Facepiece, half-mask full, or hood	PP	1000		
II. ATMOSPHERE-SUPPLYING RESPIRATORS:				
1. Air-line respirator:				
Facepiece, half-mask	CF		1000	30 CFR Part 11, Subpart J.
Facepiece, half-mask	D		5	
Facepiece, full	CF		2000	
Facepiece, full	D		5	
Facepiece, full	PD		2000	
Hood	CF		( <sup>h</sup> )	
Suit	CF		( <sup>i</sup> )	( <sup>i</sup> )
2. Self-contained breathing apparatus (SCBA)				
Facepiece, full	D		50	30 CFR 11, Subpart H.
Facepiece, full	PD		*10,000	
Facepiece, full	RD		50	
Facepiece, full	RP		5,000	
III. COMBINATION RESPIRATORS:				
A combination of air-purifying and atmosphere-supplying respirators		Protection factor for type and mode of operation as listed above.		30 CFR 11, Sec. 11.63(b).

See footnotes.

## FOOTNOTES

a. For use in the selection of respiratory protective equipment to be used only if the contaminants have been identified and the concentrations, or possible concentrations, are known.

b. Only for shaven faces and if nothing interferes with the seal of tight-fitting facepieces against the skin. Hoods and suits shall be excepted.

c. The mode symbols shall be defined as follows:

CF = continuous flow

D = demand

NP = negative pressure, that is, negative phase during inhalation

PD = pressure demand, that is, always positive pressure

PP = positive pressure

RD = demand, recirculating or closed circuit

RP = pressure demand, recirculating or closed circuit

d.1. The protection factor shall be a measure of the degree of protection afforded by a respirator, defined as the ratio of the

## ADMINISTRATIVE REGISTER - 1993

concentration of airborne radioactive material outside the respiratory protective equipment to that inside the equipment, usually inside the facepiece, under conditions of use. It shall be applied to the ambient airborne concentration to estimate the concentrations inhaled by the wearer according to the following formula:

$$\text{Concentration inhaled} = \frac{\text{Ambient airborne concentration}}{\text{Protection factor}}$$

### 2. The protection factors apply:

(a) Only for individuals trained in using respirators and wearing properly fitted respirators that shall be used and maintained under supervision in a well-planned respiratory protective program.

(b) For air-purifying respirators only if high efficiency particulate filters, above 99.97% removal efficiency by thermally generated three-tenths (0.3) micron ( $\mu\text{m}$ ) dioctyl phthalate (DOP) test or equivalent, shall be used in atmospheres not deficient in oxygen and not containing radioactive gas or vapor respiratory hazards.

(c) Adjustment shall not be made for the use of sorbents against radioactive material in the form of gases or vapors.

(d) For atmosphere-supplying respirators only if supplied with adequate respirable air. Respirable air shall be provided of the quality and quantity required in accordance with the National Institute for Occupational Safety and Health and the Mine Safety and Health Administration certification described in 30 CFR Part 11. Oxygen and air shall not be used in the same apparatus.

e. Excluding radioactive contaminants that present an absorption or submersion hazard. For tritium oxide, approximately one-third (1/3) of the intake occurs by absorption through the skin so that an overall protection factor of less than two (2) shall be appropriate if atmosphere-supplying respirators are used to protect against tritium oxide. If the protection factor for respiratory protective equipment is five (5), the effective protection factor for tritium is about one and four-tenths (1.4); with protection factors of ten (10), the effective factor for tritium oxide is about one and seven-tenths (1.7); and with protection factors of 100 or more, the effective factor for tritium oxide is about one and nine-tenths (1.9). Air-purifying respirators shall not be suitable for protection against tritium oxide. See also footnote i concerning supplied-air suits.

f. Canisters and cartridges shall not be used beyond service-life limitations.

g. Under-chin type only. This type of respirator shall not be satisfactory for use if it may be possible, that if an accident or emergency were to occur, for the ambient airborne concentrations to reach instantaneous values greater than ten (10) times the pertinent values in Table I, Column 3 of Section 44(9) of this administrative regulation. This type of respirator shall not be suitable for protection against plutonium or other high-toxicity materials. The mask shall be tested for fit prior to use, each time it is donned.

h.1. Equipment shall be operated in a manner that ensures that proper airflow-rates are maintained. A protection factor of no more than 1000 may be utilized for tested-and-certified supplied-air hoods if a minimum air flow of six (6) cubic feet per minute ( $0.17 \text{ m}^3/\text{min}$ ) is maintained and calibrated air line pressure gauges or flow measuring devices are used. A protection factor of up to 2000 may be used for tested and certified hoods only if the air flow is maintained at the manufacturer's recommended maximum rate for the equipment, this rate is greater than six (6) cubic feet per minute ( $0.17 \text{ m}^3/\text{min}$ ) and calibrated air line pressure gauges or flow measuring devices are used.

2. The design of the supplied-air hood or helmet, with a minimum flow of six (6) cubic feet per minute ( $0.17 \text{ m}^3/\text{min}$ ) of air, may determine its overall efficiency and the protection it provides. For example, some hoods aspirate contaminated air into the breathing zone if the wearer works with hands-over-head. This aspiration may be overcome if a short cape-like extension to the hood is worn under a coat or overalls. Other limitations specified by the approval agency

shall be considered before using a hood in certain types of atmospheres. See footnote c.

i. Appropriate protection factors shall be determined, taking into account the design of the suit and its permeability to the contaminant under conditions of use. There shall be a standby rescue person equipped with a respirator or other apparatus appropriate for the potential hazards and communications equipment if supplied-air suits are used.

j. No approval schedules are currently available for this equipment. Equipment shall be evaluated by testing or on the basis of reliable test information.

k. This type of respirator may provide greater protection and be used as an emergency device in unknown concentrations for protection against inhalation hazards. External radiation hazards and other limitations to permitted exposure, for example, as skin absorption, shall be taken into account in these circumstances.

l. Quantitative fit testing shall be performed on each individual, and no more than 0.02% leakage shall be allowed with this type of apparatus. Perceptible outward leakage of gas from this or a positive pressure self-contained breathing apparatus shall be unacceptable because service life shall be reduced substantially. Special training in the use of this type of apparatus shall be provided to the wearer.

Note 1: Protection factors for respirators approved by the U.S. Bureau of Mines and the National Institute for Occupational Safety and Health, according to applicable approvals for respirators for type and mode of use to protect against airborne radionuclides, may be used to the extent that they do not exceed the protection factors listed in this table. The protection factors listed in this table may not be appropriate to circumstances if chemicals or other respiratory hazards exist in addition to radioactive hazards. The selection and use of respirators for these circumstances shall take into account applicable approvals of the U.S. Bureau of Mines and the National Institute for Occupational Safety and Health.

Note 2: Radioactive contaminants, for which the concentration values in Table I, Column 3 of Section 44(9) are based on internal dose due to inhalation, may present external exposure hazards at higher concentrations. Under these circumstances, limitations on occupancy may have to be governed by external dose limits.

Section 44. Annual Limits on Intake (ALI) and Derived Air Concentrations (DAC) of Radionuclides for Occupational Exposure; Effluent Concentrations; Concentrations for Release to Sanitary Sewerage. (1) For each radionuclide, subsection (9), Table I, of this section indicates the chemical form which shall be used for selecting the appropriate ALI or DAC value.

(2) The ALIs and DACs for inhalation are given for:

(a) An aerosol with an activity median aerodynamic diameter (AMAD) of one (1)  $\mu\text{m}$ ; and

(b) Three (3) classes (D,W,Y) of radioactive material, which refer to their retention (approximately days, weeks, or years) in the pulmonary region of the lung. This classification applies to a range of clearance half-times for:

1. D if less than ten (10) days;

2. W from ten (10) to 100 days; and

3. Y greater than 100 days.

(3) Subsection (9) of this section provides concentration limits for airborne and liquid effluents released to the general environment.

(4) Subsection (9) of this section provides concentration limits for discharges to sanitary sewerage.

(5) The values in Tables I, II, and III of subsection (9) of this section are presented in the computer "E" notation. In this notation:

(a) A value of 6E-02 represents a value of  $6 \times 10^{-2}$  or 0.06;

(b) 6E+2 represents  $6 \times 10^2$  or 600; and

(c) 6E+0 represents  $6 \times 10^0$  or 6.

(6) Occupational Values - Table I.

(a) The columns in Table I of subsection (9) of this section captioned "Oral Ingestion ALI," "Inhalation ALI," and "DAC," shall be



applicable to occupational exposure to radioactive material.

(b) The ALIs in subsection (9) of this section are the annual intakes of a given radionuclide by "Reference Man" which result in a committed effective dose equivalent of:

1. Five (5) rem (0.05 Sv), stochastic ALI; or
2. Fifty (50) rem (five-tenths (0.5) Sv) to an organ or tissue, non-stochastic ALI.

(c) The stochastic ALIs were derived to result in a risk, due to irradiation of organs and tissues, comparable to the risk associated with deep dose equivalent to the whole body of five (5) rem (0.05 Sv).

1. The derivation includes multiplying the committed dose equivalent to an organ or tissue by a weighting factor,  $w_T$ ;

2. This weighting factor is the proportion of the risk of stochastic effects resulting from irradiation of the organ or tissue (T) to the total risk of stochastic effects if the whole body is irradiated uniformly; and

3. The values of  $w_T$  are listed under the definition of weighting factor in 902 KAR 100:010.

(d) The nonstochastic ALIs were derived to avoid nonstochastic effects, such as prompt damage to tissue or reduction in organ function.

(e) A value of  $w_T = 0.06$  shall be applicable to each of the five (5) organs or tissues in the "remainder" category receiving the highest dose equivalents, and the dose equivalents of other remaining tissues may be disregarded. The following portions of the GI tract shall be treated as four (4) separate organs:

1. Stomach;
2. Small intestine;
3. Upper large intestine; and
4. Lower large intestine.

(f) The dose equivalents for an extremity, skin, and lens of the eye shall not be considered in computing the committed effective dose equivalent, and shall be subject to limits that are met separately.

(g) If an ALI shall be defined by the stochastic dose limit, this value alone is given. If an ALI shall be determined by the nonstochastic dose limit to an organ, the organ or tissue to which the limit applies is shown, and the ALI for the stochastic limit is shown in parentheses. Abbreviated organ or tissue designations are used as follows:

1. LLI wall = lower large intestine wall;
2. St. wall = stomach wall;
3. Blad wall = bladder wall; and
4. Bone surf = bone surface.

(h) The use of the ALIs listed first, the more limiting of the stochastic and nonstochastic ALIs, shall ensure nonstochastic effects are avoided and the risk of stochastic effects is limited to an acceptably low value.

1. If, in a particular situation involving a radionuclide for which the nonstochastic ALI is limiting, use of that nonstochastic ALI may be considered unduly conservative, a licensee may use the stochastic ALI to determine the committed effective dose equivalent;

2. A licensee shall also ensure that the fifty (50) rem (five-tenths (0.5) Sv) dose equivalent limit for an organ or tissue shall not be exceeded by the sum of the external deep dose equivalent plus the internal committed dose equivalent to that organ, not the effective dose;

3. If there is no external dose contribution, the requirements of subparagraph 2 of this paragraph shall be demonstrated if the sum of the fractions of the nonstochastic ALIs ( $ALI_{ns}$ ) that contribute to the committed dose equivalent to the organ receiving the highest dose shall not exceed unity, that is,  $\sum (\text{intake in } \mu\text{Ci of each radionuclide}/ALI_{ns}) \leq 1.0$ ; and

4. If there is an external deep dose equivalent contribution of  $H_d$ , then this sum shall be less than  $1 - (H_d/50)$ , instead of  $\leq 1.0$ .

(i) The dose equivalents for an extremity, skin, and lens of the eye shall not be considered in computing the committed effective dose equivalent, but shall be subject to limits that shall be met separately.

(j) The derived air concentration (DAC) values are derived limits

intended to control chronic occupational exposures. The relationship between the DAC and the ALI shall be given by:

1.  $DAC = ALI(\text{in } \mu\text{Ci}) / (2000 \text{ hours per working year} \times 60 \text{ minutes/hour} \times 2 \times 10^4 \text{ ml per minute}) = [ALI / 2.4 \times 10^9] \mu\text{Ci/ml}$ , if  $2 \times 10^4$  ml is the volume of air breathed per minute at work by the reference man under working conditions of light work;

2. The DAC values relate to one (1) of two (2) modes of exposure with external submersion or the internal committed dose equivalents resulting from inhalation of radioactive materials. DACs based upon submersion shall be for immersion in a semi-infinite cloud of uniform concentration and shall apply to each radionuclide separately;

3. The ALI and DAC values include contributions to exposure by the single radionuclide named and in-growth of daughter radionuclides produced in the body by decay of the parent. Intakes that include both the parent and daughter radionuclides shall be treated by the general method appropriate for mixtures;

4. The values of ALI and DAC shall not apply directly if the individual both ingests and inhales a radionuclide, if the individual is exposed to a mixture of radionuclides by inhalation, ingestion, or both, or if the individual is exposed to both internal and external irradiation (see Section 13 of this administrative regulation). If an individual is exposed to radioactive materials which fall under several of the translocation classifications of the same radionuclide (for example, Class D, Class W, or Class Y), the exposure may be evaluated as if it were a mixture of different radionuclides; and

5. It shall be noted that the classification of a compound as Class D, W, or Y is based on the chemical form of the compound and does not take into account the radiological half-life of different radionuclides. Values are given for Class D, W, and Y compounds, even for very short-lived radionuclides.

(7) Effluent Concentrations - Table II.

(a) The columns in Table II of subsection (9) of this section captioned "Effluents," "Air," and "Water" shall be applicable to the assessment and control of dose to the public, particularly in the implementation of the provisions of 902 KAR 100:021, Section 3. The concentration values given in Columns 1 and 2 of Table II, subsection (9) of this section, are equivalent to the radionuclide concentrations which, if inhaled or ingested continuously over the course of a year, shall produce a total effective dose equivalent of 0.05 rem (five-tenths (0.5) mSv).

(b) Consideration of nonstochastic limits has not been included in deriving the air and water effluent concentration limits because nonstochastic effects are presumed not to occur at or below the dose levels established for individual members of the public. For radionuclides, where the nonstochastic limit will be governing in deriving the occupational DAC, the stochastic ALI shall be used in deriving the corresponding airborne effluent limit in Table II, subsection (9) of this section. For this reason, the DAC and airborne effluent limits are not always proportional.

(c) The air concentration values listed in Table II, subsection (9) of this section, Column 1, were derived by one (1) of two (2) methods. For those radionuclides for which the stochastic limit is governing, the occupational stochastic inhalation ALI was divided by  $2.4 \times 10^9$ , relating the inhalation ALI to the DAC, as explained in subsection (6)(j)1, of this section and then divided by a factor of 300. The factor of 300 includes the following components:

1. A factor of fifty (50) to relate the 0.05 rem (0.05 Sv) annual occupational dose limit to the one-tenth (0.1) rem limit for members of the public;

2. A factor of three (3) to adjust for the difference in exposure time and the inhalation rate for a worker and for members of the public; and

3. A factor of two (2) to adjust the occupational values, derived for adults, so they are applicable to other age groups.

(d) For those radionuclides for which submersion, that is external dose, shall be limiting, the occupational DAC in Table I, Column 3, of subsection (9) of this section shall be divided by 219. The factor of

# ADMINISTRATIVE REGISTER - 1995

219 is composed of:

1. A factor of fifty (50), as described in subsection (7)(c) of this section;

2. A factor of 4.38 relating occupational exposure for 2,000 hours per year to full-time exposure (8,760 hours per year); and

3. An additional factor of two (2) for age considerations shall not be warranted in the submersion case.

(e) The water concentrations shall be derived by taking the most restrictive occupational stochastic oral ingestion ALI and dividing by  $7.3 \times 10^7$ . The factor of  $7.3 \times 10^7$  (ml) includes the following components:

1. The factors of fifty (50) and two (2) described above; and

2. A factor of  $7.3 \times 10^5$  (ml) which is the annual water intake of the reference man.

(f) This section provides groupings of radionuclides which shall be applicable to unknown mixtures of radionuclides. These groupings, including occupational inhalation ALIs and DACs, air and water effluent concentrations, and releases to sewer, require demonstrating the most limiting radionuclides in successive classes are absent. The limit for the unknown mixture shall be defined if the presence of one (1) of the listed radionuclides cannot be definitely excluded as being present from knowledge of the radionuclide composition of the source or from actual measurements.

(8) Releases to Sewers - Table III.

(a) The monthly average concentrations for release to sanitary sewerage shall be applicable to Section 11 of this administrative regulation.

(b) The concentration values were derived by taking the most restrictive occupational stochastic oral ingestion ALI and dividing by  $7.3 \times 10^6$  (ml). The factor of  $7.3 \times 10^6$  (ml) shall be composed of a factor of  $7.3 \times 10^5$  (ml), the annual water intake by the reference man, and a factor of ten (10), that the concentrations, if the sewage released by the licensee was the only source of water ingested by a reference man during a year, shall result in a committed effective dose equivalent of five-tenths (0.5) rem.

(9) List of Elements and Tables I, II, and III.

Name	Symbol	Atomic Number	Name	Symbol	Atomic Number
Actinium	Ac	89	Mercury	Hg	80
Aluminum	Al	13	Molybdenum	Mo	42
Americium	Am	95	Neodymium	Nd	60
Antimony	Sb	51	Neptunium	Np	93
Argon	Ar	18	Nickel	Ni	28
Arsenic	As	33	Niobium	Nb	41
Astatine	At	85	Osmium	Os	76
Barium	Ba	56	Palladium	Pd	46
Berkelium	Bk	97	Phosphorus	P	15
Beryllium	Be	4	Platinum	Pt	78
Bismuth	Bi	83	Plutonium	Pu	94
Bromine	Br	35	Polonium	Po	84
Cadmium	Cd	48	Potassium	K	19
Calcium	Ca	20	Praseodymium	Pr	59
Californium	Cf	98	Promethium	Pm	61
Carbon	C	6	Protactinium	Pa	91
Cerium	Ce	58	Radium	Ra	88
Cesium	Cs	55	Radon	Rn	86
Chlorine	Cl	17	Rhenium	Re	75
Chromium	Cr	24	Rhodium	Rh	45
Cobalt	Co	27	Rubidium	Rb	37
Copper	Cu	29	Ruthenium	Ru	44
Curium	Cm	96	Samarium	Sm	62
Dysprosium	Dy	66	Scandium	Sc	21
Einsteinium	Es	99	Selenium	Se	34
Erbium	Er	68	Silicon	Si	14
Europium	Eu	63	Silver	Ag	47
Fermium	Fm	100	Sodium	Na	11
Fluorine	F	9	Strontium	Sr	38
Francium	Fr	87	Sulfur	S	16
Gadolinium	Gd	64	Tantalum	Ta	73
Gallium	Ga	31	Technetium	Tc	43
Germanium	Ge	32	Tellurium	Te	52
Gold	Au	79	Terbium	Tb	65
Hafnium	Hf	72	Thallium	Tl	81
Holmium	Ho	67	Thorium	Th	90
Hydrogen	H	1	Thulium	Tm	69
Indium	In	49	Tin	Sn	50
Iodine	I	53	Titanium	Ti	22

# ADMINISTRATIVE REGISTER - 1996

Iridium	Ir	77	Tungsten	W	74
Iron	Fe	26	Uranium	U	92
Krypton	Kr	36	Vanadium	V	23
Lanthanum	La	57	Xenon	Xe	54
Lead	Pb	82	Ytterbium	Yb	70
Lutetium	Lu	71	Yttrium	Y	39
Magnesium	Mg	12	Zinc	Zn	30
Manganese	Mn	25	Zirconium	Zr	40
Mendelevium	Md	101			

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	Monthly Average Concentration
			Oral Ingestion ALI (μCi)	Inhalation ALI (μCi)	DAC (μCi/ml)	Air (μCi/ml)	Water (μCi/ml)	(μCi/ml)
1	Hydrogen-3	Water, DAC includes skin absorption	8E+4	8E+4	2E-5	1E-7	1E-3	1E-2
		Gas (HT or T <sub>2</sub> ) Submersion <sup>1</sup> :	Use above values as HT and T <sub>2</sub> oxidize in air and in the body to HTO.					
4	Beryllium-7	W, all compounds except those given for Y, oxides, halides, and nitrates	4E+4	2E+4	9E-6	3E-8	6E-4	6E-3
			-	2E+4	8E-6	3E-8	-	-
4	Beryllium-10	W, see <sup>7</sup> Be	1E+3	2E+2	6E-8	2E-10	-	-
			LLI wall (1E+3)	-	-	-	2E-5	2E-4
		Y, see <sup>7</sup> Be	-	1E+1	6E-9	2E-11	-	-
6	Carbon-11 <sup>2</sup>	Monoxide	-	1E+6	5E-4	2E-6	-	-
		Dioxide	-	6E+5	3E-4	9E-7	-	-
		Compounds	4E+5	4E+5	2E-4	6E-7	6E-3	6E-2
6	Carbon-14	Monoxide	-	2E+6	7E-4	2E-6	-	-
		Dioxide	-	2E+5	9E-5	3E-7	-	-
		Compounds	2E+3	2E+3	1E-6	3E-9	3E-5	3E-4
9	Fluorine-18 <sup>2</sup>	D, fluorides of H, Li, Na, K, Rb, Cs, and Fr	5E+4	7E+4	3E-5	1E-7	-	-
			St wall (5E+4)	-	-	-	7E-4	7E-3
		W, fluorides of Be, Mg, Ca, Sr, Ba, Ra, Al, Ga, In, Tl, As, Sb, Bi, Fe, Ru, Os, Co, Ni, Pd, Pt, Cu, Ag, Au, Zn, Cd, Hg, Sc, Y, Ti, Zr, V, Nb, Ta, Mn, Tc, and Re	-	9E+4	4E-5	1E-7	-	-
		Y, lanthanum fluoride	-	8E+4	3E-5	1E-7	-	-
11	Sodium-22	D, all compounds	4E+2	6E+2	3E-7	9E-10	6E-6	6E-5
11	Sodium-24	D, all compounds	4E+3	5E+3	2E-6	7E-9	5E-5	5E-4
12	Magnesium-28	D, all compounds except those given for W	7E+2	2E+3	7E-7	2E-9	9E-6	9E-5
		W, oxides, hydroxides, carbides, halides, and nitrates	-	1E+3	5E-7	2E-9	-	-
13	Aluminum-26	D, all compounds except those given for W	4E+2	6E+1	3E-8	9E-11	6E-6	6E-5
		W, oxides, hydroxides, carbides, halides, and nitrates	-	9E+1	4E-8	1E-10	-	-
14	Silicon-31	D, all compounds except those given for W and Y	9E+3	3E+4	1E-5	4E-8	1E-4	1E-3
		W, oxides, hydroxides, carbides, and nitrates	-	3E+4	1E-5	5E-8	-	-
		Y, aluminosilicate glass	-	3E+4	1E-5	4E-8	-	-
14	Silicon-32	D, see <sup>31</sup> Si	2E+3	2E+2	1E-7	3E-10	-	-
			LLI wall (3E+3)	-	-	-	4E-5	4E-4

# ADMINISTRATIVE REGISTER - 1997

		W, see <sup>31</sup> Si	-	1E+2	5E-8	2E-10	-	-
		Y, see <sup>31</sup> Si	-	5E+0	2E-9	7E-12	-	-
15	Phosphorus-32	D, all compounds except phosphates given for W W, phosphates of Zn <sup>2+</sup> , S <sup>2-</sup> , Mg <sup>2+</sup> , Fe <sup>3+</sup> , Bi <sup>3+</sup> , and lanthanides	6E+2	9E+2	4E-7	1E-9	9E-6	9E-5
			-	4E+2	2E-7	5E-10	-	-
15	Phosphorus-33	D, see <sup>32</sup> P W, see <sup>32</sup> P	6E+3	8E+3	4E-6	1E-8	8E-5	8E-4
			-	3E+3	1E-6	4E-9	-	-
16	Sulfur-35	Vapor D, sulfides and sulfates except those given for W	1E+4	6E-6	2E-8	-	-	-
			1E+4	2E+4	7E-6	2E-8	-	-
		W, elemental sulfur, sulfides of Sr, Ba, Ge, Sn, Pb, As, Sb, Bi, Cu, Ag, Au, Zn, Cd, Hg, W, and Mo. Sulfates of Ca, Sr, Ba, Ra, As, Sb, and Bi	LLI wall (8E+3) 6E+3	-	-	-	1E-4	1E-3
			-	2E+3	9E-7	3E-9	-	-
17	Chlorine-36	D, chlorides of H, Li, Na, K, Rb, Cs, and Fr W, chlorides of lanthanides, Be, Mg, Ca, Sr, Ba, Ra, Al, Ga, In, Tl, Ge, Sn, Pb, As, Sb, Bi, Fe, Ru, Os, Co, Rh, Ir, Ni, Pd, Pt, Cu, Ag, Au, Zn, Cd, Hg, Sc, Y, Ti, Zr, Hf, V, Nb, Ta, Cr, Mo, W, Mn, Tc, and Re	2E+3	2E+3	1E-6	3E-9	2E-5	2E-4
			-	2E+2	1E-7	3E-10	-	-
17	Chlorine-38 <sup>2</sup>	D, see <sup>36</sup> Cl St wall (3E+4) W, see <sup>36</sup> Cl	2E+4 St wall (3E+4) -	4E+4 -	2E-5 -	6E-8 -	- 3E-4 -	- 3E-3 -
17	Chlorine-39 <sup>2</sup>	D, see <sup>36</sup> Cl St wall (4E+4) W, see <sup>36</sup> Cl	2E+4 St wall (4E+4) -	5E+4 -	2E-5 -	7E-8 -	- 5E-4 -	- 5E-3 -
18	Argon-37	Submersion <sup>1</sup>	-	-	1E+0	6E-3	-	-
18	Argon-39	Submersion <sup>1</sup>	-	-	2E-4	8E-7	-	-
18	Argon-41	Submersion <sup>1</sup>	-	-	3E-6	1E-8	-	-
19	Potassium-40	D, all compounds	3E+2	4E+2	2E-7	6E-10	4E-6	4E-5
19	Potassium-42	D, all compounds	5E+3	5E+3	2E-6	7E-9	6E-5	6E-4
19	Potassium-43	D, all compounds	6E+3	9E+3	4E-6	1E-8	9E-5	9E-4
19	Potassium-44 <sup>2</sup>	D, all compounds St wall (4E+4)	2E+4 St wall (4E+4) -	7E+4 -	3E-5 -	9E-8 -	- 5E-4 -	- 5E-3 -
19	Potassium-45 <sup>2</sup>	D, all compounds St wall (5E+4)	3E+4 St wall (5E+4) -	1E+5 -	5E-5 -	2E-7 -	- 7E-4 -	- 7E-3 -
20	Calcium-41	W, all compounds Bone surf (4E+3)	3E+3 Bone surf (4E+3)	4E+3 Bone surf (4E+3) -	2E-6 -	- 5E-9	- 6E-5	- 6E-4
20	Calcium-45	W, all compounds	2E+3	8E+2	4E-7	1E-9	2E-5	2E-4
20	Calcium-47	W, all compounds	8E+2	9E+2	4E-7	1E-9	1E-5	1E-4
21	Scandium-43	Y, all compounds	7E+3	2E+4	9E-6	3E-8	1E-4	1E-3
21	Scandium-44m	Y, all compounds	5E+2	7E+2	3E-7	1E-9	7E-6	7E-5
21	Scandium-44	Y, all compounds	4E+3	1E+4	5E-6	2E-8	5E-5	5E-4
21	Scandium-46	Y, all compounds	9E+2	2E+2	1E-7	3E-10	1E-5	1E-4
21	Scandium-47	Y, all compounds LLI wall	2E+3 LLI wall	3E+3	1E-6	4E-9	-	-

# ADMINISTRATIVE REGISTER - 1998

			(3E+3)	-	-	-	4E-5	4E-4
21	Scandium-48	Y, all compounds	8E+2	1E+3	6E-7	2E-9	1E-5	1E-4
21	Scandium-49 <sup>2</sup>	Y, all compounds	2E+4	5E+4	2E-5	8E-8	3E-4	3E-3
22	Titanium-44	D, all compounds except those given for W and Y W, oxides, hydroxides, carbides, halides, and nitrates Y, SrTiO	3E+2	1E+1	5E-9	2E-11	4E-6	4E-5
			-	3E+1	1E-8	4E-11	-	-
			-	6E+0	2E-9	8E-12	-	-
22	Titanium-45	D, see <sup>44</sup> Ti W, see <sup>44</sup> Ti Y, see <sup>44</sup> Ti	9E+3	3E+4	1E-5	3E-8	1E-4	1E-3
			-	4E+4	1E-5	5E-8	-	-
			-	3E+4	1E-5	4E-8	-	-
23	Vanadium-47 <sup>2</sup>	D, all compounds except those given for W  W, oxides, hydroxides, carbides, and halides	3E+4 St wall (3E+4)	8E+4	3E-5	1E-7	-	-
			-	1E+5	4E-5	1E-7	-	-
23	Vanadium-48	D, see <sup>47</sup> V W, see <sup>47</sup> V	6E+2	1E+3	5E-7	2E-9	9E-6	9E-5
			-	6E+2	3E-7	9E-10	-	-
23	Vanadium-49	D, see <sup>47</sup> V  W, see <sup>47</sup> V	7E+4 LLI wall (9E+4)	3E+4 Bone surf (3E+4)	1E-5	-	-	-
			-	2E+4	8E-6	5E-8	1E-3	1E-2
			-			2E-8	-	-
24	Chromium-48	D, all compounds except those given for W and Y W, halides and nitrates Y, oxides and hydroxides	6E+3	1E+4	5E-6	2E-8	8E-5	8E-4
			-	7E+3	3E-6	1E-8	-	-
			-	7E+3	3E-6	1E-8	-	-
24	Chromium-49 <sup>2</sup>	D, see <sup>48</sup> Cr W, see <sup>48</sup> Cr Y, see <sup>48</sup> Cr	3E+4	8E+4	4E-5	1E-7	4E-4	4E-3
			-	1E+5	4E-5	1E-7	-	-
			-	9E+4	4E-5	1E-7	-	-
24	Chromium-51	D, see <sup>48</sup> Cr W, see <sup>48</sup> Cr Y, see <sup>48</sup> Cr	4E+4	5E+4	2E-5	6E-8	5E-4	5E-3
			-	2E+4	1E-5	3E-8	-	-
			-	2E+4	8E-6	3E-8	-	-
25	Manganese-51 <sup>2</sup>	D, all compounds except those given for W W, oxides, hydroxides, halides, and nitrates	2E+4	5E+4	2E-5	7E-8	3E-4	3E-3
			-	6E+4	3E-5	8E-8	-	-
25	Manganese-52m <sup>2</sup>	D, see <sup>51</sup> Mn  W, see <sup>51</sup> Mn	3E+4 St wall (4E+4)	9E+4	4E-5	1E-7	-	-
			-	1E+5	4E-5	1E-7	5E-4	5E-3
25	Manganese-52	D, see <sup>51</sup> Mn W, see <sup>51</sup> Mn	7E+2	1E+3	5E-7	2E-9	1E-5	1E-4
			-	9E+2	4E-7	1E-9	-	-
25	Manganese-53	D, see <sup>51</sup> Mn  W, see <sup>51</sup> Mn	5E+4	1E+4	5E-6	-	7E-4	7E-3
			-	Bone surf (2E+4)	-	3E-8	-	-
			-	1E+4	5E-6	2E-8	-	-
25	Manganese-54	D, see <sup>51</sup> Mn W, see <sup>51</sup> Mn	2E+3	9E+2	4E-7	1E-9	3E-5	3E-4
			-	8E+2	3E-7	1E-9	-	-
25	Manganese-56	D, see <sup>51</sup> Mn W, see <sup>51</sup> Mn	5E+3	2E+4	6E-6	2E-8	7E-5	7E-4
			-	2E+4	9E-6	3E-8	-	-
26	Iron-52	D, all compounds except those given for W W, oxides, hydroxides, and halides	9E+2	3E+3	1E-6	4E-9	1E-5	1E-4
			-	2E+3	1E-6	3E-9	-	-
26	Iron-55	D, see <sup>52</sup> Fe W, see <sup>52</sup> Fe	9E+3	2E+3	8E-7	3E-9	1E-4	1E-3
			-	4E+3	2E-6	6E-9	-	-
26	Iron-59	D, see <sup>52</sup> Fe W, see <sup>52</sup> Fe	8E+2	3E+2	1E-7	5E-10	1E-5	1E-4
			-	5E+2	2E-7	7E-10	-	-
26	Iron-60	D, see <sup>52</sup> Fe W, see <sup>52</sup> Fe	3E+1	6E+0	3E-9	9E-12	4E-7	4E-6
			-	2E+1	8E-9	3E-11	-	-
27	Cobalt-55	W, all compounds except						

# ADMINISTRATIVE REGISTER - 1999

		those given for Y	1E+3	3E+3	1E-6	4E-9	2E-5	2E-4
		Y, oxides, hydroxides, halides, and nitrates	-	3E+3	1E-6	4E-9	-	-
27	Cobalt-56	W, see <sup>55</sup> Co Y, see <sup>55</sup> Co	5E+2 4E+2	3E+2 2E+2	1E-7 8E-8	4E-10 3E-10	6E-6 -	6E-5 -
27	Cobalt-57	W, see <sup>55</sup> Co Y, see <sup>55</sup> Co	8E+3 4E+3	3E+3 7E+2	1E-6 3E-7	4E-9 9E-10	6E-5 -	6E-4 -
27	Cobalt-58m	W, see <sup>55</sup> Co Y, see <sup>55</sup> Co	6E+4 -	9E+4 6E+4	4E-5 3E-5	1E-7 9E-8	8E-4 -	8E-3 -
27	Cobalt-58	W, see <sup>55</sup> Co Y, see <sup>55</sup> Co	2E+3 1E+3	1E+3 7E+2	5E-7 3E-7	2E-9 1E-9	2E-5 -	2E-4 -
27	Cobalt-60m <sup>2</sup>	W, see <sup>55</sup> Co  Y, see <sup>55</sup> Co	1E+6 St wall (1E+6) -	4E+6 - 3E+6	2E-3 - 1E-3	6E-6 - 4E-6	- 2E-2 -	- 2E-1 -
27	Cobalt-60	W, see <sup>55</sup> Co Y, see <sup>55</sup> Co	5E+2 2E+2	2E+2 3E+1	7E-8 1E-8	2E-10 5E-11	3E-6 -	3E-5 -
27	Cobalt-61 <sup>2</sup>	W, see <sup>55</sup> Co Y, see <sup>55</sup> Co	2E+4 2E+4	6E+4 6E+4	3E-5 2E-5	9E-8 8E-8	3E-4 -	3E-3 -
27	Cobalt-62m <sup>2</sup>	W, see <sup>55</sup> Co  Y, see <sup>55</sup> Co	4E+4 St wall (5E+4) -	2E+5 - 2E+5	7E-5 - 6E-5	2E-7 - 2E-7	- 7E-4 -	- 7E-3 -
28	Nickel-56	D, all compounds except those given for W W, oxides, hydroxides, and carbides Vapor	1E+3 - -	2E+3 1E+3 1E+3	8E-7 5E-7 5E-7	3E-9 2E-9 2E-9	2E-5 - -	2E-4 - -
28	Nickel-57	D, see <sup>56</sup> Ni W, see <sup>56</sup> Ni Vapor	2E+3 - -	5E+3 3E+3 6E+3	2E-6 1E-6 3E-6	7E-9 4E-9 9E-9	2E-5 - -	2E-4 - -
28	Nickel-59	D, see <sup>56</sup> Ni W, see <sup>56</sup> Ni Vapor	2E+4 - -	4E+3 7E+3 2E+3	2E-6 3E-6 8E-7	5E-9 1E-8 3E-9	3E-4 - -	3E-3 - -
28	Nickel-63	D, see <sup>56</sup> Ni W, see <sup>56</sup> Ni Vapor	9E+3 - -	2E+3 3E+3 8E+2	7E-7 1E-6 3E-7	2E-9 4E-9 1E-9	1E-4 - -	1E-3 - -
28	Nickel-65	D, see <sup>56</sup> Ni W, see <sup>56</sup> Ni Vapor	8E+3 - -	2E+4 3E+4 2E+4	1E-5 1E-5 7E-6	3E-8 4E-8 2E-8	1E-4 - -	1E-3 - -
28	Nickel-66	D, see <sup>56</sup> Ni  W, see <sup>56</sup> Ni Vapor	4E+2 LLI wall (5E+2) - -	2E+3 - 6E+2 3E+3	7E-7 - 3E-7 1E-6	2E-9 - 9E-10 4E-9	- 6E-6 - -	- 6E-5 - -
29	Copper-60 <sup>2</sup>	D, all compounds except those given for W and Y  W, sulfides, halides, and nitrates Y, oxides and hydroxides	3E+4 St wall (3E+4) - -	9E+4 - 1E+5 1E+5	4E-5 - 5E-5 4E-5	1E-7 - 2E-7 1E-7	- 4E-4 - -	- 4E-3 - -
29	Copper-61	D, see <sup>60</sup> Cu W, see <sup>60</sup> Cu Y, see <sup>60</sup> Cu	1E+4 - -	3E+4 4E+4 4E+4	1E-5 2E-5 1E-5	4E-8 6E-8 5E-8	2E-4 - -	2E-3 - -
29	Copper-64	D, see <sup>60</sup> Cu W, see <sup>60</sup> Cu Y, see <sup>60</sup> Cu	1E+4 - -	3E+4 2E+4 2E+4	1E-5 1E-5 9E-6	4E-8 3E-8 3E-8	2E-4 - -	2E-3 - -
29	Copper-67	D, see <sup>60</sup> Cu W, see <sup>60</sup> Cu Y, see <sup>60</sup> Cu	5E+3 - -	8E+3 5E+3 5E+3	3E-6 2E-6 2E-6	1E-8 7E-9 6E-9	6E-5 - -	6E-4 - -
30	Zinc-62	Y, all compounds	1E+3	3E+3	1E-6	4E-9	2E-5	2E-4
30	Zinc-63 <sup>2</sup>	Y, all compounds	2E+4	7E+4	3E-5	9E-8	-	-

# ADMINISTRATIVE REGISTER - 2000

			St wall (3E+4)	-	-	-	3E-4	3E-3
30	Zinc-65	Y, all compounds	4E+2	3E+2	1E-7	4E-10	5E-6	5E-5
30	Zinc-69m	Y, all compounds	4E+3	7E+3	3E-6	1E-8	6E-5	6E-4
30	Zinc-69 <sup>2</sup>	Y, all compounds	6E+4	1E+5	6E-5	2E-7	8E-4	8E-3
30	Zinc-71m	Y, all compounds	6E+3	2E+4	7E-6	2E-8	8E-5	8E-4
30	Zinc-72	Y, all compounds	1E+3	1E+3	5E-7	2E-9	1E-5	1E-4
31	Gallium-65 <sup>2</sup>	D, all compounds except those given for W	5E+4 St wall (6E+4)	2E+5	7E-5	2E-7	-	-
		W, oxides, hydroxides, carbides, halides, and nitrates	-	2E+5	8E-5	3E-7	9E-4	9E-3
31	Gallium-66	D, see <sup>65</sup> Ga W, see <sup>65</sup> Ga	1E+3 -	4E+3 3E+3	1E-6 1E-6	5E-9 4E-9	1E-5 -	1E-4 -
31	Gallium-67	D, see <sup>65</sup> Ga W, see <sup>65</sup> Ga	7E+3 -	1E+4 1E+4	6E-6 4E-6	2E-8 1E-8	1E-4 -	1E-3 -
31	Gallium-68 <sup>2</sup>	D, see <sup>65</sup> Ga W, see <sup>65</sup> Ga	2E+4 -	4E+4 5E+4	2E-5 2E-5	6E-8 7E-8	2E-4 -	2E-3 -
31	Gallium-70 <sup>2</sup>	D, see <sup>65</sup> Ga	5E+4 St wall (7E+4)	2E+5	7E-5	2E-7	-	-
		W, see <sup>65</sup> Ga	-	2E+5	8E-5	3E-7	1E-3	1E-2
31	Gallium-72	D, see <sup>65</sup> Ga W, see <sup>65</sup> Ga	1E+3 -	4E+3 3E+3	1E-6 1E-6	5E-9 4E-9	2E-5 -	2E-4 -
31	Gallium-73	D, see <sup>65</sup> Ga W, see <sup>65</sup> Ga	5E+3 -	2E+4 2E+4	6E-6 6E-6	2E-8 2E-8	7E-5 -	7E-4 -
32	Germanium-66	D, all compounds except those given for W W, oxides, sulfides, and halides	2E+4 -	3E+4 2E+4	1E-5 8E-6	4E-8 3E-8	3E-4 -	3E-3 -
32	Germanium-67 <sup>2</sup>	D, see <sup>66</sup> Ge	3E+4 St wall (4E+4)	9E+4	4E-5	1E-7	-	-
		W, see <sup>66</sup> Ge	-	1E+5	4E-5	1E-7	6E-4	6E-3
32	Germanium-68	D, see <sup>66</sup> Ge W, see <sup>66</sup> Ge	5E+3 -	4E+3 1E+2	2E-6 4E-8	5E-9 1E-10	6E-5 -	6E-4 -
32	Germanium-69	D, see <sup>66</sup> Ge W, see <sup>66</sup> Ge	1E+4 -	2E+4 8E+3	6E-6 3E-6	2E-8 1E-8	2E-4 -	2E-3 -
32	Germanium-71	D, see <sup>66</sup> Ge	5E+5	4E+5	2E-4	6E-7	7E-3	7E-2
		W, see <sup>66</sup> Ge	-	4E+4	2E-5	6E-8	-	-
32	Germanium-75 <sup>2</sup>	D, see <sup>66</sup> Ge	4E+4 St wall (7E+4)	8E+4	3E-5	1E-7	-	-
		W, see <sup>66</sup> Ge	-	8E+4	4E-5	1E-7	9E-4	9E-3
32	Germanium-77	D, see <sup>66</sup> Ge W, see <sup>66</sup> Ge	9E+3 -	1E+4 6E+3	4E-6 2E-6	1E-8 8E-9	1E-4 -	1E-3 -
32	Germanium-78 <sup>2</sup>	D, see <sup>66</sup> Ge	2E+4 St wall (2E+4)	2E+4	9E-6	3E-8	-	-
		W, see <sup>66</sup> Ge	-	2E+4	9E-6	3E-8	3E-4	3E-3
33	Arsenic-69 <sup>2</sup>	W, all compounds	3E+4 St wall (4E+4)	1E+5	5E-5	2E-7	-	-
			-	-	-	-	6E-4	6E-3
33	Arsenic-70 <sup>2</sup>	W, all compounds	1E+4	5E+4	2E-5	7E-8	2E-4	2E-3
33	Arsenic-71	W, all compounds	4E+3	5E+3	2E-6	6E-9	5E-5	5E-4
33	Arsenic-72	W, all compounds	9E+2	1E+3	6E-7	2E-9	1E-5	1E-4



# ADMINISTRATIVE REGISTER - 2001

33	Arsenic-73	W, all compounds	8E+3	2E+3	7E-7	2E-9	1E-4	1E-3
33	Arsenic-74	W, all compounds	1E+3	8E+2	3E-7	1E-9	2E-5	2E-4
33	Arsenic-76	W, all compounds	1E+3	1E+3	6E-7	2E-9	1E-5	1E-4
33	Arsenic-77	W, all compounds	4E+3 LLI wall (5E+3)	5E+3	2E-6	7E-9	-	-
			-	-	-	-	6E-5	6E-4
33	Arsenic-78 <sup>2</sup>	W, all compounds	8E+3	2E+4	9E-6	3E-8	1E-4	1E-3
34	Selenium-70 <sup>2</sup>	D, all compounds except those given for W W, oxides, hydroxides, carbides, and elemental Se	2E+4	4E+4	2E-5	5E-8	1E-4	1E-3
			1E+4	4E+4	2E-5	6E-8	-	-
34	Selenium-73m <sup>2</sup>	D, see <sup>70</sup> Se W, see <sup>70</sup> Se	6E+4 3E+4	2E+5 1E+5	6E-5 6E-5	2E-7 2E-7	4E-4 -	4E-3
34	Selenium-73	D, see <sup>70</sup> Se W, see <sup>70</sup> Se	3E+3 -	1E+4 2E+4	5E-6 7E-6	2E-8 2E-8	4E-5 -	4E-4
34	Selenium-75	D, see <sup>70</sup> Se W, see <sup>70</sup> Se	5E+2 -	7E+2 6E+2	3E-7 3E-7	1E-9 8E-10	7E-6 -	7E-5
34	Selenium-79	D, see <sup>70</sup> Se W, see <sup>70</sup> Se	6E+2 -	8E+2 6E+2	3E-7 2E-7	1E-9 8E-10	8E-6 -	8E-5
34	Selenium-81m <sup>2</sup>	D, see <sup>70</sup> Se W, see <sup>70</sup> Se	4E+4 2E+4	7E+4 7E+4	3E-5 3E-5	9E-8 1E-7	3E-4 -	3E-3
34	Selenium-81 <sup>2</sup>	D, see <sup>70</sup> Se	6E+4 St wall (8E+4)	2E+5	9E-5	3E-7	-	-
	W, see <sup>70</sup> Se		-	2E+5	1E-4	3E-7	-	-
34	Selenium-83 <sup>2</sup>	D, see <sup>70</sup> Se W, see <sup>70</sup> Se	4E+4 3E+4	1E+5 1E+5	5E-5 5E-5	2E-7 2E-7	4E-4 -	4E-3
35	Bromine-74m <sup>2</sup>	D, bromides of H, Li, Na, K, Rb, Cs, and Fr	1E+4 St wall (2E+4)	4E+4	2E-5	5E-8	-	-
	W, bromides of lantha- nides, Be, Mg, Ca, Sr, Ba, Ra, Al, Ga, In, Tl, Ge, Sn, Pb, As, Sb, Bi, Fe, Ru, Os, Co, Rh, Ir, Ni, Pd, Pt, Cu, Ag, Au, Zn, Cd, Hg, Sc, Y, Ti, Zr, Hf, V, Nb, Ta, Mn, Tc, and Re		-	4E+4	2E-5	6E-8	-	-
35	Bromine-74 <sup>2</sup>	D, see <sup>74m</sup> Br	2E+4 St wall (4E+4)	7E+4	3E-5	1E-7	-	-
	W, see <sup>74m</sup> Br		-	8E+4	4E-5	1E-7	5E-4	5E-3
35	Bromine-75 <sup>2</sup>	D, see <sup>74m</sup> Br	3E+4 St wall (4E+4)	5E+4	2E-5	7E-8	-	-
	W, see <sup>74m</sup> Br		-	5E+4	2E-5	7E-8	5E-4	5E-3
35	Bromine-76	D, see <sup>74m</sup> Br W, see <sup>74m</sup> Br	4E+3 -	5E+3 4E+3	2E-6 2E-6	7E-9 6E-9	5E-5 -	5E-4
35	Bromine-77	D, see <sup>74m</sup> Br W, see <sup>74m</sup> Br	2E+4 -	2E+4 2E+4	1E-5 8E-6	3E-8 3E-8	2E-4 -	2E-3
35	Bromine-80m	D, see <sup>74m</sup> Br W, see <sup>74m</sup> Br	2E+4 -	2E+4 1E+4	7E-6 6E-6	2E-8 2E-8	3E-4 -	3E-3
35	Bromine-80 <sup>2</sup>	D, see <sup>74m</sup> Br	5E+4 St wall (9E+4)	2E+5	8E-5	3E-7	-	-
	W, see <sup>74m</sup> Br		-	2E+5	9E-5	3E-7	1E-3	1E-2
35	Bromine-82	D, see <sup>74m</sup> Br W, see <sup>74m</sup> Br	3E+3 -	4E+3 4E+3	2E-6 2E-6	6E-9 5E-9	4E-5 -	4E-4
35	Bromine-83	D, see <sup>74m</sup> Br	5E+4 St wall	6E+4	3E-5	9E-8	-	-

# ADMINISTRATIVE REGISTER - 2002

		W, see <sup>74m</sup> Br	(7E+4)	-	-	-	9E-4	9E-3
			-	6E+4	3E-5	9E-8	-	-
35	Bromine-84 <sup>2</sup>	D, see <sup>74m</sup> Br	2E+4 St wall (3E+4)	6E+4	2E-5	8E-8	-	-
		W, see <sup>74m</sup> Br	-	6E+4	3E-5	9E-8	4E-4	4E-3
36	Krypton-74 <sup>2</sup>	Submersion <sup>1</sup>	-	-	3E-6	1E-8	-	-
36	Krypton-76	Submersion <sup>1</sup>	-	-	9E-6	4E-8	-	-
36	Krypton-77 <sup>2</sup>	Submersion <sup>1</sup>	-	-	4E-6	2E-8	-	-
36	Krypton-79	Submersion <sup>1</sup>	-	-	2E-5	7E-8	-	-
36	Krypton-81	Submersion <sup>1</sup>	-	-	7E-4	3E-6	-	-
36	Krypton-83m <sup>2</sup>	Submersion <sup>1</sup>	-	-	1E-2	5E-5	-	-
36	Krypton-85m	Submersion <sup>1</sup>	-	-	2E-5	1E-7	-	-
36	Krypton-85	Submersion <sup>1</sup>	-	-	1E-4	7E-7	-	-
36	Krypton-87 <sup>2</sup>	Submersion <sup>1</sup>	-	-	5E-6	2E-8	-	-
36	Krypton-88	Submersion <sup>1</sup>	-	-	2E-6	9E-9	-	-
37	Rubidium-79 <sup>2</sup>	D, all compounds	4E+4 St wall (6E+4)	1E+5	5E-5	2E-7	-	-
			-	-	-	8E-4	8E-3	8E-3
37	Rubidium-81m <sup>2</sup>	D, all compounds	2E+5 St wall (3E+5)	3E+5	1E-4	5E-7	-	-
			-	-	-	4E-3	4E-2	4E-2
37	Rubidium-81	D, all compounds	4E+4	5E+4	2E-5	7E-8	5E-4	5E-3
37	Rubidium-82m	D, all compounds	1E+4	2E+4	7E-6	2E-8	2E-4	2E-3
37	Rubidium-83	D, all compounds	6E+2	1E+3	4E-7	1E-9	9E-6	9E-5
37	Rubidium-84	D, all compounds	5E+2	8E+2	3E-7	1E-9	7E-6	7E-5
37	Rubidium-86	D, all compounds	5E+2	8E+2	3E-7	1E-9	7E-6	7E-5
37	Rubidium-87	D, all compounds	1E+3	2E+3	6E-7	2E-9	1E-5	1E-4
37	Rubidium-88 <sup>2</sup>	D, all compounds	2E+4 St wall (3E+4)	6E+4	3E-5	9E-8	-	-
			-	-	-	4E-4	4E-3	4E-3
37	Rubidium-89 <sup>2</sup>	D, all compounds	4E+4 St wall (6E+4)	1E+5	6E-5	2E-7	-	-
			-	-	-	9E-4	9E-3	9E-3
38	Strontium-80 <sup>2</sup>	D, all soluble compounds except SrTiO Y, all insoluble com- pounds and SrTiO	4E+3	1E+4	5E-6	2E-8	6E-5	6E-4
			-	1E+4	5E-6	2E-8	-	-
38	Strontium-81 <sup>2</sup>	D, see <sup>80</sup> Sr Y, see <sup>80</sup> Sr	3E+4 2E+4	8E+4 8E+4	3E-5 3E-5	1E-7 1E-7	3E-4	3E-3
38	Strontium-82	D, see <sup>80</sup> Sr	3E+2 LLI wall (2E+2)	4E+2	2E-7	6E-10	-	-
		Y, see <sup>80</sup> Sr	2E+2	9E+1	4E-8	1E-10	3E-6	3E-5
38	Strontium-83	D, see <sup>80</sup> Sr Y, see <sup>80</sup> Sr	3E+3 2E+3	7E+3 4E+3	3E-6 1E-6	1E-8 5E-9	3E-5	3E-4
38	Strontium-85m <sup>2</sup>	D, see <sup>80</sup> Sr Y, see <sup>80</sup> Sr	2E+5 -	6E+5 8E+5	3E-4 4E-4	9E-7 1E-6	3E-3	3E-2
38	Strontium-85	D, see <sup>80</sup> Sr Y, see <sup>80</sup> Sr	3E+3 -	3E+3 2E+3	1E-6 6E-7	4E-9 2E-9	4E-5	4E-4
38	Strontium-87m	D, see <sup>80</sup> Sr Y, see <sup>80</sup> Sr	5E+4 4E+4	1E+5 2E+5	5E-5 6E-5	2E-7 2E-7	6E-4	6E-3
38	Strontium-89	D, see <sup>80</sup> Sr	6E+2 LLI wall (6E+2)	8E+2	4E-7	1E-9	-	-
			-	-	-	8E-6	8E-5	8E-5

# ADMINISTRATIVE REGISTER - 2003

		Y, see <sup>90</sup> Sr	5E+2	1E+2	6E-8	2E-10	-	-
38	Strontium-90	D, see <sup>90</sup> Sr	3E+1	2E+1	8E-9	-	-	-
		Bone surf (4E+1)	Bone surf (2E+1)	-	3E-11	5E-7	5E-6	-
		Y, see <sup>90</sup> Sr	-	4E+0	2E-9	6E-12	-	-
38	Strontium-91	D, see <sup>90</sup> Sr	2E+3	6E+3	2E-6	8E-9	2E-5	2E-4
		Y, see <sup>90</sup> Sr	-	4E+3	1E-6	5E-9	-	-
38	Strontium-92	D, see <sup>90</sup> Sr	3E+3	9E+3	4E-6	1E-8	4E-5	4E-4
		Y, see <sup>90</sup> Sr	-	7E+3	3E-6	9E-9	-	-
39	Yttrium-86m <sup>2</sup>	W, all compounds except those given for Y	2E+4	6E+4	2E-5	8E-8	3E-4	3E-3
		Y, oxides and hydroxides	-	5E+4	2E-5	8E-8	-	-
39	Yttrium-86	W, see <sup>86m</sup> Y	1E+3	3E+3	1E-6	5E-9	2E-5	2E-4
		Y, see <sup>86m</sup> Y	-	3E+3	1E-6	5E-9	-	-
39	Yttrium-87	W, see <sup>86m</sup> Y	2E+3	3E+3	1E-6	5E-9	3E-5	3E-4
		Y, see <sup>86m</sup> Y	-	3E+3	1E-6	5E-9	-	-
39	Yttrium-88	W, see <sup>86m</sup> Y	1E+3	3E+2	1E-7	3E-10	1E-5	1E-4
		Y, see <sup>86m</sup> Y	-	2E+2	1E-7	3E-10	-	-
39	Yttrium-90m	W, see <sup>86m</sup> Y	8E+3	1E+4	5E-6	2E-8	1E-4	1E-3
		Y, see <sup>86m</sup> Y	-	1E+4	5E-6	2E-8	-	-
39	Yttrium-90	W, see <sup>86m</sup> Y	4E+2	7E+2	3E-7	9E-10	-	-
		LLI wall (5E+2)	-	-	-	7E-6	7E-5	-
		Y, see <sup>86m</sup> Y	-	6E+2	3E-7	9E-10	-	-
39	Yttrium-91m <sup>2</sup>	W, see <sup>86m</sup> Y	1E+5	2E+5	1E-4	3E-7	2E-3	2E-2
		Y, see <sup>86m</sup> Y	-	2E+5	7E-5	2E-7	-	-
39	Yttrium-91	W, see <sup>86m</sup> Y	5E+2	2E+2	7E-8	2E-10	-	-
		LLI wall (6E+2)	-	-	-	8E-6	8E-5	-
		Y, see <sup>86m</sup> Y	-	1E+2	5E-8	2E-10	-	-
39	Yttrium-92	W, see <sup>86m</sup> Y	3E+3	9E+3	4E-6	1E-8	4E-5	4E-4
		Y, see <sup>86m</sup> Y	-	8E+3	3E-6	1E-8	-	-
39	Yttrium-93	W, see <sup>86m</sup> Y	1E+3	3E+3	1E-6	4E-9	2E-5	2E-4
		Y, see <sup>86m</sup> Y	-	2E+3	1E-6	3E-9	-	-
39	Yttrium-94 <sup>2</sup>	W, see <sup>86m</sup> Y	2E+4	8E+4	3E-5	1E-7	-	-
		St wall (3E+4)	-	-	-	4E-4	4E-3	-
		Y, see <sup>86m</sup> Y	-	8E+4	3E-5	1E-7	-	-
39	Yttrium-95 <sup>2</sup>	W, see <sup>86m</sup> Y	4E+4	2E+5	6E-5	2E-7	-	-
		St wall (5E+4)	-	-	-	7E-4	7E-3	-
		Y, see <sup>86m</sup> Y	-	1E+5	6E-5	2E-7	-	-
40	Zirconium-86	D, all compounds except those given for W and Y	1E+3	4E+3	2E-6	6E-9	2E-5	2E-4
		W, oxides, hydroxides, halides, and nitrates	-	3E+3	1E-6	4E-9	-	-
		Y, carbide	-	2E+3	1E-6	3E-9	-	-
40	Zirconium-88	D, see <sup>86</sup> Zr	4E+3	2E+2	9E-8	3E-10	5E-5	5E-4
		W, see <sup>86</sup> Zr	-	5E+2	2E-7	7E-10	-	-
		Y, see <sup>86</sup> Zr	-	3E+2	1E-7	4E-10	-	-
40	Zirconium-89	D, see <sup>86</sup> Zr	2E+3	4E+3	1E-6	5E-9	2E-5	2E-4
		W, see <sup>86</sup> Zr	-	2E+3	1E-6	3E-9	-	-
		Y, see <sup>86</sup> Zr	-	2E+3	1E-6	3E-9	-	-
40	Zirconium-93	D, see <sup>86</sup> Zr	1E+3	6E+0	3E-9	-	-	-
		Bone surf (3E+3)	Bone surf (2E+1)	-	2E-11	4E-5	4E-4	-
		W, see <sup>86</sup> Zr	-	2E+1	1E-8	-	-	-
		Bone surf (6E+1)	-	-	9E-11	-	-	-
		Y, see <sup>86</sup> Zr	-	6E+1	2E-8	-	-	-
		Bone surf (7E+1)	-	-	9E-11	-	-	-
40	Zirconium-95	D, see <sup>86</sup> Zr	1E+3	1E+2	5E-8	-	2E-5	2E-4
		Bone surf	-	-	-	-	-	-

# ADMINISTRATIVE REGISTER - 2004

		W, see <sup>86</sup> Zr	-	(3E+2)	-	4E-10	-	-
		Y, see <sup>86</sup> Zr	-	4E+2	2E-7	5E-10	-	-
			-	3E+2	1E-7	4E-10	-	-
40	Zirconium-97	D, see <sup>86</sup> Zr	6E+2	2E+3	8E-7	3E-9	9E-6	9E-5
		W, see <sup>86</sup> Zr	-	1E+3	6E-7	2E-9	-	-
		Y, see <sup>86</sup> Zr	-	1E+3	5E-7	2E-9	-	-
41	Niobium-88 <sup>2</sup>	W, all compounds except those given for Y	5E+4 St wall (7E+4)	2E+5	9E-5	3E-7	-	-
		Y, oxides and hydroxides	-	2E+5	9E-5	3E-7	1E-3	1E-2
41	Niobium-89 <sup>2</sup> (66 min)	W, see <sup>88</sup> Nb	1E+4	4E+4	2E-5	6E-8	1E-4	1E-3
		Y, see <sup>88</sup> Nb	-	4E+4	2E-5	5E-8	-	-
41	Niobium-89 (122 min)	W, see <sup>88</sup> Nb	5E+3	2E+4	8E-6	3E-8	7E-5	7E-4
		Y, see <sup>88</sup> Nb	-	2E+4	6E-6	2E-8	-	-
41	Niobium-90	W, see <sup>88</sup> Nb	1E+3	3E+3	1E-6	4E-9	1E-5	1E-4
		Y, see <sup>88</sup> Nb	-	2E+3	1E-6	3E-9	-	-
41	Niobium-93m	W, see <sup>88</sup> Nb	9E+3 LLI wall (1E+4)	2E+3	8E-7	3E-9	-	-
		Y, see <sup>88</sup> Nb	-	2E+2	7E-8	2E-10	2E-4	2E-3
41	Niobium-94	W, see <sup>88</sup> Nb	9E+2	2E+2	8E-8	3E-10	1E-5	1E-4
		Y, see <sup>88</sup> Nb	-	2E+1	6E-9	2E-11	-	-
41	Niobium-95m	W, see <sup>88</sup> Nb	2E+3 LLI wall (2E+3)	3E+3	1E-6	4E-9	-	-
		Y, see <sup>88</sup> Nb	-	2E+3	9E-7	3E-9	3E-5	3E-4
41	Niobium-95	W, see <sup>88</sup> Nb	2E+3	1E+3	5E-7	2E-9	3E-5	3E-4
		Y, see <sup>88</sup> Nb	-	1E+3	5E-7	2E-9	-	-
41	Niobium-96	W, see <sup>88</sup> Nb	1E+3	3E+3	1E-6	4E-9	2E-5	2E-4
		Y, see <sup>88</sup> Nb	-	2E+3	1E-6	3E-9	-	-
41	Niobium-97 <sup>2</sup>	W, see <sup>88</sup> Nb	2E+4	8E+4	3E-5	1E-7	3E-4	3E-3
		Y, see <sup>88</sup> Nb	-	7E+4	3E-5	1E-7	-	-
41	Niobium-98 <sup>2</sup>	W, see <sup>88</sup> Nb	1E+4	5E+4	2E-5	8E-8	2E-4	2E-3
		Y, see <sup>88</sup> Nb	-	5E+4	2E-5	7E-8	-	-
42	Molybdenum-90	D, all compounds except those given for Y	4E+3	7E+3	3E-6	1E-8	3E-5	3E-4
		Y, oxides, hydroxides, and MoS	2E+3	5E+3	2E-6	6E-9	-	-
42	Molybdenum-93m	D, see <sup>90</sup> Mo	9E+3	2E+4	7E-6	2E-8	6E-5	6E-4
		Y, see <sup>90</sup> Mo	4E+3	1E+4	6E-6	2E-8	-	-
42	Molybdenum-93	D, see <sup>90</sup> Mo	4E+3	5E+3	2E-6	8E-9	5E-5	5E-4
		Y, see <sup>90</sup> Mo	2E+4	2E+2	8E-8	2E-10	-	-
42	Molybdenum-99	D, see <sup>90</sup> Mo	2E+3 LLI wall (1E+3)	3E+3	1E-6	4E-9	-	-
		Y, see <sup>90</sup> Mo	1E+3	1E+3	6E-7	2E-9	2E-5	2E-4
42	Molybdenum-101 <sup>2</sup>	D, see <sup>90</sup> Mo	4E+4 St wall (5E+4)	1E+5	6E-5	2E-7	-	-
		Y, see <sup>90</sup> Mo	-	1E+5	6E-5	2E-7	7E-4	7E-3
43	Technetium-93m <sup>2</sup>	D, all compounds except those given for W	7E+4	2E+5	6E-5	2E-7	1E-3	1E-2
		W, oxides, hydroxides, halides, and nitrates	-	3E+5	1E-4	4E-7	-	-
43	Technetium-93	D, see <sup>93m</sup> Tc	3E+4	7E+4	3E-5	1E-7	4E-4	4E-3
		W, see <sup>93m</sup> Tc	-	1E+5	4E-5	1E-7	-	-
43	Technetium-94m <sup>2</sup>	D, see <sup>93m</sup> Tc	2E+4	4E+4	2E-5	6E-8	3E-4	3E-3
		W, see <sup>93m</sup> Tc	-	6E+4	2E-5	8E-8	-	-
43	Technetium-94	D, see <sup>93m</sup> Tc	9E+3	2E+4	8E-6	3E-8	1E-4	1E-3
		W, see <sup>93m</sup> Tc	-	2E+4	1E-5	3E-8	-	-

# ADMINISTRATIVE REGISTER - 2005

43	Technetium-95m	D, see <sup>93m</sup> Tc W, see <sup>93m</sup> Tc	4E+3 -	5E+3 2E+3	2E-6 8E-7	8E-9 3E-9	5E-5 -	5E-4 -
43	Technetium-95	D, see <sup>93m</sup> Tc W, see <sup>93m</sup> Tc	1E+4 -	2E+4 2E+4	9E-6 8E-6	3E-8 3E-8	1E-4 -	1E-3 -
43	Technetium-96m <sup>2</sup>	D, see <sup>93m</sup> Tc W, see <sup>93m</sup> Tc	2E+5 -	3E+5 2E+5	1E-4 1E-4	4E-7 3E-7	2E-3 -	2E-2 -
43	Technetium-96	D, see <sup>93m</sup> Tc W, see <sup>93m</sup> Tc	2E+3 -	3E+3 2E+3	1E-6 9E-7	5E-9 3E-9	3E-5 -	3E-4 -
43	Technetium-97m	D, see <sup>93m</sup> Tc  W, see <sup>93m</sup> Tc	5E+3 St wall - -	7E+3 (7E+3) 1E+3	3E-6 - 5E-7	- 1E-8 2E-9	6E-5 - -	6E-4 - -
43	Technetium-97	D, see <sup>93m</sup> Tc W, see <sup>93m</sup> Tc	4E+4 -	5E+4 6E+3	2E-5 2E-6	7E-8 8E-9	5E-4 -	5E-3 -
43	Technetium-98	D, see <sup>93m</sup> Tc W, see <sup>93m</sup> Tc	1E+3 -	2E+3 3E+2	7E-7 1E-7	2E-9 4E-10	1E-5 -	1E-4 -
43	Technetium-99m	D, see <sup>93m</sup> Tc W, see <sup>93m</sup> Tc	8E+4 -	2E+5 2E+5	6E-5 1E-4	2E-7 3E-7	1E-3 -	1E-2 -
43	Technetium-99	D, see <sup>93m</sup> Tc  W, see <sup>93m</sup> Tc	4E+3 - -	5E+3 St wall (6E+3) 7E+2	2E-6 - 3E-7	- 8E-9 9E-10	6E-5 - -	6E-4 - -
43	Technetium-101 <sup>2</sup>	D, see <sup>93m</sup> Tc  W, see <sup>93m</sup> Tc	9E+4 St wall (1E+5) -	3E+5 - 4E+5	1E-4 - 2E-4	5E-7 - 5E-7	- 2E-3 -	- 2E-2 -
43	Technetium-104 <sup>2</sup>	D, see <sup>93m</sup> Tc  W, see <sup>93m</sup> Tc	2E+4 St wall (3E+4) -	7E+4 - 9E+4	3E-5 - 4E-5	1E-7 - 1E-7	- 4E-4 -	- 4E-3 -
44	Ruthenium-94 <sup>2</sup>	D, all compounds except those given for W and Y W, halides Y, oxides and hydroxides	2E+4 - -	4E+4 6E+4 6E+4	2E-5 3E-5 2E-5	6E-8 9E-8 8E-8	2E-4 - -	2E-3 - -
44	Ruthenium-97	D, see <sup>94</sup> Ru W, see <sup>94</sup> Ru Y, see <sup>94</sup> Ru	8E+3 - -	2E+4 1E+4 1E+4	8E-6 5E-6 5E-6	3E-8 2E-8 2E-8	1E-4 - -	1E-3 - -
44	Ruthenium-103	D, see <sup>94</sup> Ru W, see <sup>94</sup> Ru Y, see <sup>94</sup> Ru	2E+3 - -	2E+3 1E+3 6E+2	7E-7 4E-7 3E-7	2E-9 1E-9 9E-10	3E-5 - -	3E-4 - -
44	Ruthenium-105	D, see <sup>94</sup> Ru W, see <sup>94</sup> Ru Y, see <sup>94</sup> Ru	5E+3 - -	1E+4 1E+4 1E+4	6E-6 6E-6 5E-6	2E-8 2E-8 2E-8	7E-5 - -	7E-4 - -
44	Ruthenium-106	D, see <sup>94</sup> Ru  W, see <sup>94</sup> Ru Y, see <sup>94</sup> Ru	2E+2 LLI wall (2E+2) - -	9E+1 - 5E+1 1E+1	4E-8 - 2E-8 5E-9	1E-10 - 8E-11 2E-11	- 3E-6 - -	- 3E-5 - -
45	Rhodium-99m	D, all compounds except those given for W and Y W, halides Y, oxides and hydroxides	2E+4 - -	6E+4 8E+4 7E+4	2E-5 3E-5 3E-5	8E-8 1E-7 9E-8	2E-4 - -	2E-3 - -
45	Rhodium-99	D, see <sup>99m</sup> Rh W, see <sup>99m</sup> Rh Y, see <sup>99m</sup> Rh	2E+3 - -	3E+3 2E+3 2E+3	1E-6 9E-7 8E-7	4E-9 3E-9 3E-9	3E-5 - -	3E-4 - -
45	Rhodium-100	D, see <sup>99m</sup> Rh W, see <sup>99m</sup> Rh Y, see <sup>99m</sup> Rh	2E+3 - -	5E+3 4E+3 4E+3	2E-6 2E-6 2E-6	7E-9 6E-9 5E-9	2E-5 - -	2E-4 - -
45	Rhodium-101m	D, see <sup>99m</sup> Rh W, see <sup>99m</sup> Rh Y, see <sup>99m</sup> Rh	6E+3 - -	1E+4 8E+3 8E+3	5E-6 4E-6 3E-6	2E-8 1E-8 1E-8	8E-5 - -	8E-4 - -
45	Rhodium-101	D, see <sup>99m</sup> Rh W, see <sup>99m</sup> Rh Y, see <sup>99m</sup> Rh	2E+3 - -	5E+2 8E+2 2E+2	2E-7 3E-7 6E-8	7E-10 1E-9 2E-10	3E-5 - -	3E-4 - -

# ADMINISTRATIVE REGISTER - 2006

45	Rhodium-102m	D, see <sup>99m</sup> Rh	1E+3 LLI wall (1E+3)	5E+2	2E-7	7E-10	-	-
		W, see <sup>99m</sup> Rh	-	4E+2	2E-7	5E-10	2E-5	2E-4
		Y, see <sup>99m</sup> Rh	-	1E+2	5E-8	2E-10	-	-
45	Rhodium-102	D, see <sup>99m</sup> Rh	6E+2	9E+1	4E-8	1E-10	8E-6	8E-5
		W, see <sup>99m</sup> Rh	-	2E+2	7E-8	2E-10	-	-
		Y, see <sup>99m</sup> Rh	-	6E+1	2E-8	8E-11	-	-
45	Rhodium-103m <sup>2</sup>	D, see <sup>99m</sup> Rh	4E+5	1E+6	5E-4	2E-6	6E-3	6E-2
		W, see <sup>99m</sup> Rh	-	1E+6	5E-4	2E-6	-	-
		Y, see <sup>99m</sup> Rh	-	1E+6	5E-4	2E-6	-	-
45	Rhodium-105	D, see <sup>99m</sup> Rh	4E+3 LLI wall (4E+3)	1E+4	5E-6	2E-8	-	-
		W, see <sup>99m</sup> Rh	-	6E+3	3E-6	9E-9	5E-5	5E-4
		Y, see <sup>99m</sup> Rh	-	6E+3	2E-6	8E-9	-	-
45	Rhodium-106m	D, see <sup>99m</sup> Rh	8E+3	3E+4	1E-5	4E-8	1E-4	1E-3
		W, see <sup>99m</sup> Rh	-	4E+4	2E-5	5E-8	-	-
		Y, see <sup>99m</sup> Rh	-	4E+4	1E-5	5E-8	-	-
45	Rhodium-107 <sup>2</sup>	D, see <sup>99m</sup> Rh	7E+4 St wall (9E+4)	2E+5	1E-4	3E-7	-	-
		W, see <sup>99m</sup> Rh	-	3E+5	1E-4	4E-7	1E-3	1E-2
		Y, see <sup>99m</sup> Rh	-	3E+5	1E-4	3E-7	-	-
46	Palladium-100	D, all compounds except those given for W and Y	1E+3	1E+3	6E-7	2E-9	2E-5	2E-4
		W, nitrates	-	1E+3	5E-7	2E-9	-	-
		Y, oxides and hydroxides	-	1E+3	6E-7	2E-9	-	-
46	Palladium-101	D, see <sup>100</sup> Pd	1E+4	3E+4	1E-5	5E-8	2E-4	2E-3
		W, see <sup>100</sup> Pd	-	3E+4	1E-5	5E-8	-	-
		Y, see <sup>100</sup> Pd	-	3E+4	1E-5	4E-8	-	-
46	Palladium-103	D, see <sup>100</sup> Pd	6E+3 LLI wall (7E+3)	6E+3	3E-6	9E-9	-	-
		W, see <sup>100</sup> Pd	-	4E+3	2E-6	6E-9	1E-4	1E-3
		Y, see <sup>100</sup> Pd	-	4E+3	1E-6	5E-9	-	-
46	Palladium-107	D, see <sup>100</sup> Pd	3E+4 LLI wall (4E+4)	2E+4 Kidneys (2E+4)	9E-6	-	-	-
		W, see <sup>100</sup> Pd	-	7E+3	3E-6	3E-8	5E-4	5E-3
		Y, see <sup>100</sup> Pd	-	4E+2	2E-7	1E-8	-	-
						6E-10	-	-
46	Palladium-109	D, see <sup>100</sup> Pd	2E+3	6E+3	3E-6	9E-9	3E-5	3E-4
		W, see <sup>100</sup> Pd	-	5E+3	2E-6	8E-9	-	-
		Y, see <sup>100</sup> Pd	-	5E+3	2E-6	6E-9	-	-
47	Silver-102 <sup>2</sup>	D, all compounds except those given for W and Y	5E+4 St wall (6E+4)	2E+5	8E-5	2E-7	-	-
		W, nitrates and sulfides	-	2E+5	9E-5	-	9E-4	9E-3
		Y, oxides and hydroxides	-	2E+5	8E-5	3E-7	-	-
47	Silver-103 <sup>2</sup>	D, see <sup>102</sup> Ag	4E+4	1E+5	4E-5	1E-7	5E-4	5E-3
		W, see <sup>102</sup> Ag	-	1E+5	5E-5	2E-7	-	-
		Y, see <sup>102</sup> Ag	-	1E+5	5E-5	2E-7	-	-
47	Silver-104m <sup>2</sup>	D, see <sup>102</sup> Ag	3E+4	9E+4	4E-5	1E-7	4E-4	4E-3
		W, see <sup>102</sup> Ag	-	1E+5	5E-5	2E-7	-	-
		Y, see <sup>102</sup> Ag	-	1E+5	5E-5	2E-7	-	-
47	Silver-104 <sup>2</sup>	D, see <sup>102</sup> Ag	2E+4	7E+4	3E-5	1E-7	3E-4	3E-3
		W, see <sup>102</sup> Ag	-	1E+5	6E-5	2E-7	-	-
		Y, see <sup>102</sup> Ag	-	1E+5	6E-5	2E-7	-	-
47	Silver-105	D, see <sup>102</sup> Ag	3E+3	1E+3	4E-7	1E-9	4E-5	4E-4
		W, see <sup>102</sup> Ag	-	2E+3	7E-7	2E-9	-	-
		Y, see <sup>102</sup> Ag	-	2E+3	7E-7	2E-9	-	-
47	Silver-106m	D, see <sup>102</sup> Ag	8E+2	7E+2	3E-7	1E-9	1E-5	1E-4
		W, see <sup>102</sup> Ag	-	9E+2	4E-7	1E-9	-	-
		Y, see <sup>102</sup> Ag	-	9E+2	4E-7	1E-9	-	-
47	Silver-106 <sup>2</sup>	D, see <sup>102</sup> Ag	6E+4 St. wall	2E+5	8E-5	3E-7	-	-

# ADMINISTRATIVE REGISTER - 2007

			(6E+4)	-	-	-	9E-4	9E-3
		W, see <sup>102</sup> Ag	-	2E+5	9E-5	3E-7	-	-
		Y, see <sup>102</sup> Ag	-	2E+5	8E-5	3E-7	-	-
47	Silver-108m	D, see <sup>102</sup> Ag	6E+2	2E+2	8E-8	3E-10	9E-6	9E-5
		W, see <sup>102</sup> Ag	-	3E+2	1E-7	4E-10	-	-
		Y, see <sup>102</sup> Ag	-	2E+1	1E-8	3E-11	-	-
47	Silver-110m	D, see <sup>102</sup> Ag	5E+2	1E+2	5E-8	2E-10	6E-6	6E-5
		W, see <sup>102</sup> Ag	-	2E+2	8E-8	3E-10	-	-
		Y, see <sup>102</sup> Ag	-	9E+1	4E-8	1E-10	-	-
47	Silver-111	D, see <sup>102</sup> Ag	9E+2	2E+3	6E-7	-	-	-
		LLI wall	(1E+3)	(2E+3)	-	2E-9	2E-5	2E-4
		W, see <sup>102</sup> Ag	-	9E+2	4E-7	1E-9	-	-
		Y, see <sup>102</sup> Ag	-	9E+2	4E-7	1E-9	-	-
47	Silver-112	D, see <sup>102</sup> Ag	3E+3	8E+3	3E-6	1E-8	4E-5	4E-4
		W, see <sup>102</sup> Ag	-	1E+4	4E-6	1E-8	-	-
		Y, see <sup>102</sup> Ag	-	9E+3	4E-6	1E-8	-	-
47	Silver-115 <sup>2</sup>	D, see <sup>102</sup> Ag	3E+4	9E+4	4E-5	1E-7	-	-
		St wall	(3E+4)	-	-	-	4E-4	4E-3
		W, see <sup>102</sup> Ag	-	9E+4	4E-5	1E-7	-	-
		Y, see <sup>102</sup> Ag	-	8E+4	3E-5	1E-7	-	-
48	Cadmium-104 <sup>2</sup>	D, all compounds except those given for W and Y	2E+4	7E+4	3E-5	9E-8	3E-4	3E-3
		W, sulfides, halides, and nitrates	-	1E+5	5E-5	2E-7	-	-
		Y, oxides and hydroxides	-	1E+5	5E-5	2E-7	-	-
48	Cadmium-107	D, see <sup>104</sup> Cd	2E+4	5E+4	2E-5	8E-8	3E-4	3E-3
		W, see <sup>104</sup> Cd	-	6E+4	2E-5	8E-8	-	-
		Y, see <sup>104</sup> Cd	-	5E+4	2E-5	7E-8	-	-
48	Cadmium-109	D, see <sup>104</sup> Cd	3E+2	4E+1	1E-8	-	-	-
		Kidneys	(4E+2)	(5E+1)	-	7E-11	6E-6	6E-5
		W, see <sup>104</sup> Cd	-	1E+2	5E-8	-	-	-
		Kidneys	-	(1E+2)	-	2E-10	-	-
		Y, see <sup>104</sup> Cd	-	1E+2	5E-8	2E-10	-	-
48	Cadmium-113m	D, see <sup>104</sup> Cd	2E+1	2E+0	1E-9	-	-	-
		Kidneys	(4E+1)	(4E+0)	-	5E-12	5E-7	5E-6
		W, see <sup>104</sup> Cd	-	8E+0	4E-9	-	-	-
		Kidneys	-	(1E+1)	-	2E-11	-	-
		Y, see <sup>104</sup> Cd	-	1E+1	5E-9	2E-11	-	-
48	Cadmium-113	D, see <sup>104</sup> Cd	2E+1	2E+0	9E-10	-	-	-
		Kidneys	(3E+1)	(3E+0)	-	5E-12	4E-7	4E-6
		W, see <sup>104</sup> Cd	-	8E+0	3E-9	-	-	-
		Kidneys	-	(1E+1)	-	2E-11	-	-
		Y, see <sup>104</sup> Cd	-	1E+1	6E-9	2E-11	-	-
48	Cadmium-115m	D, see <sup>104</sup> Cd	3E+2	5E+1	2E-8	-	4E-6	4E-5
		Kidneys	-	(8E+1)	-	1E-10	-	-
		W, see <sup>104</sup> Cd	-	1E+2	5E-8	2E-10	-	-
		Y, see <sup>104</sup> Cd	-	1E+2	6E-8	2E-10	-	-
48	Cadmium-115	D, see <sup>104</sup> Cd	9E+2	1E+3	6E-7	2E-9	-	-
		LLI wall	(1E+3)	-	-	-	1E-5	1E-4
		W, see <sup>104</sup> Cd	-	1E+3	5E-7	2E-9	-	-
		Y, see <sup>104</sup> Cd	-	1E+3	6E-7	2E-9	-	-
48	Cadmium-117m	D, see <sup>104</sup> Cd	5E+3	1E+4	5E-6	2E-8	6E-5	6E-4
		W, see <sup>104</sup> Cd	-	2E+4	7E-6	2E-8	-	-
		Y, see <sup>104</sup> Cd	-	1E+4	6E-6	2E-8	-	-
48	Cadmium-117	D, see <sup>104</sup> Cd	5E+3	1E+4	5E-6	2E-8	6E-5	6E-4
		W, see <sup>104</sup> Cd	-	2E+4	7E-6	2E-8	-	-
		Y, see <sup>104</sup> Cd	-	1E+4	6E-6	2E-8	-	-
49	Indium-109	D, all compounds except those given for W	2E+4	4E+4	2E-5	6E-8	3E-4	3E-3



# ADMINISTRATIVE REGISTER - 2008

		W, oxides, hydroxides, halides, and nitrates	-	6E+4	3E-5	9E-8	-	-
49	Indium-110 <sup>2</sup> (69.1 min)	D, see <sup>109</sup> In W, see <sup>109</sup> In	2E+4 -	4E+4 6E+4	2E-5 2E-5	6E-8 8E-8	2E-4 -	2E-3 -
49	Indium-110 (4.9 h)	D, see <sup>109</sup> In W, see <sup>109</sup> In	5E+3 -	2E+4 2E+4	7E-6 8E-6	2E-8 3E-8	7E-5 -	7E-4 -
49	Indium-111	D, see <sup>109</sup> In W, see <sup>109</sup> In	4E+3 -	6E+3 6E+3	3E-6 3E-6	9E-9 9E-9	6E-5 -	6E-4 -
49	Indium-112 <sup>2</sup>	D, see <sup>109</sup> In W, see <sup>109</sup> In	2E+5 -	6E+5 7E+5	3E-4 3E-4	9E-7 1E-6	2E-3 -	2E-2 -
49	Indium-113m <sup>2</sup>	D, see <sup>109</sup> In W, see <sup>109</sup> In	5E+4 -	1E+5 2E+5	6E-5 8E-5	2E-7 3E-7	7E-4 -	7E-3 -
49	Indium-114m	D, see <sup>109</sup> In  W, see <sup>109</sup> In	3E+2 LLI wall (4E+2) -	6E+1 - 1E+2	3E-8 - 4E-8	9E-11 - 1E-10	- - 5E-6	- - 5E-5
49	Indium-115m	D, see <sup>109</sup> In W, see <sup>109</sup> In	1E+4 -	4E+4 5E+4	2E-5 2E-5	6E-8 7E-8	2E-4 -	2E-3 -
49	Indium-115	D, see <sup>109</sup> In W, see <sup>109</sup> In	4E+1 -	1E+0 5E+0	6E-10 2E-9	2E-12 8E-12	5E-7 -	5E-6 -
49	Indium-116m <sup>2</sup>	D, see <sup>109</sup> In W, see <sup>109</sup> In	2E+4 -	8E+4 1E+5	3E-5 5E-5	1E-7 2E-7	3E-4 -	3E-3 -
49	Indium-117m <sup>2</sup>	D, see <sup>109</sup> In W, see <sup>109</sup> In	1E+4 -	3E+4 4E+4	1E-5 2E-5	5E-8 6E-8	2E-4 -	2E-3 -
49	Indium-117 <sup>2</sup>	D, see <sup>109</sup> In W, see <sup>109</sup> In	6E+4 -	2E+5 2E+5	7E-5 9E-5	2E-7 3E-7	8E-4 -	8E-3 -
49	Indium-119m <sup>2</sup>	D, see <sup>109</sup> In  W, see <sup>109</sup> In	4E+4 St wall (5E+4) -	1E+5 - 1E+5	5E-5 - 6E-5	2E-7 - 2E-7	- - 7E-4	- - 7E-3
50	Tin-110	D, all compounds except those given for W W, sulfides, oxides, hydroxides, halides, nitrates, and stannic phosphate	4E+3 -	1E+4 1E+4	5E-6 5E-6	2E-8 2E-8	5E-5 -	5E-4 -
50	Tin-111 <sup>2</sup>	D, see <sup>110</sup> Sn W, see <sup>110</sup> Sn	7E+4 -	2E+5 3E+5	9E-5 1E-4	3E-7 4E-7	1E-3 -	1E-2 -
50	Tin-113	D, see <sup>110</sup> Sn  W, see <sup>110</sup> Sn	2E+3 LLI wall (2E+3) -	1E+3 - 5E+2	5E-7 - 2E-7	2E-9 - 8E-10	- - 3E-5	- - 3E-4
50	Tin-117m	D, see <sup>110</sup> Sn  W, see <sup>110</sup> Sn	2E+3 LLI wall (2E+3) -	1E+3 Bone surf (2E+3) 1E+3	5E-7 - 6E-7	- 3E-9 2E-9	- 3E-5 -	- 3E-4 -
50	Tin-119m	D, see <sup>110</sup> Sn  W, see <sup>110</sup> Sn	3E+3 LLI wall (4E+3) -	2E+3 - 1E+3	1E-6 - 4E-7	3E-9 - 1E-9	- 6E-5 -	- 6E-4 -
50	Tin-121m	D, see <sup>110</sup> Sn  W, see <sup>110</sup> Sn	3E+3 LLI wall (4E+3) -	9E+2 - 5E+2	4E-7 - 2E-7	1E-9 - 8E-10	- 5E-5 -	- 5E-4 -
50	Tin-121	D, see <sup>110</sup> Sn  W, see <sup>110</sup> Sn	6E+3 LLI wall (6E+3) -	2E+4 - 1E+4	6E-6 - 5E-6	2E-8 - 2E-8	- 8E-5 -	- 8E-4 -
50	Tin-123m <sup>2</sup>	D, see <sup>110</sup> Sn W, see <sup>110</sup> Sn	5E+4 -	1E+5 1E+5	5E-5 6E-5	2E-7 2E-7	7E-4 -	7E-3 -
50	Tin-123	D, see <sup>110</sup> Sn	5E+2 LLI wall (6E+2) -	6E+2 - -	3E-7 - -	9E-10 - -	- 9E-6 -	- 9E-5 -

# ADMINISTRATIVE REGISTER - 2009

		W, see <sup>110</sup> Sn	-	2E+2	7E-8	2E-10	-	-
50	Tin-125	D, see <sup>110</sup> Sn	4E+2 LLI wall (5E+2)	9E+2	4E-7	1E-9	-	-
		W, see <sup>110</sup> Sn	-	4E+2	1E-7	5E-10	6E-6	6E-5
50	Tin-126	D, see <sup>110</sup> Sn	3E+2	6E+1	2E-8	8E-11	4E-6	4E-5
		W, see <sup>110</sup> Sn	-	7E+1	3E-8	9E-11	-	-
50	Tin-127	D, see <sup>110</sup> Sn	7E+3	2E+4	8E-6	3E-8	9E-5	9E-4
		W, see <sup>110</sup> Sn	-	2E+4	8E-6	3E-8	-	-
50	Tin-128 <sup>2</sup>	D, see <sup>110</sup> Sn	9E+3	3E+4	1E-5	4E-8	1E-4	1E-3
		W, see <sup>110</sup> Sn	-	4E+4	1E-5	5E-8	-	-
51	Antimony-115 <sup>2</sup>	D, all compounds except those given for W W, oxides, hydroxides, halides, sulfides, sulfates, and nitrates	8E+4	2E+5	1E-4	3E-7	1E-3	1E-2
			-	3E+5	1E-4	4E-7	-	-
51	Antimony-116m <sup>2</sup>	D, see <sup>115</sup> Sb	2E+4	7E+4	3E-5	1E-7	3E-4	3E-3
		W, see <sup>115</sup> Sb	-	1E+5	6E-5	2E-7	-	-
51	Antimony-116 <sup>2</sup>	D, see <sup>115</sup> Sb	7E+4 St wall (9E+4)	3E+5	1E-4	4E-7	-	-
		W, see <sup>115</sup> Sb	-	3E+5	1E-4	5E-7	1E-3	1E-2
51	Antimony-117	D, see <sup>115</sup> Sb	7E+4	2E+5	9E-5	3E-7	9E-4	9E-3
		W, see <sup>115</sup> Sb	-	3E+5	1E-4	4E-7	-	-
51	Antimony-118m	D, see <sup>115</sup> Sb	6E+3	2E+4	8E-6	3E-8	7E-5	7E-4
		W, see <sup>115</sup> Sb	5E+3	2E+4	9E-6	3E-8	-	-
51	Antimony-119	D, see <sup>115</sup> Sb	2E+4	5E+4	2E-5	6E-8	2E-4	2E-3
		W, see <sup>115</sup> Sb	2E+4	3E+4	1E-5	4E-8	-	-
51	Antimony-120 <sup>2</sup> (16 min)	D, see <sup>115</sup> Sb	1E+5 St wall (2E+5)	4E+5	2E-4	6E-7	-	-
		W, see <sup>115</sup> Sb	-	5E+5	2E-4	7E-7	2E-3	2E-2
51	Antimony-120 (5.76 d)	D, see <sup>115</sup> Sb	1E+3	2E+3	9E-7	3E-9	1E-5	1E-4
		W, see <sup>115</sup> Sb	9E+2	1E+3	5E-7	2E-9	-	-
51	Antimony-122	D, see <sup>115</sup> Sb	8E+2 LLI wall (8E+2)	2E+3	1E-6	3E-9	-	-
		W, see <sup>115</sup> Sb	7E+2	1E+3	4E-7	2E-9	1E-5	1E-4
51	Antimony-124m <sup>2</sup>	D, see <sup>115</sup> Sb	3E+5	8E+5	4E-4	1E-6	3E-3	3E-2
		W, see <sup>115</sup> Sb	2E+5	6E+5	2E-4	8E-7	-	-
51	Antimony-124	D, see <sup>115</sup> Sb	6E+2	9E+2	4E-7	1E-9	7E-6	7E-5
		W, see <sup>115</sup> Sb	5E+2	2E+2	1E-7	3E-10	-	-
51	Antimony-125	D, see <sup>115</sup> Sb	2E+3	2E+3	1E-6	3E-9	3E-5	3E-4
		W, see <sup>115</sup> Sb	-	5E+2	2E-7	7E-10	-	-
51	Antimony-126m <sup>2</sup>	D, see <sup>115</sup> Sb	5E+4 St wall (7E+4)	2E+5	8E-5	3E-7	-	-
		W, see <sup>115</sup> Sb	-	2E+5	8E-5	3E-7	9E-4	9E-3
51	Antimony-126	D, see <sup>115</sup> Sb	6E+2	1E+3	5E-7	2E-9	7E-6	7E-5
		W, see <sup>115</sup> Sb	5E+2	5E+2	2E-7	7E-10	-	-
51	Antimony-127	D, see <sup>115</sup> Sb	8E+2 LLI wall (8E+2)	2E+3	9E-7	3E-9	-	-
		W, see <sup>115</sup> Sb	7E+2	9E+2	4E-7	1E-9	1E-5	1E-4
51	Antimony-128 <sup>2</sup> (10.4 min)	D, see <sup>115</sup> Sb	8E+4 St wall (1E+5)	4E+5	2E-4	5E-7	-	-
		W, see <sup>115</sup> Sb	-	4E+5	2E-4	6E-7	1E-3	1E-2
51	Antimony-128 (9.01 h)	D, see <sup>115</sup> Sb	1E+3	4E+3	2E-6	6E-9	2E-5	2E-4
		W, see <sup>115</sup> Sb	-	3E+3	1E-6	5E-9	-	-
51	Antimony-129	D, see <sup>115</sup> Sb	3E+3	9E+3	4E-6	1E-8	4E-5	4E-4
		W, see <sup>115</sup> Sb	-	9E+3	4E-6	1E-8	-	-

# ADMINISTRATIVE REGISTER - 2010

51	Antimony-130 <sup>2</sup>	D, see <sup>115</sup> Sb W, see <sup>115</sup> Sb	2E+4 -	6E+4 8E+4	3E-5 3E-5	9E-8 1E-7	3E-4 -	3E-3 -
51	Antimony-131 <sup>2</sup>	D, see <sup>115</sup> Sb  W, see <sup>115</sup> Sb	1E+4 Thyroid (2E+4) - -	2E+4 Thyroid (4E+4) 2E+4 Thyroid (4E+4) -	1E-5 - 1E-5 -	- - 6E-8 6E-8	- - 2E-4 -	- - 2E-3 -
52	Tellurium-116	D, all compounds except those given for W W, oxides, hydroxides, and nitrates	8E+3 -	2E+4 3E+4	9E-6 1E-5	3E-8 4E-8	1E-4 -	1E-3 -
52	Tellurium-121m	D, see <sup>116</sup> Te  W, see <sup>116</sup> Te	5E+2 Bone surf (7E+2) -	2E+2 Bone surf (4E+2) 4E+2	8E-8 - 2E-7	- 5E-10 6E-10	- 1E-5 -	- 1E-4 -
52	Tellurium-121	D, see <sup>116</sup> Te W, see <sup>116</sup> Te	3E+3 -	4E+3 3E+3	2E-6 1E-6	6E-9 4E-9	4E-5 -	4E-4 -
52	Tellurium-123m	D, see <sup>116</sup> Te  W, see <sup>116</sup> Te	6E+2 Bone surf (1E+3) -	2E+2 Bone surf (5E+2) 5E+2	9E-8 - 2E-7	- 8E-10 8E-10	- 1E-5 -	- 1E-4 -
52	Tellurium-123	D, see <sup>116</sup> Te  W, see <sup>116</sup> Te	5E+2 Bone surf (1E+3) -	2E+2 Bone surf (5E+2) 4E+2 Bone surf (1E+3) -	8E-8 - 2E-7 -	- 7E-10 -	- 2E-5 -	- 2E-4 -
52	Tellurium-125m	D, see <sup>116</sup> Te  W, see <sup>116</sup> Te	1E+3 Bone surf (1E+3) -	4E+2 Bone surf (1E+3) 7E+2	2E-7 - 3E-7	- 1E-9 1E-9	- 2E-5 -	- 2E-4 -
52	Tellurium-127m	D, see <sup>116</sup> Te  W, see <sup>116</sup> Te	6E+2 -	3E+2 Bone surf (4E+2) 3E+2	1E-7 - 1E-7	- 6E-10 4E-10	9E-6 -	9E-5 -
52	Tellurium-127	D, see <sup>116</sup> Te W, see <sup>116</sup> Te	7E+3 -	2E+4 2E+4	9E-6 7E-6	3E-8 2E-8	1E-4 -	1E-3 -
52	Tellurium-129m	D, see <sup>116</sup> Te W, see <sup>116</sup> Te	5E+2 -	6E+2 2E+2	3E-7 1E-7	9E-10 3E-10	7E-6 -	7E-5 -
52	Tellurium-129 <sup>2</sup>	D, see <sup>116</sup> Te W, see <sup>116</sup> Te	3E+4 -	6E+4 7E+4	3E-5 3E-5	9E-8 1E-7	4E-4 -	4E-3 -
52	Tellurium-131m	D, see <sup>116</sup> Te  W, see <sup>116</sup> Te	3E+2 Thyroid (6E+2) -	4E+2 Thyroid (1E+3) 4E+2 Thyroid (9E+2) -	2E-7 - 2E-7 -	- 2E-9 1E-9	- 8E-6 -	- 8E-5 -
52	Tellurium-131 <sup>2</sup>	D, see <sup>116</sup> Te  W, see <sup>116</sup> Te	3E+3 Thyroid (6E+3) -	5E+3 Thyroid (1E+4) 5E+3 Thyroid (1E+4) -	2E-6 - 2E-6 -	- 2E-8 2E-8	- 8E-5 -	- 8E-4 -
52	Tellurium-132	D, see <sup>116</sup> Te  W, see <sup>116</sup> Te	2E+2 Thyroid (7E+2) -	2E+2 Thyroid (8E+2) 2E+2 Thyroid (6E+2) -	9E-8 - 9E-8 -	- 1E-9 9E-10	- 9E-6 -	- 9E-5 -
52	Tellurium-133m <sup>2</sup>	D, see <sup>116</sup> Te  W, see <sup>116</sup> Te	3E+3 Thyroid (6E+3) -	5E+3 Thyroid (1E+4) 5E+3 Thyroid (1E+4) -	2E-6 - 2E-6 -	- 2E-8 2E-8	- 9E-5 -	- 9E-4 -
52	Tellurium-133 <sup>2</sup>	D, see <sup>116</sup> Te	1E+4 Thyroid	2E+4 Thyroid	9E-6	-	-	-

# ADMINISTRATIVE REGISTER - 2011

		W, see <sup>116</sup> Te	(3E+4) -	(6E+4) 2E+4 Thyroid (6E+4)	- 9E-6 -	8E-8 -	4E-4 -	4E-3 -
52	Tellurium-134 <sup>2</sup>	D, see <sup>116</sup> Te	2E+4 Thyroid (2E+4)	2E+4 Thyroid (5E+4)	1E-5 -	-	-	-
		W, see <sup>116</sup> Te	-	2E+4 Thyroid (5E+4)	1E-5 -	7E-8 -	3E-4 -	3E-3 -
53	Iodine-120m <sup>2</sup>	D, all compounds	1E+4 Thyroid (1E+4)	2E+4 -	9E-6 -	3E-8 -	- 2E-4	- 2E-3
53	Iodine-120 <sup>2</sup>	D, all compounds	4E+3 Thyroid (8E+3)	9E+3 Thyroid (1E+4)	4E-6 -	- 2E-8	- 1E-4	- 1E-3
53	Iodine-121	D, all compounds	1E+4 Thyroid (3E+4)	2E+4 Thyroid (5E+4)	8E-6 -	- 7E-8	- 4E-4	- 4E-3
53	Iodine-123	D, all compounds	3E+3 Thyroid (1E+4)	6E+3 Thyroid (2E+4)	3E-6 -	- 2E-8	- 1E-4	- 1E-3
53	Iodine-124	D, all compounds	5E+1 Thyroid (2E+2)	8E+1 Thyroid (3E+2)	3E-8 -	- 4E-10	- 2E-6	- 2E-5
53	Iodine-125	D, all compounds	4E+1 Thyroid (1E+2)	6E+1 Thyroid (2E+2)	3E-8 -	- 3E-10	- 2E-6	- 2E-5
53	Iodine-126	D, all compounds	2E+1 Thyroid (7E+1)	4E+1 Thyroid (1E+2)	1E-8 -	- 2E-10	- 1E-6	- 1E-5
53	Iodine-128 <sup>2</sup>	D, all compounds	4E+4 St wall (6E+4)	1E+5 -	5E-5 -	2E-7 -	- 8E-4	- 8E-3
53	Iodine-129	D, all compounds	5E+0 Thyroid (2E+1)	9E+0 Thyroid (3E+1)	4E-9 -	- 4E-11	- 2E-7	- 2E-6
53	Iodine-130	D, all compounds	4E+2 Thyroid (1E+3)	7E+2 Thyroid (2E+3)	3E-7 -	- 3E-9	- 2E-5	- 2E-4
53	Iodine-131	D, all compounds	3E+1 Thyroid (9E+1)	5E+1 Thyroid (2E+2)	2E-8 -	- 2E-10	- 1E-6	- 1E-5
53	Iodine-132m <sup>2</sup>	D, all compounds	4E+3 Thyroid (1E+4)	8E+3 Thyroid (2E+4)	4E-6 -	- 3E-8	- 1E-4	- 1E-3
53	Iodine-132	D, all compounds	4E+3 Thyroid (9E+3)	8E+3 Thyroid (1E+4)	3E-6 -	- 2E-8	- 1E-4	- 1E-3
53	Iodine-133	D, all compounds	1E+2 Thyroid (5E+2)	3E+2 Thyroid (9E+2)	1E-7 -	- 1E-9	- 7E-6	- 7E-5
53	Iodine-134 <sup>2</sup>	D, all compounds	2E+4 Thyroid (3E+4)	5E+4 -	2E-5 -	6E-8 -	- 4E-4	- 4E-3
53	Iodine-135	D, all compounds	8E+2 Thyroid (3E+3)	2E+3 Thyroid (4E+3)	7E-7 -	- 6E-9	- 3E-5	- 3E-4
54	Xenon-120 <sup>2</sup>	Submersion <sup>1</sup>	-	-	1E-5	4E-8	-	-
54	Xenon-121 <sup>2</sup>	Submersion <sup>1</sup>	-	-	2E-6	1E-8	-	-
54	Xenon-122	Submersion <sup>1</sup>	-	-	7E-5	3E-7	-	-
54	Xenon-123	Submersion <sup>1</sup>	-	-	6E-6	3E-8	-	-

# ADMINISTRATIVE REGISTER - 2012

54	Xenon-125	Submersion <sup>1</sup>	-	-	2E-5	7E-8	-	-
54	Xenon-127	Submersion <sup>1</sup>	-	-	1E-5	6E-8	-	-
54	Xenon-129m	Submersion <sup>1</sup>	-	-	2E-4	9E-7	-	-
54	Xenon-131m	Submersion <sup>1</sup>	-	-	4E-4	2E-6	-	-
54	Xenon-133m	Submersion <sup>1</sup>	-	-	1E-4	6E-7	-	-
54	Xenon-133	Submersion <sup>1</sup>	-	-	1E-4	5E-7	-	-
54	Xenon-135m <sup>2</sup>	Submersion <sup>1</sup>	-	-	9E-6	4E-8	-	-
54	Xenon-135	Submersion <sup>1</sup>	-	-	1E-5	7E-8	-	-
54	Xenon-138 <sup>2</sup>	Submersion <sup>1</sup>	-	-	4E-6	2E-8	-	-
55	Cesium-125 <sup>2</sup>	D, all compounds	5E+4 St wall (9E+4)	1E+5	6E-5	2E-7	-	-
55	Cesium-127	D, all compounds	6E+4	9E+4	4E-5	1E-7	9E-4	9E-3
55	Cesium-129	D, all compounds	2E+4	3E+4	1E-5	5E-8	3E-4	3E-3
55	Cesium-130 <sup>2</sup>	D, all compounds	6E+4 St wall (1E+5)	2E+5	8E-5	3E-7	-	-
55	Cesium-131	D, all compounds	2E+4	3E+4	1E-5	4E-8	3E-4	3E-3
55	Cesium-132	D, all compounds	3E+3	4E+3	2E-6	6E-9	4E-5	4E-4
55	Cesium-134m	D, all compounds	1E+5 St wall (1E+5)	1E+5	6E-5	2E-7	-	-
55	Cesium-134	D, all compounds	7E+1	1E+2	4E-8	2E-10	9E-7	9E-6
55	Cesium-135m <sup>2</sup>	D, all compounds	1E+5	2E+5	8E-5	3E-7	1E-3	1E-2
55	Cesium-135	D, all compounds	7E+2	1E+3	5E-7	2E-9	1E-5	1E-4
55	Cesium-136	D, all compounds	4E+2	7E+2	3E-7	9E-10	6E-6	6E-5
55	Cesium-137	D, all compounds	1E+2	2E+2	6E-8	2E-10	1E-6	1E-5
55	Cesium-138 <sup>2</sup>	D, all compounds	2E+4 St wall (3E+4)	6E+4	2E-5	8E-8	-	-
56	Barium-126 <sup>2</sup>	D, all compounds	6E+3	2E+4	6E-6	2E-8	8E-5	8E-4
56	Barium-128	D, all compounds	5E+2	2E+3	7E-7	2E-9	7E-6	7E-5
56	Barium-131m <sup>2</sup>	D, all compounds	4E+5 St wall (5E+5)	1E+6	6E-4	2E-6	-	-
56	Barium-131	D, all compounds	3E+3	8E+3	3E-6	1E-8	4E-5	4E-4
56	Barium-133m	D, all compounds	2E+3 LLI wall (3E+3)	9E+3	4E-6	1E-8	-	-
56	Barium-133	D, all compounds	2E+3	7E+2	3E-7	9E-10	2E-5	2E-4
56	Barium-135m	D, all compounds	3E+3	1E+4	5E-6	2E-8	4E-5	4E-4
56	Barium-139 <sup>2</sup>	D, all compounds	1E+4	3E+4	1E-5	4E-8	2E-4	2E-3
56	Barium-140	D, all compounds	5E+2 LLI wall (6E+2)	1E+3	6E-7	2E-9	-	-
56	Barium-141 <sup>2</sup>	D, all compounds	2E+4	7E+4	3E-5	1E-7	3E-4	3E-3
56	Barium-142 <sup>2</sup>	D, all compounds	5E+4	1E+5	6E-5	2E-7	7E-4	7E-3
57	Lanthanum-131 <sup>2</sup>	D, all compounds except those given for W W, oxides and hydroxides	5E+4	1E+5	5E-5	2E-7	6E-4	6E-3
			-	2E+5	7E-5	2E-7	-	-

# ADMINISTRATIVE REGISTER - 2013

57	Lanthanum-132	D, see <sup>131</sup> La W, see <sup>131</sup> La	3E+3 -	1E+4 1E+4	4E-6 5E-6	1E-8 2E-8	4E-5 -	4E-4 -
57	Lanthanum-135	D, see <sup>131</sup> La W, see <sup>131</sup> La	4E+4 -	1E+5 9E+4	4E-5 4E-5	1E-7 1E-7	5E-4 -	5E-3 -
57	Lanthanum-137	D, see <sup>131</sup> La  W, see <sup>131</sup> La	1E+4 - - -	6E+1 Liver (7E+1) 3E+2 Liver (3E+2)	3E-8 - 1E-7 -	- 1E-10 - 4E-10	2E-4 - - -	2E-3 - - -
57	Lanthanum-138	D, see <sup>131</sup> La W, see <sup>131</sup> La	9E+2 -	4E+0 1E+1	1E-9 6E-9	5E-12 2E-11	1E-5 -	1E-4 -
57	Lanthanum-140	D, see <sup>131</sup> La W, see <sup>131</sup> La	6E+2 -	1E+3 1E+3	6E-7 5E-7	2E-9 2E-9	9E-6 -	9E-5 -
57	Lanthanum-141	D, see <sup>131</sup> La W, see <sup>131</sup> La	4E+3 -	9E+3 1E+4	4E-6 5E-6	1E-8 2E-8	5E-5 -	5E-4 -
57	Lanthanum-142 <sup>2</sup>	D, see <sup>131</sup> La W, see <sup>131</sup> La	8E+3 -	2E+4 3E+4	9E-6 1E-5	3E-8 5E-8	1E-4 -	1E-3 -
57	Lanthanum-143 <sup>2</sup>	D, see <sup>131</sup> La  W, see <sup>131</sup> La	4E+4 - -	1E+5 St wall (4E+4) 9E+4	4E-5 - 4E-5	1E-7 - 1E-7	- 5E-4 -	- 5E-3 -
58	Cerium-134	W, all compounds except those given for Y  Y, oxides, hydroxides, and fluorides	5E+2 LLI wall (6E+2) -	7E+2 - 7E+2	3E-7 - 3E-7	1E-9 - 9E-10	- 8E-6 -	- 8E-5 -
58	Cerium-135	W, see <sup>134</sup> Ce Y, see <sup>134</sup> Ce	2E+3 -	4E+3 4E+3	2E-6 1E-6	5E-9 5E-9	2E-5 -	2E-4 -
58	Cerium-137m	W, see <sup>134</sup> Ce  Y, see <sup>134</sup> Ce	2E+3 LLI wall (2E+3) -	4E+3 - 4E+3	2E-6 - 2E-6	6E-9 - 5E-9	- 3E-5 -	- 3E-4 -
58	Cerium-137	W, see <sup>134</sup> Ce Y, see <sup>134</sup> Ce	5E+4 -	1E+5 1E+5	6E-5 5E-5	2E-7 2E-7	7E-4 -	7E-3 -
58	Cerium-139	W, see <sup>134</sup> Ce Y, see <sup>134</sup> Ce	5E+3 -	8E+2 7E+2	3E-7 3E-7	1E-9 9E-10	7E-5 -	7E-4 -
58	Cerium-141	W, see <sup>134</sup> Ce  Y, see <sup>134</sup> Ce	2E+3 LLI wall (2E+3) -	7E+2 - 6E+2	3E-7 - 2E-7	1E-9 - 8E-10	- 3E-5 -	- 3E-4 -
58	Cerium-143	W, see <sup>134</sup> Ce  Y, see <sup>134</sup> Ce	1E+3 LLI wall (1E+3) -	2E+3 - 2E+3	8E-7 - 7E-7	3E-9 - 2E-9	- 2E-5 -	- 2E-4 -
58	Cerium-144	W, see <sup>134</sup> Ce  Y, see <sup>134</sup> Ce	2E+2 LLI wall (3E+2) -	3E+1 - 1E+1	1E-8 - 6E-9	4E-11 - 2E-11	- 3E-6 -	- 3E-5 -
59	Praseodymium-136 <sup>2</sup>	W, all compounds except those given for Y  Y, oxides, hydroxides, carbides, and fluorides	5E+4 St wall (7E+4) -	2E+5 - 2E+5	1E-4 - 9E-5	3E-7 - 3E-7	- 1E-3 -	- 1E-2 -
59	Praseodymium-137 <sup>2</sup>	W, see <sup>136</sup> Pr Y, see <sup>136</sup> Pr	4E+4 -	2E+5 1E+5	6E-5 6E-5	2E-7 2E-7	5E-4 -	5E-3 -
59	Praseodymium-138m	W, see <sup>136</sup> Pr Y, see <sup>136</sup> Pr	1E+4 -	5E+4 4E+4	2E-5 2E-5	8E-8 6E-8	1E-4 -	1E-3 -
59	Praseodymium-139	W, see <sup>136</sup> Pr Y, see <sup>136</sup> Pr	4E+4 -	1E+5 1E+5	5E-5 5E-5	2E-7 2E-7	6E-4 -	6E-3 -
59	Praseodymium-142m <sup>2</sup>	W, see <sup>136</sup> Pr Y, see <sup>136</sup> Pr	8E+4 -	2E+5 1E+5	7E-5 6E-5	2E-7 2E-7	1E-3 -	1E-2 -

# ADMINISTRATIVE REGISTER - 2014

59	Praseodymium-142 W, see <sup>136</sup> Pr Y, see <sup>136</sup> Pr	1E+3 -	2E+3 2E+3	9E-7 8E-7	3E-9 3E-9	1E-5 -	1E-4 -
59	Praseodymium-143 W, see <sup>136</sup> Pr Y, see <sup>136</sup> Pr	9E+2 LLI wall (1E+3) -	8E+2 - 7E+2	3E-7 - 3E-7	1E-9 - 9E-10	- 2E-5 -	- 2E-4 -
59	Praseodymium-144 <sup>2</sup> W, see <sup>136</sup> Pr Y, see <sup>136</sup> Pr	3E+4 St wall (4E+4) -	1E+5 - 1E+5	5E-5 - 5E-5	2E-7 - 2E-7	- 6E-4 -	- 6E-3 -
59	Praseodymium-145 W, see <sup>136</sup> Pr Y, see <sup>136</sup> Pr	3E+3 -	9E+3 8E+3	4E-6 3E-6	1E-8 1E-8	4E-5 -	4E-4 -
59	Praseodymium-147 <sup>2</sup> W, see <sup>136</sup> Pr Y, see <sup>136</sup> Pr	5E+4 St wall (8E+4) -	2E+5 - 2E+5	8E-5 - 8E-5	3E-7 - 3E-7	- 1E-3 -	- 1E-2 -
60	Neodymium-136 <sup>2</sup> W, all compounds except those given for Y Y, oxides, hydroxides, carbides, and fluorides	1E+4 -	6E+4 5E+4	2E-5 2E-5	8E-8 8E-8	2E-4 -	2E-3 -
60	Neodymium-138 W, see <sup>136</sup> Nd Y, see <sup>136</sup> Nd	2E+3 -	6E+3 5E+3	3E-6 2E-6	9E-9 7E-9	3E-5 -	3E-4 -
60	Neodymium-139m W, see <sup>136</sup> Nd Y, see <sup>136</sup> Nd	5E+3 -	2E+4 1E+4	7E-6 6E-6	2E-8 2E-8	7E-5 -	7E-4 -
60	Neodymium-139 <sup>2</sup> W, see <sup>136</sup> Nd Y, see <sup>136</sup> Nd	9E+4 -	3E+5 3E+5	1E-4 1E-4	5E-7 4E-7	1E-3 -	1E-2 -
60	Neodymium-141 W, see <sup>136</sup> Nd Y, see <sup>136</sup> Nd	2E+5 -	7E+5 6E+5	3E-4 3E-4	1E-6 9E-7	2E-3 -	2E-2 -
60	Neodymium-147 W, see <sup>136</sup> Nd Y, see <sup>136</sup> Nd	1E+3 LLI wall (1E+3) -	9E+2 - 8E+2	4E-7 - 4E-7	1E-9 - 1E-9	- 2E-5 -	- 2E-4 -
60	Neodymium-149 <sup>2</sup> W, see <sup>136</sup> Nd Y, see <sup>136</sup> Nd	1E+4 -	3E+4 2E+4	1E-5 1E-5	4E-8 3E-8	1E-4 -	1E-3 -
60	Neodymium-151 <sup>2</sup> W, see <sup>136</sup> Nd Y, see <sup>136</sup> Nd	7E+4 -	2E+5 2E+5	8E-5 8E-5	3E-7 3E-7	9E-4 -	9E-3 -
61	Promethium-141 <sup>2</sup> W, all compounds except those given for Y Y, oxides, hydroxides, carbides, and fluorides	5E+4 St wall (6E+4) -	2E+5 - 2E+5	8E-5 - 7E-5	3E-7 - 2E-7	- 8E-4 -	- 8E-3 -
61	Promethium-143 W, see <sup>141</sup> Pm Y, see <sup>141</sup> Pm	5E+3 -	6E+2 7E+2	2E-7 3E-7	8E-10 1E-9	7E-5 -	7E-4 -
61	Promethium-144 W, see <sup>141</sup> Pm Y, see <sup>141</sup> Pm	1E+3 -	1E+2 1E+2	5E-8 5E-8	2E-10 2E-10	2E-5 -	2E-4 -
61	Promethium-145 W, see <sup>141</sup> Pm Y, see <sup>141</sup> Pm	1E+4 - -	2E+2 Bone surf (2E+2) 2E+2	7E-8 - 8E-8	- 3E-10 3E-10	1E-4 - -	1E-3 - -
61	Promethium-146 W, see <sup>141</sup> Pm Y, see <sup>141</sup> Pm	2E+3 -	5E+1 4E+1	2E-8 2E-8	7E-11 6E-11	2E-5 -	2E-4 -
61	Promethium-147 W, see <sup>141</sup> Pm Y, see <sup>141</sup> Pm	4E+3 LLI wall (5E+3) -	1E+2 Bone surf (2E+2) 1E+2	5E-8 - 6E-8	- 3E-10 2E-10	- 7E-5 -	- 7E-4 -
61	Promethium-148m W, see <sup>141</sup> Pm Y, see <sup>141</sup> Pm	7E+2 -	3E+2 3E+2	1E-7 1E-7	4E-10 5E-10	1E-5 -	1E-4 -
61	Promethium-148 W, see <sup>141</sup> Pm Y, see <sup>141</sup> Pm	4E+2 LLI wall (5E+2) -	5E+2 - 5E+2	2E-7 - 2E-7	8E-10 - 7E-10	- 7E-6 -	- 7E-5 -
61	Promethium-149 W, see <sup>141</sup> Pm	1E+3	2E+3	8E-7	3E-9	-	-



# ADMINISTRATIVE REGISTER - 2015

			LLI wall (1E+3)	-	-	-	2E-5	2E-4
		Y, see <sup>141</sup> Pm	-	2E+3	8E-7	2E-9	-	-
61	Promethium-150	W, see <sup>141</sup> Pm	5E+3	2E+4	8E-6	3E-8	7E-5	7E-4
		Y, see <sup>141</sup> Pm	-	2E+4	7E-6	2E-8	-	-
61	Promethium-151	W, see <sup>141</sup> Pm	2E+3	4E+3	1E-6	5E-9	2E-5	2E-4
		Y, see <sup>141</sup> Pm	-	3E+3	1E-6	4E-9	-	-
62	Samarium-141m <sup>2</sup>	W, all compounds	3E+4	1E+5	4E-5	1E-7	4E-4	4E-3
62	Samarium-141 <sup>2</sup>	W, all compounds	5E+4	2E+5	8E-5	2E-7	-	-
		St wall (6E+4)	-	-	-	-	8E-4	8E-3
62	Samarium-142 <sup>2</sup>	W, all compounds	8E+3	3E+4	1E-5	4E-8	1E-4	1E-3
62	Samarium-145	W, all compounds	6E+3	5E+2	2E-7	7E-10	8E-5	8E-4
62	Samarium-146	W, all compounds	1E+1	4E2	1E-11	-	-	-
		Bone surf (3E+1)	Bone surf (6E-2)	-	-	9E-14	3E-7	3E-6
62	Samarium-147	W, all compounds	2E+1	4E2	2E-11	-	-	-
		Bone surf (3E+1)	Bone surf (7E-2)	-	-	1E-13	4E-7	4E-6
62	Samarium-151	W, all compounds	1E+4	1E+2	4E-8	-	-	-
		LLI wall (1E+4)	Bone surf (2E+2)	-	-	2E-10	2E-4	2E-3
62	Samarium-153	W, all compounds	2E+3	3E+3	1E-6	4E-9	-	-
		LLI wall (2E+3)	-	-	-	-	3E-5	3E-4
62	Samarium-155 <sup>2</sup>	W, all compounds	6E+4	2E+5	9E-5	3E-7	-	-
		St wall (8E+4)	-	-	-	-	1E-3	1E-2
62	Samarium-156	W, all compounds	5E+3	9E+3	4E-6	1E-8	7E-5	7E-4
63	Europium-145	W, all compounds	2E+3	2E+3	8E-7	3E-9	2E-5	2E-4
63	Europium-146	W, all compounds	1E+3	1E+3	5E-7	2E-9	1E-5	1E-4
63	Europium-147	W, all compounds	3E+3	2E+3	7E-7	2E-9	4E-5	4E-4
63	Europium-148	W, all compounds	1E+3	4E+2	1E-7	5E-10	1E-5	1E-4
63	Europium-149	W, all compounds	1E+4	3E+3	1E-6	4E-9	2E-4	2E-3
63	Europium-150 (12.62 h)	W, all compounds	3E+3	8E+3	4E-6	1E-8	4E-5	4E-4
63	Europium-150 (34.2 y)	W, all compounds	8E+2	2E+1	8E-9	3E-11	1E-5	1E-4
63	Europium-152m	W, all compounds	3E+3	6E+3	3E-6	9E-9	4E-5	4E-4
63	Europium-152	W, all compounds	8E+2	2E+1	1E-8	3E-11	1E-5	1E-4
63	Europium-154	W, all compounds	5E+2	2E+1	8E-9	3E-11	7E-6	7E-5
63	Europium-155	W, all compounds	4E+3	9E+1	4E-8	-	5E-5	5E-4
		-	Bone surf (1E+2)	-	-	2E-10	-	-
63	Europium-156	W, all compounds	6E+2	5E+2	2E-7	6E-10	8E-6	8E-5
63	Europium-157	W, all compounds	2E+3	5E+3	2E-6	7E-9	3E-5	3E-4
63	Europium-158 <sup>2</sup>	W, all compounds	2E+4	6E+4	2E-5	8E-8	3E-4	3E-3
64	Gadolinium-145 <sup>2</sup>	D, all compounds except those given for W	5E+4	2E+5	6E-5	2E-7	-	-
		St wall (5E+4)	-	-	-	-	6E-4	6E-3
		W, oxides, hydroxides, and fluorides	-	2E+5	7E-5	2E-7	-	-
64	Gadolinium-146	D, see <sup>145</sup> Gd	1E+3	1E+2	5E-8	2E-10	2E-5	2E-4
		W, see <sup>145</sup> Gd	-	3E+2	1E-7	4E-10	-	-

# ADMINISTRATIVE REGISTER - 2016

64	Gadolinium-147	D, see <sup>145</sup> Gd W, see <sup>145</sup> Gd	2E+3 -	4E+3 4E+3	2E-6 1E-6	6E-9 5E-9	3E-5 -	3E-4 -
64	Gadolinium-148	D, see <sup>145</sup> Gd  W, see <sup>145</sup> Gd	1E+1 Bone surf (2E+1) - -	8E+3 Bone surf (2E+2) 3E-2 Bone surf (6E-2) -	3E-12 - 1E-11 -	- 2E-14 -	- 3E-7 -	- 3E-6 -
64	Gadolinium-149	D, see <sup>145</sup> Gd W, see <sup>145</sup> Gd	3E+3 -	2E+3 2E+3	9E-7 1E-6	3E-9 3E-9	4E-5 -	4E-4 -
64	Gadolinium-151	D, see <sup>145</sup> Gd  W, see <sup>145</sup> Gd	6E+3 - -	4E+2 Bone surf (6E+2) 1E+3	2E-7 - 5E-7	- 9E-10 2E-9	9E-5 - -	9E-4 - -
64	Gadolinium-152	D, see <sup>145</sup> Gd  W, see <sup>145</sup> Gd	2E+1 Bone surf (3E+1) - -	1E-2 Bone surf (2E-2) 4E-2 Bone surf (8E-2) -	4E-12 - 2E-11 -	- 3E-14 -	- 4E-7 -	- 4E-6 -
64	Gadolinium-153	D, see <sup>145</sup> Gd  W, see <sup>145</sup> Gd	5E+3 - -	1E+2 Bone surf (2E+2) 6E+2	6E-8 - 2E-7	- 3E-10 8E-10	6E-5 - -	6E-4 - -
64	Gadolinium-159	D, see <sup>145</sup> Gd W, see <sup>145</sup> Gd	3E+3 -	8E+3 6E+3	3E-6 2E-6	1E-8 8E-9	4E-5 -	4E-4 -
65	Terbium-147 <sup>2</sup>	W, all compounds	9E+3	3E+4	1E-5	5E-8	1E-4	1E-3
65	Terbium-149	W, all compounds	5E+3	7E+2	3E-7	1E-9	7E-5	7E-4
65	Terbium-150	W, all compounds	5E+3	2E+4	9E-6	3E-8	7E-5	7E-4
65	Terbium-151	W, all compounds	4E+3	9E+3	4E-6	1E-8	5E-5	5E-4
65	Terbium-153	W, all compounds	5E+3	7E+3	3E-6	1E-8	7E-5	7E-4
65	Terbium-154	W, all compounds	2E+3	4E+3	2E-6	6E-9	2E-5	2E-4
65	Terbium-155	W, all compounds	6E+3	8E+3	3E-6	1E-8	8E-5	8E-4
65	Terbium-156m (5.0 h)	W, all compounds	2E+4	3E+4	1E-5	4E-8	2E-4	2E-3
65	Terbium-156m (24.4 h)	W, all compounds	7E+3	8E+3	3E-6	1E-8	1E-4	1E-3
65	Terbium-156	W, all compounds	1E+3	1E+3	6E-7	2E-9	1E-5	1E-4
65	Terbium-157	W, all compounds	5E+4 LLI wall (5E+4)	3E+2 Bone surf (6E+2)	1E-7 - -	- 8E-10	- 7E-4	- 7E-3
65	Terbium-158	W, all compounds	1E+3	2E+1	8E-9	3E-11	2E-5	2E-4
65	Terbium-160	W, all compounds	8E+2	2E+2	9E-8	3E-10	1E-5	1E-4
65	Terbium-161	W, all compounds	2E+3 LLI wall (2E+3)	2E+3 - -	7E-7 - -	2E-9 - -	- 3E-5	- 3E-4
66	Dysprosium-155	W, all compounds	9E+3	3E+4	1E-5	4E-8	1E-4	1E-3
66	Dysprosium-157	W, all compounds	2E+4	6E+4	3E-5	9E-8	3E-4	3E-3
66	Dysprosium-159	W, all compounds	1E+4	2E+3	1E-6	3E-9	2E-4	2E-3
66	Dysprosium-165	W, all compounds	1E+4	5E+4	2E-5	6E-8	2E-4	2E-3
66	Dysprosium-166	W, all compounds	6E+2 LLI wall (8E+2)	7E+2 - -	3E-7 - -	1E-9 - -	- 1E-5	- 1E-4
67	Holmium-155 <sup>2</sup>	W, all compounds	4E+4	2E+5	6E-5	2E-7	6E-4	6E-3
67	Holmium-157 <sup>2</sup>	W, all compounds	3E+5	1E+6	6E-4	2E-6	4E-3	4E-2
67	Holmium-159 <sup>2</sup>	W, all compounds	2E+5	1E+6	4E-4	1E-6	3E-3	3E-2

# ADMINISTRATIVE REGISTER - 2017

67	Holmium-161	W, all compounds	1E+5	4E+5	2E-4	6E-7	1E-3	1E-2
67	Holmium-162m <sup>2</sup>	W, all compounds	5E+4	3E+5	1E-4	4E-7	7E-4	7E-3
67	Holmium-162 <sup>2</sup>	W, all compounds	5E+5 St wall (8E+5)	2E+6 - -	1E-3 - -	3E-6 - -	- 1E-2 -	- 1E-1 -
67	Holmium-164m <sup>2</sup>	W, all compounds	1E+5	3E+5	1E-4	4E-7	1E-3	1E-2
67	Holmium-164 <sup>2</sup>	W, all compounds	2E+5 St wall (2E+5)	6E+5 - -	3E-4 - -	9E-7 - -	- 3E-3 -	- 3E-2 -
67	Holmium-166m	W, all compounds	6E+2	7E+0	3E-9	9E-12	9E-6	9E-5
67	Holmium-166	W, all compounds	9E+2 LLI wall (9E+2)	2E+3 - -	7E-7 - -	2E-9 - -	- 1E-5 -	- 1E-4 -
67	Holmium-167	W, all compounds	2E+4	6E+4	2E-5	8E-8	2E-4	2E-3
68	Erbium-161	W, all compounds	2E+4	6E+4	3E-5	9E-8	2E-4	2E-3
68	Erbium-165	W, all compounds	6E+4	2E+5	8E-5	3E-7	9E-4	9E-3
68	Erbium-169	W, all compounds	3E+3 LLI wall (4E+3)	3E+3 - -	1E-6 - -	4E-9 - -	- 5E-5 -	- 5E-4 -
68	Erbium-171	W, all compounds	4E+3	1E+4	4E-6	1E-8	5E-5	5E-4
68	Erbium-172	W, all compounds	1E+3 LLI wall (E+3)	1E+3 - -	6E-7 - -	2E-9 - -	- 2E-5 -	- 2E-4 -
69	Thulium-162 <sup>2</sup>	W, all compounds	7E+4 St wall (7E+4)	3E+5 - -	1E-4 - -	4E-7 - -	- 1E-3 -	- 1E-2 -
69	Thulium-166	W, all compounds	4E+3	1E+4	6E-6	2E-8	6E-5	6E-4
69	Thulium-167	W, all compounds	2E+3 LLI wall (2E+3)	2E+3 - -	8E-7 - -	3E-9 - -	- 3E-5 -	- 3E-4 -
69	Thulium-170	W, all compounds	8E+2 LLI wall (1E+3)	2E+2 - -	9E-8 - -	3E-10 - -	- 1E-5 -	- 1E-4 -
69	Thulium-171	W, all compounds	1E+4 LLI wall (1E+4)	3E+2 Bone surf (6E+2)	1E-7 - -	- 8E-10 -	- 2E-4 -	- 2E-3 -
69	Thulium-172	W, all compounds	7E+2 LLI wall (8E+2)	1E+3 - -	5E-7 - -	2E-9 - -	- 1E-5 -	- 1E-4 -
69	Thulium-173	W, all compounds	4E+3	1E+4	5E-6	2E-8	6E-5	6E-4
69	Thulium-175 <sup>2</sup>	W, all compounds	7E+4 St wall (9E+4)	3E+5 - -	1E-4 - -	4E-7 - -	- 1E-3 -	- 1E-2 -
70	Ytterbium-162 <sup>2</sup>	W, all compounds except those given for Y Y, oxides, hydroxides, and fluorides	7E+4 -	3E+5 3E+5	1E-4 1E-4	4E-7 4E-7	1E-3 -	1E-2 -
70	Ytterbium-166	W, see <sup>162</sup> Yb Y, see <sup>162</sup> Yb	1E+3 -	2E+3 2E+3	8E-7 8E-7	3E-9 3E-9	2E-5 -	2E-4 -
70	Ytterbium-167 <sup>2</sup>	W, see <sup>162</sup> Yb Y, see <sup>162</sup> Yb	3E+5 -	8E+5 7E+5	3E-4 3E-4	1E-6 1E-6	4E-3 -	4E-2 -
70	Ytterbium-169	W, see <sup>162</sup> Yb Y, see <sup>162</sup> Yb	2E+3 -	8E+2 7E+2	4E-7 3E-7	1E-9 1E-9	2E-5 -	2E-4 -
70	Ytterbium-175	W, see <sup>162</sup> Yb  Y, see <sup>162</sup> Yb	3E+3 LLI wall (3E+3) -	4E+3 - 3E+3	1E-6 - 1E-6	5E-9 - 5E-9	- 4E-5 -	- 4E-4 -
70	Ytterbium-177 <sup>2</sup>	W, see <sup>162</sup> Yb	2E+4	5E+4	2E-5	7E-8	2E-4	2E-3

# ADMINISTRATIVE REGISTER - 2018

		Y, see <sup>162</sup> Yb	-	5E+4	2E-5	6E-8	-	-
70	Ytterbium-178 <sup>2</sup>	W, see <sup>162</sup> Yb	1E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		Y, see <sup>162</sup> Yb	-	4E+4	2E-5	5E-8	-	-
71	Lutetium-169	W, all compounds except those given for Y Y, oxides, hydroxides, and fluorides	3E+3	4E+3	2E-6	6E-9	3E-5	3E-4
			-	4E+3	2E-6	6E-9	-	-
71	Lutetium-170	W, see <sup>169</sup> Lu	1E+3	2E+3	9E-7	3E-9	2E-5	2E-4
		Y, see <sup>169</sup> Lu	-	2E+3	8E-7	3E-9	-	-
71	Lutetium-171	W, see <sup>169</sup> Lu	2E+3	2E+3	8E-7	3E-9	3E-5	3E-4
		Y, see <sup>169</sup> Lu	-	2E+3	8E-7	3E-9	-	-
71	Lutetium-172	W, see <sup>169</sup> Lu	1E+3	1E+3	5E-7	2E-9	1E-5	1E-4
		Y, see <sup>169</sup> Lu	-	1E+3	5E-7	2E-9	-	-
71	Lutetium-173	W, see <sup>169</sup> Lu	5E+3	3E+2	1E-7	-	7E-5	7E-4
			-	Bone surf (5E+2)	-	6E-10	-	-
		Y, see <sup>169</sup> Lu	-	3E+2	1E-7	4E-10	-	-
71	Lutetium-174m	W, see <sup>169</sup> Lu	2E+3	2E+2	1E-7	-	-	-
			LLI wall (3E+3)	Bone surf (3E+2)	-	5E-10	4E-5	4E-4
		Y, see <sup>169</sup> Lu	-	2E+2	9E-8	3E-10	-	-
71	Lutetium-174	W, see <sup>169</sup> Lu	5E+3	1E+2	5E-8	-	7E-5	7E-4
			-	Bone surf (2E+2)	-	3E-10	-	-
		Y, see <sup>169</sup> Lu	-	2E+2	6E-8	2E-10	-	-
71	Lutetium-176m	W, see <sup>169</sup> Lu	8E+3	3E+4	1E-5	3E-8	1E-4	1E-3
		Y, see <sup>169</sup> Lu	-	2E+4	9E-6	3E-8	-	-
71	Lutetium-176	W, see <sup>169</sup> Lu	7E+2	5E+0	2E-9	-	1E-5	1E-4
			-	Bone surf (1E+1)	-	2E-11	-	-
		Y, see <sup>169</sup> Lu	-	8E+0	3E-9	1E-11	-	-
71	Lutetium-177m	W, see <sup>169</sup> Lu	7E+2	1E+2	5E-8	-	1E-5	1E-4
			-	Bone surf (1E+2)	-	2E-10	-	-
		Y, see <sup>169</sup> Lu	-	8E+1	3E-8	1E-10	-	-
71	Lutetium-177	W, see <sup>169</sup> Lu	2E+3	2E+3	9E-7	3E-9	-	-
			LLI wall (3E+3)	-	-	-	4E-5	4E-4
		Y, see <sup>169</sup> Lu	-	2E+3	9E-7	3E-9	-	-
71	Lutetium-178m <sup>2</sup>	W, see <sup>169</sup> Lu	5E+4	2E+5	8E-5	3E-7	-	-
			St. wall (6E+4)	-	-	-	8E-4	8E-3
		Y, see <sup>169</sup> Lu	-	2E+5	7E-5	2E-7	-	-
71	Lutetium-178 <sup>2</sup>	W, see <sup>169</sup> Lu	4E+4	1E+5	5E-5	2E-7	-	-
			St wall (4E+4)	-	-	-	6E-4	6E-3
		Y, see <sup>169</sup> Lu	-	1E+5	5E-5	2E-7	-	-
71	Lutetium-179	W, see <sup>169</sup> Lu	6E+3	2E+4	8E-6	3E-8	9E-5	9E-4
		Y, see <sup>169</sup> Lu	-	2E+4	6E-6	3E-8	-	-
72	Hafnium-170	D, all compounds except those given for W W, oxides, hydroxides, carbides, and nitrates	3E+3	6E+3	2E-6	8E-9	4E-5	4E-4
			-	5E+3	2E-6	6E-9	-	-
72	Hafnium-172	D, see <sup>170</sup> Hf	1E+3	9E+0	4E-9	-	2E-5	2E-4
			-	Bone surf (2E+1)	-	3E-11	-	-
		W, see <sup>170</sup> Hf	-	4E+1	2E-8	-	-	-
			-	Bone surf (6E+1)	-	8E-11	-	-
72	Hafnium-173	D, see <sup>170</sup> Hf	5E+3	1E+4	5E-6	2E-8	7E-5	7E-4
		W, see <sup>170</sup> Hf	-	1E+4	5E-6	2E-8	-	-
72	Hafnium-175	D, see <sup>170</sup> Hf	3E+3	9E+2	4E-7	-	4E-5	4E-4
			-	Bone surf (1E+3)	-	1E-9	-	-
		W, see <sup>170</sup> Hf	-	1E+3	5E-7	2E-9	-	-

# ADMINISTRATIVE REGISTER - 2019

72	Hafnium-177m <sup>2</sup>	D, see <sup>170</sup> Hf W, see <sup>170</sup> Hf	2E+4 -	6E+4 9E+4	2E-5 4E-5	8E-8 1E-7	3E-4 -	3E-3 -
72	Hafnium-178m	D, see <sup>170</sup> Hf  W, see <sup>170</sup> Hf	3E+2 - -	1E+0 Bone surf (2E+0) 5E+0 Bone surf (9E+0)	5E-10 - 2E-9 -	- 3E-12 -	3E-6 -	3E-5 - -
72	Hafnium-179m	D, see <sup>170</sup> Hf  W, see <sup>170</sup> Hf	1E+3 - -	3E+2 Bone surf (6E+2) 6E+2	1E-7 - 3E-7	- 8E-10 8E-10	1E-5 -	1E-4 - -
72	Hafnium-180m	D, see <sup>170</sup> Hf W, see <sup>170</sup> Hf	7E+3 -	2E+4 3E+4	9E-6 1E-5	3E-8 4E-8	1E-4 -	1E-3 -
72	Hafnium-181	D, see <sup>170</sup> Hf  W, see <sup>170</sup> Hf	1E+3 - -	2E+2 Bone surf (4E+2) 4E+2	7E-8 - 2E-7	- 6E-10 6E-10	2E-5 -	2E-4 - -
72	Hafnium-182m <sup>2</sup>	D, see <sup>170</sup> Hf W, see <sup>170</sup> Hf	4E+4 -	9E+4 1E+5	4E-5 6E-5	1E-7 2E-7	5E-4 -	5E-3 -
72	Hafnium-182	D, see <sup>170</sup> Hf  W, see <sup>170</sup> Hf	2E+2 Bone surf (4E+2) -	8E-1 Bone surf (2E+0) 3E+0 Bone surf (7E+0)	3E-10 - 1E-9 -	- 2E-12 -	- 5E-6 -	- 5E-5 -
72	Hafnium-183 <sup>2</sup>	D, see <sup>170</sup> Hf W, see <sup>170</sup> Hf	2E+4 -	5E+4 6E+4	2E-5 2E-5	6E-8 8E-8	3E-4 -	3E-3 -
72	Hafnium-184	D, see <sup>170</sup> Hf W, see <sup>170</sup> Hf	2E+3 -	8E+3 6E+3	3E-6 3E-6	1E-8 9E-9	3E-5 -	3E-4 -
73	Tantalum-172 <sup>2</sup>	W, all compounds except those given for Y Y, elemental Ta, oxides, hydroxides, halides, carbides, nitrates, and nitrides	4E+4 -	1E+5 1E+5	5E-5 4E-5	2E-7 1E-7	5E-4 -	5E-3 -
73	Tantalum-173	W, see <sup>172</sup> Ta Y, see <sup>172</sup> Ta	7E+3 -	2E+4 2E+4	8E-6 7E-6	3E-8 2E-8	9E-5 -	9E-4 -
73	Tantalum-174 <sup>2</sup>	W, see <sup>172</sup> Ta Y, see <sup>172</sup> Ta	3E+4 -	1E+5 9E+4	4E-5 4E-5	1E-7 1E-7	4E-4 -	4E-3 -
73	Tantalum-175	W, see <sup>172</sup> Ta Y, see <sup>172</sup> Ta	6E+3 -	2E+4 1E+4	7E-6 6E-6	2E-8 2E-8	8E-5 -	8E-4 -
73	Tantalum-176	W, see <sup>172</sup> Ta Y, see <sup>172</sup> Ta	4E+3 -	1E+4 1E+4	5E-6 5E-6	2E-8 2E-8	5E-5 -	5E-4 -
73	Tantalum-177	W, see <sup>172</sup> Ta Y, see <sup>172</sup> Ta	1E+4 -	2E+4 2E+4	8E-6 7E-6	3E-8 2E-8	2E-4 -	2E-3 -
73	Tantalum-178	W, see <sup>172</sup> Ta Y, see <sup>172</sup> Ta	2E+4 -	9E+4 7E+4	4E-5 3E-5	1E-7 1E-7	2E-4 -	2E-3 -
73	Tantalum-179	W, see <sup>172</sup> Ta Y, see <sup>172</sup> Ta	2E+4 -	5E+3 9E+2	2E-6 4E-7	8E-9 1E-9	3E-4 -	3E-3 -
73	Tantalum-180m	W, see <sup>172</sup> Ta Y, see <sup>172</sup> Ta	2E+4 -	7E+4 6E+4	3E-5 2E-5	9E-8 8E-8	3E-4 -	3E-3 -
73	Tantalum-180	W, see <sup>172</sup> Ta Y, see <sup>172</sup> Ta	1E+3 -	4E+2 2E+1	2E-7 1E-8	6E-10 3E-11	2E-5 -	2E-4 -
73	Tantalum-182m <sup>2</sup>	W, see <sup>172</sup> Ta  Y, see <sup>172</sup> Ta	2E+5 St wall (2E+5) -	5E+5 - 4E+5	2E-4 - 2E-4	8E-7 - 6E-7	- 3E-3 -	- 3E-2 -
73	Tantalum-182	W, see <sup>172</sup> Ta Y, see <sup>172</sup> Ta	8E+2 -	3E+2 1E+2	1E-7 6E-8	5E-10 2E-10	1E-5 -	1E-4 -
73	Tantalum-183	W, see <sup>172</sup> Ta	9E+2 LLI wall (1E+3)	1E+3 -	5E-7 -	2E-9 -	- 2E-5	- 2E-4

# ADMINISTRATIVE REGISTER - 2020

		Y, see <sup>172</sup> Ta	-	1E+3	4E-7	1E-9	-	-
73	Tantalum-184	W, see <sup>172</sup> Ta Y, see <sup>172</sup> Ta	2E+3 -	5E+3 5E+3	2E-6 2E-6	8E-9 7E-9	3E-5 -	3E-4 -
73	Tantalum-185 <sup>2</sup>	W, see <sup>172</sup> Ta Y, see <sup>172</sup> Ta	3E+4 -	7E+4 6E+4	3E-5 3E-5	1E-7 9E-8	4E-4 -	4E-3 -
73	Tantalum-186 <sup>2</sup>	W, see <sup>172</sup> Ta	5E+4 St wall (7E+4)	2E+5 -	1E-4 -	3E-7 -	- 1E-3	- 1E-2
		Y, see <sup>172</sup> Ta	-	2E+5	9E-5	3E-7	-	-
74	Tungsten-176	D, all compounds	1E+4	5E+4	2E-5	7E-8	1E-4	1E-3
74	Tungsten-177	D, all compounds	2E+4	9E+4	4E-5	1E-7	3E-4	3E-3
74	Tungsten-178	D, all compounds	5E+3	2E+4	8E-6	3E-8	7E-5	7E-4
74	Tungsten-179 <sup>2</sup>	D, all compounds	5E+5	2E+6	7E-4	2E-6	7E-3	7E-2
74	Tungsten-181	D, all compounds	2E+4	3E+4	1E-5	5E-8	2E-4	2E-3
74	Tungsten-185	D, all compounds	2E+3 LLI wall (3E+3)	7E+3 -	3E-6 -	9E-9 -	- 4E-5	- 4E-4
74	Tungsten-187	D, all compounds	2E+3	9E+3	4E-6	1E-8	3E-5	3E-4
74	Tungsten-188	D, all compounds	4E+2 LLI wall (5E+2)	1E+3 -	5E-7 -	2E-9 -	- 7E-6	- 7E-5
75	Rhenium-177 <sup>2</sup>	D, all compounds except those given for W	9E+4 St wall (1E+5)	3E+5 -	1E-4 -	4E-7 -	- 2E-3	- 2E-2
		W, oxides, hydroxides, and nitrates	-	4E+5	1E-4	5E-7	-	-
75	Rhenium-178 <sup>2</sup>	D, see <sup>177</sup> Re W, see <sup>177</sup> Re	7E+4 St wall (1E+5) -	3E+5 3E+5	1E-4 1E-4	4E-7 4E-7	- 1E-3	- 1E-2
75	Rhenium-181	D, see <sup>177</sup> Re W, see <sup>177</sup> Re	5E+3 -	9E+3 9E+3	4E-6 4E-6	1E-8 1E-8	7E-5 -	7E-4 -
75	Rhenium-182 (12.7 h)	D, see <sup>177</sup> Re W, see <sup>177</sup> Re	7E+3 -	1E+4 2E+4	5E-6 6E-6	2E-8 2E-8	9E-5 -	9E-4 -
75	Rhenium-182 (64.0 h)	D, see <sup>177</sup> Re W, see <sup>177</sup> Re	1E+3 -	2E+3 2E+3	1E-6 9E-7	3E-9 3E-9	2E-5 -	2E-4 -
75	Rhenium-184m	D, see <sup>177</sup> Re W, see <sup>177</sup> Re	2E+3 -	3E+3 4E+2	1E-6 2E-7	4E-9 6E-10	3E-5 -	3E-4 -
75	Rhenium-184	D, see <sup>177</sup> Re W, see <sup>177</sup> Re	2E+3 -	4E+3 1E+3	1E-6 6E-7	5E-9 2E-9	3E-5 -	3E-4 -
75	Rhenium-186m	D, see <sup>177</sup> Re W, see <sup>177</sup> Re	1E+3 St wall (2E+3) -	2E+3 St wall (2E+3) 2E+2	7E-7 - 6E-8	- 3E-9 2E-10	- 2E-5 -	- 2E-4 -
75	Rhenium-186	D, see <sup>177</sup> Re W, see <sup>177</sup> Re	2E+3 -	3E+3 2E+3	1E-6 7E-7	4E-9 2E-9	3E-5 -	3E-4 -
75	Rhenium-187	D, see <sup>177</sup> Re W, see <sup>177</sup> Re	6E+5 St wall -	8E+5 (9E+5) 1E+5	4E-4 - 4E-5	- 1E-6 1E-7	8E-3 - -	8E-2 - -
75	Rhenium-188m <sup>2</sup>	D, see <sup>177</sup> Re W, see <sup>177</sup> Re	8E+4 -	1E+5 1E+5	6E-5 6E-5	2E-7 2E-7	1E-3 -	1E-2 -
75	Rhenium-188	D, see <sup>177</sup> Re W, see <sup>177</sup> Re	2E+3 -	3E+3 3E+3	1E-6 1E-6	4E-9 4E-9	2E-5 -	2E-4 -
75	Rhenium-189	D, see <sup>177</sup> Re W, see <sup>177</sup> Re	3E+3 -	5E+3 4E+3	2E-6 2E-6	7E-9 6E-9	4E-5 -	4E-4 -
76	Osmium-180 <sup>2</sup>	D, all compounds except those given for W and Y	1E+5	4E+5	2E-4	5E-7	1E-3	1E-2

# ADMINISTRATIVE REGISTER - 2021

		W, halides and nitrates	-	5E+5	2E-4	7E-7	-	-
		Y, oxides and hydroxides	-	5E+5	2E-4	6E-7	-	-
76	Osmium-181 <sup>2</sup>	D, see <sup>180</sup> Os	1E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		W, see <sup>180</sup> Os	-	5E+4	2E-5	6E-8	-	-
		Y, see <sup>180</sup> Os	-	4E+4	2E-5	6E-8	-	-
76	Osmium-182	D, see <sup>180</sup> Os	2E+3	6E+3	2E-6	8E-9	3E-5	3E-4
		W, see <sup>180</sup> Os	-	4E+3	2E-6	6E-9	-	-
		Y, see <sup>180</sup> Os	-	4E+3	2E-6	6E-9	-	-
76	Osmium-185	D, see <sup>180</sup> Os	2E+3	5E+2	2E-7	7E-10	3E-5	3E-4
		W, see <sup>180</sup> Os	-	8E+2	3E-7	1E-9	-	-
		Y, see <sup>180</sup> Os	-	8E+2	3E-7	1E-9	-	-
76	Osmium-189m	D, see <sup>180</sup> Os	8E+4	2E+5	1E-4	3E-7	1E-3	1E-2
		W, see <sup>180</sup> Os	-	2E+5	9E-5	3E-7	-	-
		Y, see <sup>180</sup> Os	-	2E+5	7E-5	2E-7	-	-
76	Osmium-191m	D, see <sup>180</sup> Os	1E+4	3E+4	1E-5	4E-8	2E-4	2E-3
		W, see <sup>180</sup> Os	-	2E+4	8E-6	3E-8	-	-
		Y, see <sup>180</sup> Os	-	2E+4	7E-6	2E-8	-	-
76	Osmium-191	D, see <sup>180</sup> Os	2E+3	2E+3	9E-7	3E-9	-	-
		LLI wall (3E+3)	-	-	-	-	3E-5	3E-4
		W, see <sup>180</sup> Os	-	2E+3	7E-7	2E-9	-	-
		Y, see <sup>180</sup> Os	-	1E+3	6E-7	2E-9	-	-
76	Osmium-193	D, see <sup>180</sup> Os	2E+3	5E+3	2E-6	6E-9	-	-
		LLI wall (2E+3)	-	-	-	-	2E-5	2E-4
		W, see <sup>180</sup> Os	-	3E+3	1E-6	4E-9	-	-
		Y, see <sup>180</sup> Os	-	3E+3	1E-6	4E-9	-	-
76	Osmium-194	D, see <sup>180</sup> Os	4E+2	4E+1	2E-8	6E-11	-	-
		LLI wall (6E+2)	-	-	-	-	8E-6	8E-5
		W, see <sup>180</sup> Os	-	6E+1	2E-8	8E-11	-	-
		Y, see <sup>180</sup> Os	-	8E+0	3E-9	1E-11	-	-
77	Iridium-182 <sup>2</sup>	D, all compounds except those given for W and Y	4E+4	1E+5	6E-5	2E-7	-	-
		St wall (4E+4)	-	-	-	-	6E-4	6E-3
		W, halides, nitrates, and metallic iridium	-	2E+5	6E-5	2E-7	-	-
		Y, oxides and hydroxides	-	1E+5	5E-5	2E-7	-	-
77	Iridium-184	D, see <sup>182</sup> Ir	8E+3	2E+4	1E-5	3E-8	1E-4	1E-3
		W, see <sup>182</sup> Ir	-	3E+4	1E-5	5E-8	-	-
		Y, see <sup>182</sup> Ir	-	3E+4	1E-5	4E-8	-	-
77	Iridium-185	D, see <sup>182</sup> Ir	5E+3	1E+4	5E-6	2E-8	7E-5	7E-4
		W, see <sup>182</sup> Ir	-	1E+4	5E-6	2E-8	-	-
		Y, see <sup>182</sup> Ir	-	1E+4	4E-6	1E-8	-	-
77	Iridium-186	D, see <sup>182</sup> Ir	2E+3	8E+3	3E-6	1E-8	3E-5	3E-4
		W, see <sup>182</sup> Ir	-	6E+3	3E-6	9E-9	-	-
		Y, see <sup>182</sup> Ir	-	6E+3	2E-6	8E-9	-	-
77	Iridium-187	D, see <sup>182</sup> Ir	1E+4	3E+4	1E-5	5E-8	1E-4	1E-3
		W, see <sup>182</sup> Ir	-	3E+4	1E-5	4E-8	-	-
		Y, see <sup>182</sup> Ir	-	3E+4	1E-5	4E-8	-	-
77	Iridium-188	D, see <sup>182</sup> Ir	2E+3	5E+3	2E-6	6E-9	3E-5	3E-4
		W, see <sup>182</sup> Ir	-	4E+3	1E-6	5E-9	-	-
		Y, see <sup>182</sup> Ir	-	3E+3	1E-6	5E-9	-	-
77	Iridium-189	D, see <sup>182</sup> Ir	5E+3	5E+3	2E-6	7E-9	-	-
		LLI wall (5E+3)	-	-	-	-	7E-5	7E-4
		W, see <sup>182</sup> Ir	-	4E+3	2E-6	5E-9	-	-
		Y, see <sup>182</sup> Ir	-	4E+3	1E-6	5E-9	-	-
77	Iridium-190m <sup>2</sup>	D, see <sup>182</sup> Ir	2E+5	2E+5	8E-5	3E-7	2E-3	2E-2
		W, see <sup>182</sup> Ir	-	2E+5	9E-5	3E-7	-	-
		Y, see <sup>182</sup> Ir	-	2E+5	8E-5	3E-7	-	-
77	Iridium-190	D, see <sup>182</sup> Ir	1E+3	9E+2	4E-7	1E-9	1E-5	1E-4
		W, see <sup>182</sup> Ir	-	1E+3	4E-7	1E-9	-	-
		Y, see <sup>182</sup> Ir	-	9E+2	4E-7	1E-9	-	-
77	Iridium-192m	D, see <sup>182</sup> Ir	3E+3	9E+1	4E-8	1E-10	4E-5	4E-4



# ADMINISTRATIVE REGISTER - 2022

		W, see <sup>182</sup> Ir	-	2E+2	9E-8	3E-10	-	-
		Y, see <sup>182</sup> Ir	-	2E+1	6E-9	2E-11	-	-
77	Iridium-192	D, see <sup>182</sup> Ir	9E+2	3E+2	1E-7	4E-10	1E-5	1E-4
		W, see <sup>182</sup> Ir	-	4E+2	2E-7	6E-10	-	-
		Y, see <sup>182</sup> Ir	-	2E+2	9E-8	3E-10	-	-
77	Iridium-194m	D, see <sup>182</sup> Ir	6E+2	9E+1	4E-8	1E-10	9E-6	9E-5
		W, see <sup>182</sup> Ir	-	2E+2	7E-8	2E-10	-	-
		Y, see <sup>182</sup> Ir	-	1E+2	4E-8	1E-10	-	-
77	Iridium-194	D, see <sup>182</sup> Ir	1E+3	3E+3	1E-6	4E-9	1E-5	1E-4
		W, see <sup>182</sup> Ir	-	2E+3	9E-7	3E-9	-	-
		Y, see <sup>182</sup> Ir	-	2E+3	8E-7	3E-9	-	-
77	Iridium-195m	D, see <sup>182</sup> Ir	8E+3	2E+4	1E-5	3E-8	1E-4	1E-3
		W, see <sup>182</sup> Ir	-	3E+4	1E-5	4E-8	-	-
		Y, see <sup>182</sup> Ir	-	2E+4	9E-6	3E-8	-	-
77	Iridium-195	D, see <sup>182</sup> Ir	1E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		W, see <sup>182</sup> Ir	-	5E+4	2E-5	7E-8	-	-
		Y, see <sup>182</sup> Ir	-	4E+4	2E-5	6E-8	-	-
78	Platinum-186	D, all compounds	1E+4	4E+4	2E-5	5E-8	2E-4	2E-3
78	Platinum-188	D, all compounds	2E+3	2E+3	7E-7	2E-9	2E-5	2E-4
78	Platinum-189	D, all compounds	1E+4	3E+4	1E-5	4E-8	1E-4	1E-3
78	Platinum-191	D, all compounds	4E+3	8E+3	4E-6	1E-8	5E-5	5E-4
78	Platinum-193m	D, all compounds	3E+3 LLI wall (3E+4)	6E+3	3E-6	8E-9	-	-
			-	-	-	4E-5	-	4E-4
78	Platinum-193	D, all compounds	4E+4 LLI wall (5E+4)	2E+4	1E-5	3E-8	-	-
			-	-	-	6E-4	-	6E-3
78	Platinum-195m	D, all compounds	2E+3 LLI wall (2E+3)	4E+3	2E-6	6E-9	-	-
			-	-	-	3E-5	-	3E-4
78	Platinum-197m <sup>2</sup>	D, all compounds	2E+4	4E+4	2E-5	6E-8	2E-4	2E-3
78	Platinum-197	D, all compounds	3E+3	1E+4	4E-6	1E-8	4E-5	4E-4
78	Platinum-199 <sup>2</sup>	D, all compounds	5E+4	1E+5	6E-5	2E-7	7E-4	7E-3
78	Platinum-200	D, all compounds	1E+3	3E+3	1E-6	5E-9	2E-5	2E-4
79	Gold-193	D, all compounds except those given for W and Y W, halides and nitrates Y, oxides and hydroxides	9E+3 - -	3E+4 2E+4 2E+4	1E-5 9E-6 8E-6	4E-8 3E-8 3E-8	1E-4 - -	1E-3 - -
79	Gold-194	D, see <sup>193</sup> Au	3E+3	8E+3	3E-6	1E-8	4E-5	4E-4
		W, see <sup>193</sup> Au	-	5E+3	2E-6	8E-9	-	-
		Y, see <sup>193</sup> Au	-	5E+3	2E-6	7E-9	-	-
79	Gold-195	D, see <sup>193</sup> Au	5E+3	1E+4	5E-6	2E-8	7E-5	7E-4
		W, see <sup>193</sup> Au	-	1E+3	6E-7	2E-9	-	-
		Y, see <sup>193</sup> Au	-	4E+2	2E-7	6E-10	-	-
79	Gold-198m	D, see <sup>193</sup> Au	1E+3	3E+3	1E-6	4E-9	1E-5	1E-4
		W, see <sup>193</sup> Au	-	1E+3	5E-7	2E-9	-	-
		Y, see <sup>193</sup> Au	-	1E+3	5E-7	2E-9	-	-
79	Gold-198	D, see <sup>193</sup> Au	1E+3	4E+3	2E-6	5E-9	2E-5	2E-4
		W, see <sup>193</sup> Au	-	2E+3	8E-7	3E-9	-	-
		Y, see <sup>193</sup> Au	-	2E+3	7E-7	2E-9	-	-
79	Gold-199	D, see <sup>193</sup> Au	3E+3 LLI wall (3E+3)	9E+3	4E-6	1E-8	-	-
			-	-	-	4E-5	-	4E-4
		W, see <sup>193</sup> Au	-	4E+3	2E-6	6E-9	-	-
		Y, see <sup>193</sup> Au	-	4E+3	2E-6	5E-9	-	-
79	Gold-200m	D, see <sup>193</sup> Au	1E+3	4E+3	1E-6	5E-9	2E-5	2E-4
		W, see <sup>193</sup> Au	-	3E+3	1E-6	4E-9	-	-
		Y, see <sup>193</sup> Au	-	2E+4	1E-6	3E-9	-	-
79	Gold-200 <sup>2</sup>	D, see <sup>193</sup> Au	3E+4	6E+4	3E-5	9E-8	4E-4	4E-3
		W, see <sup>193</sup> Au	-	8E+4	3E-5	1E-7	-	-

# ADMINISTRATIVE REGISTER - 2023

		Y, see <sup>193</sup> Au	-	7E+4	3E-5	1E-7	-	-
79	Gold-201 <sup>2</sup>	D, see <sup>193</sup> Au	7E+4 St wall (9E+4)	2E+5	9E-5	3E-7	-	-
		W, see <sup>193</sup> Au	-	2E+5	1E-4	3E-7	-	-
		Y, see <sup>193</sup> Au	-	2E+5	9E-5	3E-7	-	-
80	Mercury-193m	Vapor	-	8E+3	4E-6	1E-8	-	-
		Organic D	4E+3	1E+4	5E-6	2E-8	6E-5	6E-4
		D, sulfates	3E+3	9E+3	4E-6	1E-8	4E-5	4E-4
		W, oxides, hydroxides, halides, nitrates, and sulfides	-	8E+3	3E-6	1E-8	-	-
80	Mercury-193	Vapor	-	3E+4	1E-5	4E-8	-	-
		Organic D	2E+4	6E+4	3E-5	9E-8	3E-4	3E-3
		D, see <sup>193m</sup> Hg	2E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		W, see <sup>193m</sup> Hg	-	4E+4	2E-5	6E-8	-	-
80	Mercury-194	Vapor	-	3E+1	1E-8	4E-11	-	-
		Organic D	2E+1	3E+1	1E-8	4E-11	2E-7	2E-6
		D, see <sup>193m</sup> Hg	8E+2	4E+1	2E-8	6E-11	1E-5	1E-4
		W, see <sup>193m</sup> Hg	-	1E+2	5E-8	2E-10	-	-
80	Mercury-195m	Vapor	-	4E+3	2E-6	6E-9	-	-
		Organic D	3E+3	6E+3	3E-6	8E-9	4E-5	4E-4
		D, see <sup>193m</sup> Hg	2E+3	5E+3	2E-6	7E-9	3E-5	3E-4
		W, see <sup>193m</sup> Hg	-	4E+3	2E-6	5E-9	-	-
80	Mercury-195	Vapor	-	3E+4	1E-5	4E-8	-	-
		Organic D	2E+4	5E+4	2E-5	6E-8	2E-4	2E-3
		D, see <sup>193m</sup> Hg	1E+4	4E+4	1E-5	5E-8	2E-4	2E-3
		W, see <sup>193m</sup> Hg	-	3E+4	1E-5	5E-8	-	-
80	Mercury-197m	Vapor	-	5E+3	2E-6	7E-9	-	-
		Organic D	4E+3	9E+3	4E-6	1E-8	5E-5	5E-4
		D, see <sup>193m</sup> Hg	3E+3	7E+3	3E-6	1E-8	4E-5	4E-4
		W, see <sup>193m</sup> Hg	-	5E+3	2E-6	7E-9	-	-
80	Mercury-197	Vapor	-	8E+3	4E-6	1E-8	-	-
		Organic D	7E+3	1E+4	6E-6	2E-8	9E-5	9E-4
		D, see <sup>193m</sup> Hg	6E+3	1E+4	5E-6	2E-8	8E-5	8E-4
		W, see <sup>193m</sup> Hg	-	9E+3	4E-6	1E-8	-	-
80	Mercury-199m <sup>2</sup>	Vapor	-	8E+4	3E-5	1E-7	-	-
		Organic D	6E+4 St wall (1E+5)	2E+5	7E-5	2E-7	-	-
		D, see <sup>193m</sup> Hg	6E+4	1E+5	6E-5	2E-7	8E-4	8E-3
		W, see <sup>193m</sup> Hg	-	2E+5	7E-5	2E-7	-	-
80	Mercury-203	Vapor	-	8E+2	4E-7	1E-9	-	-
		Organic D	5E+2	8E+2	3E-7	1E-9	7E-6	7E-5
		D, see <sup>193m</sup> Hg	2E+3	1E+3	5E-7	2E-9	3E-5	3E-4
		W, see <sup>193m</sup> Hg	-	1E+3	5E-7	2E-9	-	-
81	Thallium-194m <sup>2</sup>	D, all compounds	5E+4 St wall (7E+4)	2E+5	6E-5	2E-7	-	-
			-	-	-	-	1E-3	1E-2
81	Thallium-194 <sup>2</sup>	D, all compounds	3E+5 St wall (3E+5)	6E+5	2E-4	8E-7	-	-
			-	-	-	-	4E-3	4E-2
81	Thallium-195 <sup>2</sup>	D, all compounds	6E+4	1E+5	5E-5	2E-7	9E-4	9E-3
81	Thallium-197	D, all compounds	7E+4	1E+5	5E-5	2E-7	1E-3	1E-2
81	Thallium-198m <sup>2</sup>	D, all compounds	3E+4	5E+4	2E-5	8E-8	4E-4	4E-3
81	Thallium-198	D, all compounds	2E+4	3E+4	1E-5	5E-8	3E-4	3E-3
81	Thallium-199	D, all compounds	6E+4	8E+4	4E-5	1E-7	9E-4	9E-3
81	Thallium-200	D, all compounds	8E+3	1E+4	5E-6	2E-8	1E-4	1E-3
81	Thallium-201	D, all compounds	2E+4	2E+4	9E-6	3E-8	2E-4	2E-3
81	Thallium-202	D, all compounds	4E+3	5E+3	2E-6	7E-9	5E-5	5E-4
81	Thallium-204	D, all compounds	2E+3	2E+3	9E-7	3E-9	2E-5	2E-4
82	Lead-195m <sup>2</sup>	D, all compounds	6E+4	2E+5	8E-5	3E-7	8E-4	8E-3

# ADMINISTRATIVE REGISTER - 2024

82	Lead-198	D, all compounds	3E+4	6E+4	3E-5	9E-8	4E-4	4E-3
82	Lead-199 <sup>2</sup>	D, all compounds	2E+4	7E+4	3E-5	1E-7	3E-4	3E-3
82	Lead-200	D, all compounds	3E+3	6E+3	3E-6	9E-9	4E-5	4E-4
82	Lead-201	D, all compounds	7E+3	2E+4	8E-6	3E-8	1E-4	1E-3
82	Lead-202m	D, all compounds	9E+3	3E+4	1E-5	4E-8	1E-4	1E-3
82	Lead-202	D, all compounds	1E+2	5E+1	2E-8	7E-11	2E-6	2E-5
82	Lead-203	D, all compounds	5E+3	9E+3	4E-6	1E-8	7E-5	7E-4
82	Lead-205	D, all compounds	4E+3	1E+3	6E-7	2E-9	5E-5	5E-4
82	Lead-209	D, all compounds	2E+4	6E+4	2E-5	8E-8	3E-4	3E-3
82	Lead-210	D, all compounds	6E1 Bone surf (1E+0)	2E1 Bone surf (4E-1)	1E-10 -	-	-	-
82	Lead-211 <sup>2</sup>	D, all compounds	1E+4	6E+2	3E-7	9E-10	2E-4	2E-3
82	Lead-212	D, all compounds	8E+1 Bone surf (1E+2)	3E+1 -	1E-8 -	5E-11 -	- 2E-6	- 2E-5
82	Lead-214 <sup>2</sup>	D, all compounds	9E+3	8E+2	3E-7	1E-9	1E-4	1E-3
83	Bismuth-200 <sup>2</sup>	D, nitrates W, all other compounds	3E+4 -	8E+4 1E+5	4E-5 4E-5	1E-7 1E-7	4E-4 -	4E-3 -
83	Bismuth-201 <sup>2</sup>	D, see <sup>200</sup> Bi W, see <sup>200</sup> Bi	1E+4 -	3E+4 4E+4	1E-5 2E-5	4E-8 5E-8	2E-4 -	2E-3 -
83	Bismuth-202 <sup>2</sup>	D, see <sup>200</sup> Bi W, see <sup>200</sup> Bi	1E+4 -	4E+4 8E+4	2E-5 3E-5	6E-8 1E-7	2E-4 -	2E-3 -
83	Bismuth-203	D, see <sup>200</sup> Bi W, see <sup>200</sup> Bi	2E+3 -	7E+3 6E+3	3E-6 3E-6	9E-9 9E-9	3E-5 -	3E-4 -
83	Bismuth-205	D, see <sup>200</sup> Bi W, see <sup>200</sup> Bi	1E+3 -	3E+3 1E+3	1E-6 5E-7	3E-9 2E-9	2E-5 -	2E-4 -
83	Bismuth-206	D, see <sup>200</sup> Bi W, see <sup>200</sup> Bi	6E+2 -	1E+3 9E+2	6E-7 4E-7	2E-9 1E-9	9E-6 -	9E-5 -
83	Bismuth-207	D, see <sup>200</sup> Bi W, see <sup>200</sup> Bi	1E+3 -	2E+3 4E+2	7E-7 1E-7	2E-9 5E-10	1E-5 -	1E-4 -
83	Bismuth-210m	D, see <sup>200</sup> Bi  W, see <sup>200</sup> Bi	4E+1 Kidneys (6E+1) -	5E+0 Kidneys (6E+0) 7E-1	2E-9 - 3E-10	- 9E-12 9E-13	- 8E-7 -	- 8E-6 -
83	Bismuth-210	D, see <sup>200</sup> Bi  W, see <sup>200</sup> Bi	8E+2 - -	2E+2 Kidneys (4E+2) 3E+1	1E-7 - 1E-8	- 5E-10 4E-11	1E-5 - -	1E-4 - -
83	Bismuth-212 <sup>2</sup>	D, see <sup>200</sup> Bi W, see <sup>200</sup> Bi	5E+3 -	2E+2 3E+2	1E-7 1E-7	3E-10 4E-10	7E-5 -	7E-4 -
83	Bismuth-213 <sup>2</sup>	D, see <sup>200</sup> Bi W, see <sup>200</sup> Bi	7E+3 -	3E+2 4E+2	1E-7 1E-7	4E-10 5E-10	1E-4 -	1E-3 -
83	Bismuth-214 <sup>2</sup>	D, see <sup>200</sup> Bi  W, see <sup>200</sup> Bi	2E+4 St wall (2E+4) -	8E+2 - 9E-2	3E-7 - 4E-7	1E-9 - 1E-9	- 3E-4 -	- 3E-3 -
84	Polonium-203 <sup>2</sup>	D, all compounds except those given for W W, oxides, hydroxides, and nitrates	3E+4 -	6E+4 9E+4	3E-5 4E-5	9E-8 1E-7	3E-4 -	3E-3 -
84	Polonium-205 <sup>2</sup>	D, see <sup>203</sup> Po W, see <sup>203</sup> Po	2E+4 -	4E+4 7E+4	2E-5 3E-5	5E-8 1E-7	3E-4 -	3E-3 -
84	Polonium-207	D, see <sup>203</sup> Po W, see <sup>203</sup> Po	8E+3 -	3E+4 3E+4	1E-5 1E-5	3E-8 4E-8	1E-4 -	1E-3 -
84	Polonium-210	D, see <sup>203</sup> Po	3E+0	6E-1	3E-10	9E-13	4E-8	4E-7

# ADMINISTRATIVE REGISTER - 2025

		W, see <sup>203</sup> Po	-	6E-1	3E-10	9E-13	-	-
85	Astatine-207 <sup>2</sup>	D, halides	6E+3	3E+3	1E-6	4E-9	8E-5	8E-4
		W	-	2E+3	9E-7	3E-9	-	-
85	Astatine-211	D, halides	1E+2	8E+1	3E-8	1E-10	2E-6	2E-5
		W	-	5E+1	2E-8	8E-11	-	-
86	Radon-220	With daughters removed	-	2E+4	7E-6	2E-8	-	-
		With daughters present	-	2E+1 (or 12 working level months)	9E-9	3E-11 (or 1.0 working level)	-	-
86	Radon-222	With daughters removed	-	1E+4	4E-6	1E-8	-	-
		With daughters present	-	1E+2 (or 4 working level months)	3E-8	1E-10 (or 0.33 working level)	-	-
87	Francium-222 <sup>2</sup>	D, all compounds	2E+3	5E+2	2E-7	6E-10	3E-5	3E-4
87	Francium-223 <sup>2</sup>	D, all compounds	6E+2	8E+2	3E-7	1E-9	8E-6	8E-5
88	Radium-223	W, all compounds	5E+0 Bone surf (9E+0)	7E-1	3E-10	9E-13	-	-
			-	-	-	-	1E-7	1E-6
88	Radium-224	W, all compounds	8E+0 Bone surf (2E+1)	2E+0	7E-10	2E-12	-	-
			-	-	-	-	2E-7	2E-6
88	Radium-225	W, all compounds	8E+0 Bone surf (2E+1)	7E-1	3E-10	9E-13	-	-
			-	-	-	-	2E-7	2E-6
88	Radium-226	W, all compounds	2E+0 Bone surf (5E+0)	6E-1	3E-10	9E-13	-	-
			-	-	-	-	6E-8	6E-7
88	Radium-227 <sup>2</sup>	W, all compounds	2E+4 Bone surf (2E+4)	1E+4 Bone surf (2E+4)	6E-6	-	-	-
			-	-	-	3E-8	3E-4	3E-3
88	Radium-228	W, all compounds	2E+0 Bone surf (4E+0)	1E+0	5E-10	2E-12	-	-
			-	-	-	-	6E-8	6E-7
89	Actinium-224	D, all compounds except those given for W and Y	2E+3 LLI wall (2E+3)	3E+1 Bone surf (4E+1)	1E-8	-	-	-
		W, halides and nitrates	-	5E+1	2E-8	5E-11	3E-5	3E-4
		Y, oxides and hydroxides	-	5E+1	2E-8	7E-11	-	-
			-	-	-	6E-11	-	-
89	Actinium-225	D, see <sup>224</sup> Ac	5E+1 LLI wall (5E+1)	3E-1 Bone surf (5E-1)	1E-10	-	-	-
		W, see <sup>224</sup> Ac	-	6E-1	3E-10	7E-13	7E-7	7E-6
		Y, see <sup>224</sup> Ac	-	6E-1	3E-10	9E-13	-	-
			-	-	-	9E-13	-	-
89	Actinium-226	D, see <sup>224</sup> Ac	1E+2 LLI wall (1E+2)	3E+0 Bone surf (4E+0)	1E-9	-	-	-
		W, see <sup>224</sup> Ac	-	5E+0	2E-9	5E-12	2E-6	2E-5
		Y, see <sup>224</sup> Ac	-	5E+0	2E-9	7E-12	-	-
			-	-	-	6E-12	-	-
89	Actinium-227	D, see <sup>224</sup> Ac	2E-1 Bone surf (4E-1)	4E-4 Bone surf (8E-4)	2E-13	-	-	-
		W, see <sup>224</sup> Ac	-	2E-3	7E-13	1E-15	5E-9	5E-8
			-	Bone surf (3E-3)	-	-	-	-
		Y, see <sup>224</sup> Ac	-	4E-3	2E-12	4E-15	-	-
			-	-	-	6E-15	-	-
89	Actinium-228	D, see <sup>224</sup> Ac	2E+3	9E+0 Bone surf (2E+1)	4E-9	-	3E-5	3E-4
		W, see <sup>224</sup> Ac	-	4E+1	2E-8	2E-11	-	-
			-	Bone surf (6E+1)	-	-	-	-
		Y, see <sup>224</sup> Ac	-	4E+1	2E-8	8E-11	-	-
			-	-	-	6E-11	-	-
90	Thorium-226 <sup>2</sup>	W, all compounds except						

# ADMINISTRATIVE REGISTER - 2026

		those given for Y	5E+3 St wall (5E+3)	2E+2	6E-8	2E-10	-	-
		Y, oxides and hydroxides	-	1E+2	6E-8	2E-10	7E-5	7E-4
90	Thorium-227	W, see <sup>226</sup> Th	1E+2	3E-1	1E-10	5E-13	2E-6	2E-5
		Y, see <sup>226</sup> Th	-	3E-1	1E-10	5E-13	-	-
90	Thorium-228	W, see <sup>226</sup> Th	6E+0 Bone surf (1E+1)	1E-2 Bone surf (2E-2)	4E-12	-	-	-
		Y, see <sup>226</sup> Th	-	2E-2	7E-12	3E-14 2E-14	2E-7	2E-6
90	Thorium-229	W, see <sup>226</sup> Th	6E-1 Bone surf (1E+0)	9E-4 Bone surf (2E-3)	4E-13	-	-	-
		Y, see <sup>226</sup> Th	-	2E-3 Bone surf (3E-3)	1E-12	3E-15	2E-8	2E-7
90	Thorium-230	W, see <sup>226</sup> Th	4E+0 Bone surf (9E+0)	6E-3 Bone surf (2E-2)	3E-12	-	-	-
		Y, see <sup>226</sup> Th	-	2E-2 Bone surf (2E-2)	6E-12	2E-14	1E-7	1E-6
90	Thorium-231	W, see <sup>226</sup> Th	4E+3	6E+3	3E-6	9E-9	5E-5	5E-4
		Y, see <sup>226</sup> Th	-	6E+3	3E-6	9E-9	-	-
90	Thorium-232	W, see <sup>226</sup> Th	7E-1 Bone surf (2E+0)	1E-3 Bone surf (3E-3)	5E-13	-	-	-
		Y, see <sup>226</sup> Th	-	3E-3 Bone surf (4E-3)	1E-12	4E-15	3E-8	3E-7
90	Thorium-234	W, see <sup>226</sup> Th	3E+2 LLI wall (4E+2)	2E+2	8E-8	3E-10	-	-
		Y, see <sup>226</sup> Th	-	2E+2	6E-8	2E-10	5E-6	5E-5
91	Protactinium-227 <sup>2</sup>	W, all compounds except those given for Y	4E+3	1E+2	5E-8	2E-10	5E-5	5E-4
		Y, oxides and hydroxides	-	1E+2	4E-8	1E-10	-	-
91	Protactinium-228	W, see <sup>227</sup> Pa	1E+3	1E+1 Bone surf (2E+1)	5E-9	-	2E-5	2E-4
		Y, see <sup>227</sup> Pa	-	1E+1	5E-9	3E-11 2E-11	-	-
91	Protactinium-230	W, see <sup>227</sup> Pa	6E+2 Bone surf (9E+2)	5E+0	2E-9	7E-12	-	-
		Y, see <sup>227</sup> Pa	-	4E+0	1E-9	5E-12	1E-5	1E-4
91	Protactinium-231	W, see <sup>227</sup> Pa	2E-1 Bone surf (5E-1)	2E-3 Bone surf (4E-3)	6E-13	-	-	-
		Y, see <sup>227</sup> Pa	-	4E-3 Bone surf (6E-3)	2E-12	6E-15	6E-9	6E-8
91	Protactinium-232	W, see <sup>227</sup> Pa	1E+3	2E+1 Bone surf (6E+1)	9E-9	-	2E-5	2E-4
		Y, see <sup>227</sup> Pa	-	6E+1 Bone surf (7E+1)	2E-8	8E-11	-	-
91	Protactinium-233	W, see <sup>227</sup> Pa	1E+3 LLI wall (2E+3)	7E+2	3E-7	1E-9	-	-
		Y, see <sup>227</sup> Pa	-	6E+2	2E-7	8E-10	2E-5	2E-4
91	Protactinium-234	W, see <sup>227</sup> Pa	2E+3	8E+3	3E-6	1E-8	3E-5	3E-4
		Y, see <sup>227</sup> Pa	-	7E+3	3E-6	9E-9	-	-
92	Uranium-230	D, UF, UOF, UO(NO)	4E+0 Bone surf (6E+0)	4E-1 Bone surf (6E-1)	2E-10	-	-	-
		W, UO, UF, UCI	-	4E-1	1E-10	8E-13	8E-8	8E-7
		Y, UO, UO	-	3E-1	1E-10	5E-13 4E-13	-	-

# ADMINISTRATIVE REGISTER - 2027

92	Uranium-231	D, see <sup>230</sup> U	5E+3 LLI wall (4E+3)	8E+3 - -	3E-6 - -	1E-8 - -	- 6E-5 -	- 6E-4 -
		W, see <sup>230</sup> U	-	6E+3	2E-6	8E-9	-	-
		Y, see <sup>230</sup> U	-	5E+3	2E-6	6E-9	-	-
92	Uranium-232	D, see <sup>230</sup> U	2E+0 Bone surf (4E+0)	2E-1 Bone surf (4E-1)	9E-11 - -	- 6E-13 5E-13	- 6E-8 -	- 6E-7 -
		W, see <sup>230</sup> U	-	4E-1	2E-10	1E-14	-	-
		Y, see <sup>230</sup> U	-	8E-3	3E-12	-	-	-
92	Uranium-233	D, see <sup>230</sup> U	1E+1 Bone surf (2E+1)	1E+0 Bone surf (2E+0)	5E-10 - -	- 3E-12 1E-12	- 3E-7 -	- 3E-6 -
		W, see <sup>230</sup> U	-	7E-1	3E-10	5E-14	-	-
		Y, see <sup>230</sup> U	-	4E-2	2E-11	-	-	-
92	Uranium-234 <sup>3</sup>	D, see <sup>230</sup> U	1E+1 Bone surf (2E+1)	1E+0 Bone surf (2E+0)	5E-10 - -	- 3E-12 1E-12	- 3E-7 -	- 3E-6 -
		W, see <sup>230</sup> U	-	7E-1	3E-10	5E-14	-	-
		Y, see <sup>230</sup> U	-	4E-2	2E-11	-	-	-
92	Uranium-235 <sup>3</sup>	D, see <sup>230</sup> U	1E+1 Bone surf (2E+1)	1E+0 Bone surf (2E+0)	6E-10 - -	- 3E-12 1E-12	- 3E-7 -	- 3E-6 -
		W, see <sup>230</sup> U	-	8E-1	3E-10	6E-14	-	-
		Y, see <sup>230</sup> U	-	4E-2	2E-11	-	-	-
92	Uranium-236	D, see <sup>230</sup> U	1E+1 Bone surf (2E+1)	1E+0 Bone surf (2E+0)	5E-10 - -	- 3E-12 1E-12	- 3E-7 -	- 3E-6 -
		W, see <sup>230</sup> U	-	8E-1	3E-10	6E-14	-	-
		Y, see <sup>230</sup> U	-	4E-2	2E-11	-	-	-
92	Uranium-237	D, see <sup>230</sup> U	2E+3 LLI wall (2E+3)	3E+3 - -	1E-6 - -	4E-9 - 2E-9	- 3E-5 -	- 3E-4 -
		W, see <sup>230</sup> U	-	2E+3	7E-7	2E-9	-	-
		Y, see <sup>230</sup> U	-	2E+3	6E-7	2E-9	-	-
92	Uranium-238 <sup>3</sup>	D, see <sup>230</sup> U	1E+1 Bone surf (2E+1)	1E+0 Bone surf (2E+0)	6E-10 - -	- 3E-12 1E-12	- 3E-7 -	- 3E-6 -
		W, see <sup>230</sup> U	-	8E-1	3E-10	6E-14	-	-
		Y, see <sup>230</sup> U	-	4E-2	2E-11	-	-	-
92	Uranium-239 <sup>2</sup>	D, see <sup>230</sup> U	7E+4	2E+5	8E-5	3E-7	9E-4	9E-3
		W, see <sup>230</sup> U	-	2E+5	7E-5	2E-7	-	-
		Y, see <sup>230</sup> U	-	2E+5	6E-5	2E-7	-	-
92	Uranium-240	D, see <sup>230</sup> U	1E+3	4E+3	2E-6	5E-9	2E-5	2E-4
		W, see <sup>230</sup> U	-	3E+3	1E-6	4E-9	-	-
		Y, see <sup>230</sup> U	-	2E+3	1E-6	3E-9	-	-
92	Uranium-natural <sup>3</sup>	D, see <sup>230</sup> U	1E+1 Bone surf (2E+1)	1E+0 Bone surf (2E+0)	5E-10 - -	- 3E-12 9E-13	- 3E-7 -	- 3E-6 -
		W, see <sup>230</sup> U	-	8E-1	3E-10	9E-14	-	-
		Y, see <sup>230</sup> U	-	5E-2	2E-11	-	-	-
93	Neptunium-232 <sup>2</sup>	W, all compounds	1E+5	2E+3 Bone surf (5E+2)	7E-7 - -	- 6E-9 -	2E-3 -	2E-2 -
93	Neptunium-233 <sup>2</sup>	W, all compounds	8E+5	3E+6	1E-3	4E-6	1E-2	1E-1
93	Neptunium-234	W, all compounds	2E+3	3E+3	1E-6	4E-9	3E-5	3E-4
93	Neptunium-235	W, all compounds	2E+4 LLI wall (2E+4)	8E+2 Bone surf (1E+3)	3E-7 - -	- 2E-9 3E-4	- -	- 3E-3
93	Neptunium-236 (1.15E+5 y)	W, all compounds	3E+0 Bone surf (6E+0)	2E-2 Bone surf (5E-2)	9E-12 - -	- 8E-14 9E-8	- -	- 9E-7
93	Neptunium-236 (22.5 h)	W, all compounds	3E+3 Bone surf (4E+3)	3E+1 Bone surf (7E+1)	1E-8 - -	- 1E-10 5E-5	- -	- 5E-4
93	Neptunium-237	W, all compounds	5E-1 Bone surf	4E-3 Bone surf	2E-12	-	-	-

# ADMINISTRATIVE REGISTER - 2028

			(1E+0)	(1E-2)	-	1E-14	2E-8	2E-7
93	Neptunium-238	W, all compounds	1E+3	6E+1 Bone surf (2E+2)	3E-8	-	2E-5	2E-4
			-	-	-	2E-10	-	-
93	Neptunium-239	W, all compounds	2E+3 LLI wall (2E+3)	2E+3	9E-7	3E-9	-	-
			-	-	-	-	2E-5	2E-4
93	Neptunium-240 <sup>2</sup>	W, all compounds	2E+4	8E+4	3E-5	1E-7	3E-4	3E-3
94	Plutonium-234	W, all compounds except PuO Y, PuO	8E+3	2E+2 2E+2	9E-8 8E-8	3E-10 3E-10	1E-4	1E-3
			-	-	-	-	-	-
94	Plutonium-235 <sup>2</sup>	W, see <sup>234</sup> Pu Y, see <sup>234</sup> Pu	9E+5	3E+6 3E+6	1E-3 1E-3	4E-6 3E-6	1E-2	1E-1
			-	-	-	-	-	-
94	Plutonium-236	W, see <sup>234</sup> Pu	2E+0 Bone surf (4E+0)	2E-2 Bone surf (4E-2)	8E-12	-	-	-
		Y, see <sup>234</sup> Pu	-	4E-2	2E-11	5E-14 6E-14	6E-8	6E-7
			-	-	-	-	-	-
94	Plutonium-237	W, see <sup>234</sup> Pu Y, see <sup>234</sup> Pu	1E+4	3E+3 3E+3	1E-6 1E-6	5E-9 4E-9	2E-4	2E-3
			-	-	-	-	-	-
94	Plutonium-238	W, see <sup>234</sup> Pu	9E-1 Bone surf (2E+0)	7E-3 Bone surf (1E-2)	3E-12	-	-	-
		Y, see <sup>234</sup> Pu	-	2E-2	8E-12	2E-14 2E-14	2E-8	2E-7
			-	-	-	-	-	-
94	Plutonium-239	W, see <sup>234</sup> Pu	8E-1 Bone surf (1E+0)	6E-3 Bone surf (1E-2)	3E-12	-	-	-
		Y, see <sup>234</sup> Pu	-	2E-2	7E-12	2E-14	2E-8	2E-7
			-	Bone surf (2E-2)	-	2E-14	-	-
			-	-	-	-	-	-
94	Plutonium-240	W, see <sup>234</sup> Pu	8E-1 Bone surf (1E+0)	6E-3 Bone surf (1E-2)	3E-12	-	-	-
		Y, see <sup>234</sup> Pu	-	2E-2	7E-12	2E-14	2E-8	2E-7
			-	Bone surf (2E-2)	-	2E-14	-	-
			-	-	-	-	-	-
94	Plutonium-241	W, see <sup>234</sup> Pu	4E+1 Bone surf (7E+1)	3E-1 Bone surf (6E-1)	1E-10	-	-	-
		Y, see <sup>234</sup> Pu	-	8E-1	3E-10	8E-13	1E-6	1E-5
			-	Bone surf (1E+0)	-	1E-12	-	-
			-	-	-	-	-	-
94	Plutonium-242	W, see <sup>234</sup> Pu	8E-1 Bone surf (1E+0)	7E-3 Bone surf (1E-2)	3E-12	-	-	-
		Y, see <sup>234</sup> Pu	-	2E-2	7E-12	2E-14	2E-8	2E-7
			-	Bone surf (2E-2)	-	2E-14	-	-
			-	-	-	-	-	-
94	Plutonium-243	W, see <sup>234</sup> Pu Y, see <sup>234</sup> Pu	2E+4	4E+4 4E+4	2E-5 2E-5	5E-8 5E-8	2E-4	2E-3
			-	-	-	-	-	-
94	Plutonium-244	W, see <sup>234</sup> Pu	8E-1 Bone surf (2E+0)	7E-3 Bone surf (1E-2)	3E-12	-	-	-
		Y, see <sup>234</sup> Pu	-	2E-2	7E-12	2E-14	2E-8	2E-7
			-	Bone surf (2E-2)	-	2E-14	-	-
			-	-	-	-	-	-
94	Plutonium-245	W, see <sup>234</sup> Pu Y, see <sup>234</sup> Pu	2E+3	5E+3 4E+3	2E-6 2E-6	6E-9 6E-9	3E-5	3E-4
			-	-	-	-	-	-
94	Plutonium-246	W, see <sup>234</sup> Pu	4E+2 LLI wall (4E+2)	3E+2	1E-7	4E-10	-	-
		Y, see <sup>234</sup> Pu	-	3E+2	1E-7	4E-10	6E-6	6E-5
			-	-	-	-	-	-
95	Americium-237 <sup>2</sup>	W, all compounds	8E+4	3E+5	1E-4	4E-7	1E-3	1E-2
95	Americium-238 <sup>2</sup>	W, all compounds	4E+4	3E+3 Bone surf (6E+3)	1E-6	-	5E-4	5E-3
			-	-	-	9E-9	-	-

# ADMINISTRATIVE REGISTER - 2029

95	Americium-239	W, all compounds	5E+3	1E+4	5E-6	2E-8	7E-5	7E-4
95	Americium-240	W, all compounds	2E+3	3E+3	1E-6	4E-9	3E-5	3E-4
95	Americium-241	W, all compounds	8E-1 Bone surf (1E+0)	6E-3 Bone surf (1E-2)	3E-12	-	-	-
						2E-14	2E-8	2E-7
95	Americium-242m	W, all compounds	8E-1 Bone surf (1E+0)	6E-3 Bone surf (1E-2)	3E-12	-	-	-
						2E-14	2E-8	2E-7
95	Americium-242	W, all compounds	4E+3	8E+1 Bone surf (9E+1)	4E-8	-	5E-5	5E-4
			-	-	-	1E-10	-	-
95	Americium-243	W, all compounds	8E-1 Bone surf (1E+0)	6E-3 Bone surf (1E-2)	3E-12	-	-	-
						2E-14	2E-8	2E-7
95	Americium-244m <sup>2</sup>	W, all compounds	6E+4 St wall (8E+4)	4E+3 Bone surf (7E+3)	2E-6	-	-	-
						1E-8	1E-3	1E-2
95	Americium-244	W, all compounds	3E+3	2E+2 Bone surf (3E+2)	8E-8	-	4E-5	4E-4
			-	-	-	4E-10	-	-
95	Americium-245	W, all compounds	3E+4	8E+4	3E-5	1E-7	4E-4	4E-3
95	Americium-246m <sup>2</sup>	W, all compounds	5E+4 St wall (6E+4)	2E+5	8E-5	3E-7	-	-
				-	-	-	8E-4	8E-3
95	Americium-246 <sup>2</sup>	W, all compounds	3E+4	1E+5	4E-5	1E-7	4E-4	4E-3
96	Curium-238	W, all compounds	2E+4	1E+3	5E-7	2E-9	2E-4	2E-3
96	Curium-240	W, all compounds	6E+1 Bone surf (8E+1)	6E-1 Bone surf (6E-1)	2E-10	-	-	-
						9E-13	1E-6	1E-5
96	Curium-241	W, all compounds	1E+3	3E+1 Bone surf (4E+1)	1E-8	-	2E-5	2E-4
			-	-	-	5E-11	-	-
96	Curium-242	W, all compounds	3E+1 Bone surf (5E+1)	3E-1 Bone surf (3E-1)	1E-10	-	-	-
						4E-13	7E-7	7E-6
96	Curium-243	W, all compounds	1E+0 Bone surf (2E+0)	9E-3 Bone surf (2E-2)	4E-12	-	-	-
						2E-14	3E-8	3E-7
96	Curium-244	W, all compounds	1E+0 Bone surf (3E+0)	1E-2 Bone surf (2E-2)	5E-12	-	-	-
						3E-14	3E-8	3E-7
96	Curium-245	W, all compounds	7E-1 Bone surf (1E+0)	6E-3 Bone surf (1E-2)	3E-12	-	-	-
						2E-14	2E-8	2E-7
96	Curium-246	W, all compounds	7E-1 Bone surf (1E+0)	6E-3 Bone surf (1E-2)	3E-12	-	-	-
						2E-14	2E-8	2E-7
96	Curium-247	W, all compounds	8E-1 Bone surf (1E+0)	6E-3 Bone surf (1E-2)	3E-12	-	-	-
						2E-14	2E-8	2E-7
96	Curium-248	W, all compounds	2E-1 Bone surf (4E-1)	2E-3 Bone surf (3E-3)	7E-13	-	-	-
						4E-15	5E-9	5E-8
96	Curium-249 <sup>2</sup>	W, all compounds	5E+4	2E+4 Bone surf (3E+4)	7E-6	-	7E-4	7E-3
			-	-	-	4E-8	-	-
96	Curium-250	W, all compounds	4E-2 Bone surf (6E-2)	3E-4 Bone surf (5E-4)	1E-13	-	-	-
						8E-16	9E-10	9E-9
97	Berkelium-245	W, all compounds	2E+3	1E+3	5E-7	2E-9	3E-5	3E-4



# ADMINISTRATIVE REGISTER - 2030

97	Berkelium-246	W, all compounds	3E+3	3E+3	1E-6	4E-9	4E-5	4E-4
97	Berkelium-247	W, all compounds	5E-1 Bone surf (1E+0)	4E-3 Bone surf (9E-3)	2E-12 -	- 1E-14	- 2E-8	- 2E-7
97	Berkelium-249	W, all compounds	2E+2 Bone surf (5E+2)	2E+0 Bone surf (4E+0)	7E-10 -	- 5E-12	- 6E-6	- 6E-5
97	Berkelium-250	W, all compounds	9E+3 -	3E+2 Bone surf (7E+2)	1E-7 -	- 1E-9	1E-4 -	1E-3 -
98	Californium-244 <sup>2</sup>	W, all compounds except those given for Y	3E+4 St wall (3E+4)	6E+2 -	2E-7 -	8E-10 -	- 4E-4	- 4E-3
		Y, oxides and hydroxides	-	6E+2	2E-7	8E-10	-	-
98	Californium-246	W, see <sup>244</sup> Cf Y, see <sup>244</sup> Cf	4E+2 -	9E+0 9E+0	4E-9 4E-9	1E-11 1E-11	5E-6 -	5E-5 -
98	Californium-248	W, see <sup>244</sup> Cf Y, see <sup>244</sup> Cf	8E+0 Bone surf (2E+1) -	6E-2 Bone surf (1E-1) 1E-1	3E-11 - 4E-11	- 2E-13 1E-13	- 2E-7 -	- 2E-6 -
98	Californium-249	W, see <sup>244</sup> Cf Y, see <sup>244</sup> Cf	5E-1 Bone surf (1E+0) -	4E-3 Bone surf (9E-3) 1E-2 Bone surf (1E-2)	2E-12 - 4E-12 -	- 1E-14 -	- 2E-8 -	- 2E-7 -
98	Californium-250	W, see <sup>244</sup> Cf Y, see <sup>244</sup> Cf	1E+0 Bone surf (2E+0) -	9E-3 Bone surf (2E-2) 3E-2	4E-12 - 1E-11	- 3E-14 4E-14	- 3E-8 -	- 3E-7 -
98	Californium-251	W, see <sup>244</sup> Cf Y, see <sup>244</sup> Cf	5E-1 Bone surf (1E+0) -	4E-3 Bone surf (9E-3) 1E-2 Bone surf (1E-2)	2E-12 - 4E-12 -	- 1E-14 -	- 2E-8 -	- 2E-7 -
98	Californium-252	W, see <sup>244</sup> Cf Y, see <sup>244</sup> Cf	2E+0 Bone surf (5E+0) -	2E-2 Bone surf (4E-2) 3E-2	8E-12 - 1E-11	- 5E-14 5E-14	- 7E-8 -	- 7E-7 -
98	Californium-253	W, see <sup>244</sup> Cf Y, see <sup>244</sup> Cf	2E+2 Bone surf (4E+2) -	2E+0 - 2E+0	8E-10 - 7E-10	3E-12 - 2E-12	- 5E-6 -	- 5E-5 -
98	Californium-254	W, see <sup>244</sup> Cf Y, see <sup>244</sup> Cf	2E+0 -	2E-2 2E-2	9E-12 7E-12	3E-14 2E-14	3E-8 -	3E-7 -
99	Einsteinium-250	W, all compounds	4E+4 -	5E+2 Bone surf (1E+3)	2E-7 -	- 2E-9	6E-4 -	6E-3 -
99	Einsteinium-251	W, all compounds	7E+3 -	9E+2 Bone surf (1E+3)	4E-7 -	- 2E-9	1E-4 -	1E-3 -
99	Einsteinium-253	W, all compounds	2E+2	1E+0	6E-10	2E-12	2E-6	2E-5
99	Einsteinium-254m	W, all compounds	3E+2 LLI wall (3E+2)	1E+1 -	4E-9 -	1E-11 -	- 4E-6	- 4E-5
99	Einsteinium-254	W, all compounds	8E+0 Bone surf (2E+1)	7E-2 Bone surf (1E-1)	3E-11 -	- 2E-13	- 2E-7	- 2E-6
100	Fermium-252	W, all compounds	5E+2	1E+1	5E-9	2E-11	6E-6	6E-5
100	Fermium-253	W, all compounds	1E+3	1E+1	4E-9	1E-11	1E-5	1E-4
100	Fermium-254	W, all compounds	3E+3	9E+1	4E-8	1E-10	4E-5	4E-4

# ADMINISTRATIVE REGISTER - 2031

100	Fermium-255	W, all compounds	5E+2	2E+1	9E-9	3E-11	7E-6	7E-5
100	Fermium-257	W, all compounds	2E+1 Bone surf (4E+1)	2E-1 Bone surf (2E-1)	7E-11 -	- 3E-13	- 5E-7	- 5E-6
101	Mendelevium-257	W, all compounds	7E+3	8E+1 Bone surf (9E+1)	4E-8 -	- 1E-10	1E-4 -	1E-3 -
101	Mendelevium-258	W, all compounds	3E+1 Bone surf (5E+1)	2E-1 Bone surf (3E-1)	1E-10 -	- 5E-13	- 6E-7	- 6E-6
-	A single radionuclide not listed above with decay mode other than alpha emission or spontaneous fission and with radioactive half-life less than 2 hours Submersion <sup>1</sup>		-	2E+2	1E-7	1E-9	-	-
-	A single radionuclide not listed above with decay mode other than alpha emission or spontaneous fission and with radioactive half-life greater than 2 hours . . . .		-	2E-1	1E-10	1E-12	1E-8	1E-7
-	A single radionuclide not listed above that decays by alpha emission or spontaneous fission, or a mixture for which either the identity or the concentration of a radionuclide in the mixture is not known . . . .		-	4E-4	2E-13	1E-15	2E-9	2E-8
If it is known that Ac-227-D and Cm-250-W are not present			-	7E-4	3E-13	-	-	-
If, in addition, it is known that Ac-227-W,Y, Th-229-W,Y, Th-230-W, Th-232-W,Y, Pa-231-W,Y, Np-237-W, Pu-239-W, Pu-240-W, Pu-242-W, Am-241-W, Am-242m-W, Am-243-W, Cm-245-W, Cm-246-W, Cm-247-W, Cm-248-W, Bk-247-W, Cf-249-W, and Cf-251-W are not present			-	7E-3	3E-12	-	-	-
If, in addition, it is known that Sm-146-W, Sm-147-W, Gd-148-D,W, Gd-152-D,W, Th-228-W,Y, Th-230-Y, U-232-Y, U-233-Y, U-234-Y, U-235-Y, U-236-Y, U-238-Y, Np-236-W, Pu-236-W,Y, Pu-238-W,Y, Pu-239-Y, Pu-240-Y, Pu-242-Y, Pu-244-W,Y, Cm-243-W, Cm-244-W, Cf-248-W, Cf-249-Y, Cf-250-W,Y, Cf-251-Y, Cf-252-W,Y, and Cf-254-W,Y are not present			-	7E-2	3E-11	-	-	-
If, in addition, it is known that Pb-210-D, Bi-210m-W, Po-210-D,W, Ra-223-W, Ra-225-W, Ra-226-W, Ac-225-D,W,Y, Th-227-W,Y, U-230-D,W,Y, U-232-D,W, Pu-241-W, Cm-240-W, Cm-242-W, Cf-248-Y, Es-254-W, Fm-257-W, and Md-258-W are not present			-	7E-1	3E-10	-	-	-
If, in addition, it is known that Si-32-Y, Ti-44-Y, Fe-60-D, Sr-90-Y, Zr-93-D, Cd-113m-D, Cd-113-D, In-115-D,W, La-138-D, Lu-176-W, Hf-178m-D,W, Hf-182-D,W, Bi-210m-D, Ra-224-W, Ra-228-W, Ac-226-D,W,Y, Pa-230-W,Y, U-233-D,W, U-234-D,W, U-235-D,W, U-236-D,W, U-238-D,W, Pu-241-Y, Bk-249-W, Cf-253-W,Y, and Es-253-W are not present			-	7E+0	3E-9	-	-	-
If it is known that Ac-227-D,W,Y, Th-229-W,Y, Th-232-W,Y, Pa-231-W,Y, Cm-248-W, and Cm-250-W are not present			-	-	-	1E-14	-	-
If, in addition, it is known that Sm-146-W, Gd-148-D,W, Gd-152-D, Th-228-W,Y, Th-230-W,Y, U-232-Y, U-233-Y, U-234-Y, U-235-Y, U-236-Y, U-238-Y, U-Nat-Y, Np-236-W, Np-237-W, Pu-236-W,Y, Pu-238-W,Y, Pu-239-W,Y, Pu-240-W,Y, Pu-242-W,Y, Pu-244-W,Y, Am-241-W, Am-242m-W, Am-243-W, Cm-243-W, Cm-244-W, Cm-245-W, Cm-246-W, Cm-247-W, Bk-247-W, Cf-249-W,Y, Cf-250-W,Y, Cf-251-W,Y, Cf-252-W,Y, and Cf-254-W,Y are not present			-	-	-	1E-13	-	-

# ADMINISTRATIVE REGISTER - 2032

If, in addition, it is known that Sm-147-W, Gd-152-W, Pb-210-D, Bi-210m-W, Po-210-D-W, Ra-223-W, Ra-225-W, Ra-226-W, Ac-225-D,W,Y, Th-227-W,Y, U-230-D,W,Y, U-232-D,W, U-Nat-W, Pu-241-W, Cm-240-W, Cm-242-W, Cf-248-W,Y, Es-254-W, Fm-257-W, and Md-258-W are not present

1E-12

If, in addition it is known that Fe-60, Sr-90, Cd-113m, Cd-113, In-115, I-129, Cs-134, Sm-145, Sm-147, Gd-148, Gd-152, Hg-194 (organic), Bi-210m, Ra-223, Ra-224, Ra-225, Ac-225, Th-228, Th-230, U-233, U-234, U-235, U-236, U-238, U-Nat, Cm-242, Cf-248, Es-254, Fm-257, and Md-258 are not present

1E-6

1E-5

## FOOTNOTES:

<sup>1</sup>"Submersion" means that values given are for submersion in a hemispherical semi-infinite cloud of airborne material.

<sup>2</sup>These radionuclides have radiological half-lives of less than 2 hours. The total effective dose equivalent received during operations with these radionuclides may include a significant contribution from external exposure. The DAC values for all radionuclides, other than those designated Class "Submersion," are based upon the committed effective dose equivalent due to the intake of the radionuclide into the body and do NOT include potentially significant contributions to dose equivalent from external exposures. The licensee may substitute 1E-7  $\mu$ Ci/ml for the listed DAC to account for the submersion dose prospectively, but may use individual monitoring devices or other radiation measuring instruments that measure external exposure to demonstrate compliance with the limits. (See Section 43 of this administrative regulation)

<sup>3</sup>For soluble mixtures of U-238, U-234, and U-235 in air, chemical toxicity may be the limiting factor (Section 3(5) of this administrative regulation). If the percent by weight (enrichment) of U-235 is not greater than five (5), the concentration value for a forty (40) hour workweek is two-tenths (0.2) milligrams uranium per cubic meter of air average. For enrichment, the product of the average concentration and time of exposure during a forty (40) hour workweek shall not exceed 8E-3 (SA)  $\mu$ Ci-hr/ml, if SA is the specific activity of the uranium inhaled. The specific activity for natural uranium is 6.77E-7 curies per gram U. The specific activity for other mixtures of U-238, U-235, and U-234, if not known, shall be:

SA = 3.6E-7 curies/gram U U-depleted

SA =  $[0.4 + 0.38 (\text{enrichment}) + 0.0034 (\text{enrichment})^2] \text{E-}$ , enrichment  $\geq 0.72$

if enrichment is the percentage by weight of U-235, expressed as percent.

## NOTE:

1. If the identity of each radionuclide in a mixture is known but the concentration of one or more of the radionuclides in the mixture is not known, the DAC for the mixture shall be the most restrictive DAC of a radionuclide in the mixture.

2. If the identity of each radionuclide in the mixture is not known, but it is known that certain radionuclides specified in this appendix are not present in the mixture, the inhalation ALI, DAC, and effluent and sewage concentrations for the mixture shall be the lowest values specified in this appendix for a radionuclide that is not known to be absent from the mixture; or

3. If a mixture of radionuclides consists of uranium and its daughters in ore dust (ten (10)  $\mu$ m AMAD particle distribution assumed) prior to chemical separation of the uranium from the ore, the following values may be used for the DAC of the mixture: 6E-11  $\mu$ Ci of gross alpha activity from uranium-238, uranium-234, thorium-230, and radium-226 per milliliter of air; 3E-11  $\mu$ Ci of natural uranium per milliliter of air; or forty-five (45) micrograms of natural uranium per cubic meter of air.

4. If the identity and concentration of each radionuclide in a

mixture are known, the limiting values may be derived as follows: determine, for each radionuclide in the mixture, the ratio between the concentration present in the mixture and the concentration otherwise established in Section 44 of this administrative regulation for the specific radionuclide if not in a mixture. The sum of ratios for the radionuclides in the mixture shall not exceed "1" (i.e., "unity").

Example: If radionuclides "A," "B," and "C" are present in concentrations CA, CB, and CC, and if the applicable DACs are DAC<sub>A</sub>, DAC<sub>B</sub>, and DAC<sub>C</sub>, respectively, then the concentrations shall be limited so that the following relationship exists:

$$\frac{C_A}{DAC_A} + \frac{C_B}{DAC_B} + \frac{C_C}{DAC_C}$$

Section 45. Material Incorporated by Reference. (1) The following forms are incorporated by reference:

(a) NRC Form 4, "Cumulative Occupational Exposure History," (June 1992); and

(b) NRC Form 5, "Occupational Exposure Record for a Monitoring Period," (June 1992).

(2) The forms in subsection (1) of this section may be viewed or copied at the Office of the Commissioner of Public Health [Services], 275 East Main Street, Frankfort, Kentucky 40621, 8 a.m. until 4:30 p.m., Monday through Friday.

RICE C. LEACH, Inspector General

JOHN MORSE, Secretary

JOHN H. WALKER, Attorney

APPROVED BY AGENCY: February 9, 1998

FILED WITH LRC: February 13, 1998 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 23, 1998, at 9 a.m., at the Health Services Auditorium, 1st Floor, CHR Building. Individuals interested in attending this hearing shall notify this agency in writing by March 16, 1998, 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, in which case the person requesting the transcript shall be responsible for payment. 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: Mae B. Lewis, Cabinet Regulation Coordinator, Cabinet for Health Services, Office of the General Counsel, 275 East Main Street, 4W-C, Frankfort, Kentucky 40621, Telephone: (502) 564-7905, Fax: (502) 564-7573.

## ADMINISTRATIVE REGISTER - 2033

### REGULATORY IMPACT ANALYSIS

Agency Contact Person: John A. Volpe

(1) Type and number of entities affected: Approximately 125 licensees out of a total of 400 radioactive material licensees will be impacted by amending this regulation which will provide additional constraints on air emissions a license can release and will more flexibility in patient release criteria for those patients receiving therapeutic administrations.

(2) Direct and indirect costs or savings to those affected:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public hearing was requested and no comments were received.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public hearing was requested and no comments were received.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing cost (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: 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: Fees from the licensing of radioactive material users.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administration regulation, on:

(a) Geographical Area in which administrative regulation will be implemented: No comments were received.

(b) Kentucky: No comments were received.

(7) Assessment of alternative methods: reasons why alternatives were rejected: Amendment necessary to maintain compatibility with the U.S. Nuclear Regulatory Commission's requirements.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: The amended regulation provides additional constraints on air emissions a licensee may release to the environment which will provide for further protection of public health and the environment than currently provided in the regulation. The revised patient release criteria will make the regulation compatible with requirements provided in 902 KAR Chapter 100:073.

(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: Radioactive air emissions could be released to the environment that could result in unnecessary exposure to members of the public and the environment. Patients would have to remain in the hospital for an additional amount of time which could effect their mental outlook.

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: No conflict with statutes or administrative regulations.

(a) Necessity of 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: Not applicable.

(11) TIERING: Is tiering applied? Yes, only those licensees who

release radioactive material in air emissions or administer therapeutic radionuclides will be impacted by the revisions to this regulation.

### FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. The Atomic Energy Act of 1954, as amended, and 10 CFR 35, as promulgated by the U.S. Nuclear Regulatory Commission.

2. State compliance standards. Administrative Regulation provides requirements for licensing of radioactive material, for possession, use, and transfer for medical use.

3. Minimum or uniform standards contained in the federal mandate. This amendment will bring about compatibility with U.S. Nuclear Regulatory Commission's requirements.

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 standard, or additional or different responsibilities or requirements. Not applicable.

### CABINET FOR FAMILIES AND CHILDREN Department for Social Insurance Division of Management and Development (Amendment)

#### 904 KAR 2:410. Child support collection and distribution.

RELATES TO: KRS 205.710-205.800, 403.215, 405.450, 405.465, 405.467, 405.490, 405.520, 45 CFR 302.32, 302.37, 302.38, 302.51-302.54, 302.60, 303.6, 303.100-303.102, 15 USC 1673(b)

STATUTORY AUTHORITY: KRS Chapter 13B, 186.570, 194.050, 205.710 to 205.800, 213.046, 405.430, 405.520, 406.021, 406.025, 406.027, 42 USC 651 et seq., EO 96-862

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Families and Children shall administer the Child Support Enforcement Program in accordance with KRS 205.710 to 205.800. KRS 205.712 provides for the child support agency to receive and process all child support payments. Executive Order 96-862, effective July 2, 1996, reorganized the Cabinet for Human Resources and placed the Department for Social Insurance and the Division of Child Support Enforcement under the Cabinet for Families and Children. This administrative regulation sets forth the procedures for collection and distribution of child support payments.

Section 1. Collection of Maintenance. Agency efforts shall include collecting maintenance if it meets the definition of "duty of support" in KRS 205.710(5).

Section 2. Methods of Collection. (1) Wage withholding.

(a) As specified in KRS 403.215, 405.465 and 405.467, the cabinet shall use this method:

1. As the primary tool for child support collection; and

2. As necessary to facilitate enrollment of a child through an employer in an available health insurance plan.

(b) For all cases, the child support agency shall provide for wage withholding without necessity of an amendment or court action to the child support order.

(c) If a noncustodial parent, or obligor, has more than one (1) child support wage assignment against him, the child support agency shall allocate and distribute child support as specified by KRS 405.467.

(d) If current support and an arrearage amount is owed and is to be paid through a wage withholding order, and no specified arrearage payment amount is ordered by the court, the cabinet shall determine the arrearage payment by multiplying the current court or administratively ordered obligation amount by twenty-five (25) percent.

## ADMINISTRATIVE REGISTER - 2034

- (e) If the noncustodial parent, or obligor, no longer owes a current child support payment, the cabinet shall determine:
1. The arrearage payment to be equal to the last court or administratively ordered obligation amount; and
  2. The frequency of the arrearage payment.
- (f) A noncustodial parent, or obligor, shall not be obligated to pay current support when parental rights have been terminated or when all children of a particular order are emancipated.
- (g) No amount of an employee paid share of the cost of health insurance shall be deducted if, after child support and maintenance are deducted:
1. The total monthly amount of health care coverage exceeds the Federal Consumer Credit Protection Act limits; or
  2. Only a portion of the monthly amount needed to purchase health insurance is available.
- (h) If amounts are improperly withheld, the cabinet shall promptly refund those amounts.
- (i) To comply with the advance notice requirements of KRS 405.467(4), when the address of the noncustodial parent, or obligor, is known, the agency shall send written notification to the noncustodial parent, or obligor, within fifteen (15) calendar days of the:
1. Request for wage withholding; or
  2. The date the arrearage of the noncustodial parent, or obligor, is equal to the monthly obligation amount.
- (j) If the address of the noncustodial parent, or obligor, is unknown, the cabinet shall provide advance notice within fifteen (15) calendar days of locating the noncustodial parent, or obligor.
- (k) The advance notice shall inform the noncustodial parent, or obligor:
1. He has ten (10) days to contest the withholding; and
  2. Failure to contest the withholding within the specified time shall result in the child support agency notifying the employer within five (5) working days to begin withholding; and
  3. Withholding shall apply to the current and any subsequent employer.
- (l) In addition to the requirements of KRS 405.467(5)-(11), the employer shall be notified, within fifteen (15) days of the request for wage withholding, of the following:
1. The employer shall forward collected child support amounts to the child support agency and collected medical insurance premiums to the health insurance carrier within ten (10) working days of the date the amount is withheld from the noncustodial parent's, or obligor's wages;
  2. The employer shall include on the transmittal to the child support agency the name and Social Security number of the noncustodial parent, or obligor, the child support agency assigned case number and the date the money was withheld;
  3. The employer may combine amounts due the child support agency into one (1) payment if the employer identifies by the name, Social Security number, and the child support agency assigned case number the amount attributable to each noncustodial parent, or obligor;
  4. The employer shall implement withholding no later than the first pay period that occurs after fourteen (14) work days following the date the notice was mailed; and
  5. The employer shall notify the child support agency promptly when the noncustodial parent, or obligor, terminates employment and provide information to the agency as required by KRS 405.465.
- (m) The noncustodial parent, or obligor, shall keep the child support agency informed of his current employer, if he has access to health insurance coverage at a reasonable cost, and the health insurance policy information.
- (n) The child support agency shall extend the withholding system to include withholding from wages derived in this state although the support order was issued by another state.
1. Within twenty (20) days of determining that withholding is appropriate for an interstate case, the initiating state shall notify the child support agency of the state where the noncustodial parent, or obligor, is employed to implement interstate withholding.
  2. The notice shall contain:
    - a. The amount requested to be withheld;
    - b. The arrearage amount; and
    - c. A copy of the child support and medical support order.
  3. The state where the support order was entered shall provide the information necessary for withholding within thirty (30) days of the receipt of the request.
  4. The state of the employer of the noncustodial parent, or obligor's employer shall:
    - a. Send notice to the noncustodial parent, or obligor, within fifteen (15) calendar days of locating the noncustodial parent, or obligor, or his employer;
    - b. Provide the noncustodial parent, or obligor, with the opportunity to contest the withholding; and
    - c. Send notice to his employer and to the noncustodial parent, or obligor.
  5. The child support agency shall notify the state in which the custodial parent resides when the noncustodial parent, or obligor, is no longer employed in the state and provide the state with both the noncustodial parent's, or obligor's, and new employer's name and address, if known.
  6. Except for when the withholding shall be implemented in the state where the support order is filed, the laws and procedures of the state where the noncustodial parent, or obligor, is employed shall apply.
- (o) The child support agency shall terminate wage withholding when there is no longer a current order of support and all arrearages have been satisfied.
- (2) Withholding of unemployment compensation.
- (a) The child support agency, through an agreement with the state employment security agency, shall provide withholding of a child support obligation from a noncustodial parent, or obligor, receiving unemployment compensation under the following conditions:
1. A noncustodial parent, or obligor, who is delinquent and owes child support may voluntarily sign an agreement to withhold child support from unemployment compensation benefits.
  2. The employment security agency shall commence withholding if:
    - a. An agreement is signed by the noncustodial parent, or obligor; or
    - b. A notice of claim of intent to withhold is completed by the child support enforcement agency when the noncustodial parent, or obligor, fails to sign an agreement to withhold within fifteen (15) calendar days; and
    - c. No mistake in fact or law is proven which causes the noncustodial parent, or obligor, to be found not owing.
- (b) Withholding of unemployment shall not exceed fifty (50) percent of the benefit amount unless:
1. Ordered by a court of competent jurisdiction; or
  2. Requested by the noncustodial parent, or obligor.
- (3) Federal tax refund offset and administrative offset.
- (a) Past-due child support, medical support payments (if a specified dollar amount is included in the order) maintenance, K-TAP and foster care related support shall qualify for offset if:
1. There is a court ordered or administratively established support obligation;
  2. There has been an assignment of support to the child support agency;
  3. The arrearage equals at least \$150 and shall have been delinquent at least three (3) months;
  4. The arrearage shall be owed for a child or for a child and the parent with whom the child is presently living;
  5. The child support agency shall determine the amount of the arrearage and have a copy of the payment record. If there is no payment record, the child support agency shall have an affidavit

## ADMINISTRATIVE REGISTER - 2035

signed by the custodial parent attesting to the amount of support paid.

6. The child support agency shall verify the accuracy of the noncustodial parent's, or obligor's, name and Social Security number.

(b) Past due child support, medical support or maintenance in a nonpublic assistance case shall qualify for offset if:

1. There is a court ordered or administratively established support obligation and the child support agency is enforcing the order;

2. The arrearage shall be equal to no less than \$500 dollars and may not include fees, court costs, or any other non child support debt owed to the state or to the family;

3. The child support agency shall have verified the accuracy of the arrearage and have a copy of the support order, including modifications and a copy of the payment record. If there is no payment record, the child support agency shall have an affidavit signed by the custodial parent attesting to the amount of support paid;

4. The arrearage shall be owed on behalf of a child who lives with the client and who is a minor as of December 31 of the year in which the case is submitted for offset;

5. The child support agency shall calculate an assigned arrearage;

6. The child support agency shall verify the accuracy of the noncustodial parent's, or obligor's, name and Social Security number.

(c) A case submitted for federal tax refund offset shall be subjected to federal administrative offset of nonexempt federal payments. Nonexempt federal payments shall be denied to individuals owing child support arrearage as defined in paragraphs (a) and (b) of this subsection.

(4) State income tax refund (offset).

(a) A K-TAP, foster care, or medical support arrearage which is owed by any person who is required to provide medical support for a child who is eligible for medical assistance (if a specified dollar amount is included in the order) related child support arrearage shall qualify for offset if:

1. There is an arrearage on a legally established child and medical support obligation;

2. The noncustodial parent's, or obligor's, name and Social Security number are known;

3. The arrearage is at least twenty-five (25) dollars; and

4. The arrearage has been verified as accurate.

(b) A nonpublic assistance support arrearage shall qualify for offset if criteria specified in Section 2(3)(b) of this administrative regulation are [is] met and arrearages are not less than \$150.

Section 3. Kentucky Transitional Assistance Program (K-TAP) Accounts Distribution. (1) A child support payment collected on behalf of a recipient of K-TAP shall:

(a) Be made payable to the child support agency; and

(b) Be reported to the K-TAP agency within ten (10) working days of the end of the month in which the support is received.

(2) A child support payment that makes the K-TAP family ineligible for K-TAP shall be reported to the child support agency by the K-TAP agency.

(a) If the family is ineligible for a K-TAP payment, the child support agency shall:

1. Distribute the amount of child support collected; and

2. Notify the family of continuation of child support services as specified in 904 KAR 2:380, Section 4(2).

(b) If the household remains eligible for a K-TAP payment or if a hearing is requested:

1. The K-TAP agency shall notify the child support agency; and

2. The child support agency shall distribute the collection as specified in Section 6 [3(7)] of this administrative regulation.

(3) A current payment that includes payment on a prior month obligation shall be distributed by the child support agency.

(4) A payment received in the month after ineligibility for K-TAP is determined but prior to the last assistance payment being issued shall be used:

(a) To reimburse the state for any assistance paid; and

(b) To pay any excess to the family.

(5) If a hearing is requested and it is determined that the family is ineligible for an assistance payment, the child support agency shall:

(a) Determine the collected amount the family would have received; and

(b) Forward any amount in excess of the assistance payment to the family.

(6) If a hearing is requested and the family is determined to be eligible for an assistance payment, distribution of that month's child support collection shall be made.

Section 4. Distribution of Foster Care Accounts. A child support payment collected on behalf of a foster care recipient shall be:

(1) Made payable to the child support agency; and

(2) Upon receipt by the child support agency, shall be disbursed to the foster care agency for distribution.

Section 5. Distribution of Tax Refund Intercept Amounts and Appeal Process. (1) Federal tax refunds intercepted in Public assistance accounts.

(a) Amounts collected in public assistance cases shall be applied to assigned arrearages.

(b) If no assigned arrearages remain, the collections shall be forwarded to the K-TAP family or foster care agency within thirty (30) calendar days of the date of initial receipt by the agency.

(c) If a timely appeal is filed by a noncustodial parent, or obligor, and the appeal is resolved, payment shall be made to the family or refunded to the noncustodial parent, or obligor, within fifteen (15) calendar days of the resolution date.

(d) If a joint return has been filed, tax refund intercept collection shall be held by the child support agency for six (6) months prior to being distributed.

(2) Federal tax refunds intercepted in nonpublic assistance accounts. For a nonpublic assistance account, if no assigned arrearage remains, an amount collected which represents an arrearage amount shall be sent to the family within thirty (30) calendar days of the initial receipt date.

(3) State tax refunds intercepted shall be distributed according to specifications in Section 3, 4, 6, or 8 of this administrative regulation.

(4) If the noncustodial parent, or obligor, contests the accuracy of a past due amount, he may request an administrative review in accordance with specifications in 904 KAR 2:400, Section 4.

Section 6. Treatment of Escrow and Excess Payments. (1) Collection of child support payments shall be applied to the required obligation amount for the month in which the support was collected.

(2) In K-TAP cases, if the obligation for current support and the collection of current support exceed the grant paid for the month in which the collection was made:

(a) The difference between the grant and the obligation or the collection, whichever is less, will be considered escrow and will be distributed as follows:

1. The portion of the escrow that represents the federal share of the collection (as determined by the Medicaid match rate) will be sent to the federal government.

2. The portion of the escrow payment which represents the state share (as determined by the Medicaid match rate) of the collection will be sent to the family.

(3) After the current obligation amount is satisfied, any excess amount shall be treated as payment on previous unpaid arrearage.

Section 7. Wage Withholding Distribution. (1) A child support or medical support payment made through wage or other withholding shall use the date the income is withheld for the date of collection for distribution to meet the support obligation.

(2) Distribution of wage withholding collections shall be made

## ADMINISTRATIVE REGISTER - 2036

according to specification in Sections 3, 4, 6 or 8 of this administrative regulation.

Section 8. Interstate Case Payment Distribution. Child support payments that are collected by a responding state on behalf of an initiating state shall be forwarded to the initiating state within fifteen (15) calendar days of initial receipt by the responding state.

(1) ~~[If the collected amount is less than fifty (50) dollars,]~~ The responding state shall send the amount collected to the location specified by the child support agency in the initiating state within fifteen (15) calendar days of the date of initial receipt in the responding state.

(2) The initiating state upon receipt of collection made by the responding state shall retain the collections to reimburse the assistance payment for the month it was received or the next month if the amount collected exceeds the required support obligation for the month and is in excess of the K-TAP assistance payment.

(3) Collection of child support in the month after the month the family receives its last K-TAP assistance payment shall be distributed and sent to the family within fifteen (15) calendar days of the date of initial receipt in the state.

Section 9. Additional Administrative Enforcement Remedies. (1) When the cabinet determines that the obligor owes an arrearage, the cabinet may implement administrative enforcement remedies listed below to collect the delinquent support amounts:

(a) Filing of liens on personal or real property when an arrearage is equal to or greater than one (1) month's obligation;

(b) Report to credit bureaus; ~~and~~

(c) Notifying the Transportation Cabinet to deny or revoke motor vehicle driver's license; ~~and~~

~~(d) Certify cases for passport denial.~~

(2) The Cabinet for Families and Children shall:

(a) Provide information to consumer reporting agencies as specified by KRS 205.768; and

(b) Provide advance written notice to the noncustodial parent, or obligor, of the release of the information required by KRS 205.768(2).

(c) The name of the noncustodial parent, or obligor, shall be:

1. Deleted from the list provided to consumer reporting agencies when the advance notice is returned as undeliverable, and subsequent location efforts are unsuccessful; or

2. Added to the list provided to the consumer reporting agencies when subsequent location efforts are successful.

(3) Denial or suspension of driver's license.

(a) The cabinet shall as provided by KRS 186.570(2):

1. Identify a case with a verified arrearage equal to one (1) year's obligation amount which accrued beginning January 1, 1994, or thereafter; and

2. Contact the contracting official to determine if the contracting official intends to pursue judicial action.

3. If the contracting official determines that judicial action will not be taken, advise the contracting official of the intent of the agency to proceed with the referral to revoke or deny a driver's license.

4. Send by first class mail to a noncustodial parent, or obligor, who holds a valid Kentucky driver's license and who has the ability to pay support:

a. A notice of intent to request denial or suspension of a driver's license; and

b. A noncustodial parent, or obligor, answer to notice of intent.

5. Notify the noncustodial parent, or obligor, that the only basis for resolution of the dispute shall be:

a. The arrearage is incorrect and does not equal or exceed the amount of support owed for one (1) year;

b. The wrong individual has been identified;

c. A bond is posted for the total arrearage which has accrued since January 1, 1994;

d. A payment agreement is entered into by the noncustodial

parent, or obligor, to pay current support, plus a specified monthly payment amount on the total arrearage which has accrued since January 1, 1994. The monthly payments shall be:

(i) Fifty (50) percent if the arrearage owed is less than \$1,000; or

(ii) \$500 plus twenty-five (25) percent of the amount over \$1,000 if the arrearage is not less than \$1,000 and not greater than \$2,000; or

(iii) \$750 plus ten (10) percent of the amount over \$2,000 if the arrearage is \$2,000 or more; or

e. The noncustodial parent, or obligor, pays the total arrearage which has accrued since January 1, 1994.

(b) To assure delivery of the notice of intent, the cabinet shall refer the case for parent locator service if the notice is returned and the forwarding address is unknown;

(c) If the noncustodial parent, or obligor, requests a dispute hearing by contesting the arrearage based upon a mistake of fact and returns the noncustodial parent, or obligor, answer to notice of intent form within twenty (20) calendar days of the notification date, the cabinet shall:

1. Within ten (10) working days of the noncustodial parent's, or obligor's, response, schedule and hold an interview with the noncustodial parent, or obligor;

2. Attempt to resolve the dispute at the time of the interview; and

3. If the dispute is not resolved at the time of the interview, forward the noncustodial parent's, or obligor's, written request for a hearing to the agency responsible for conducting the dispute hearing.

~~(d) [The child support agency shall inform the agency responsible for conducting the hearing that:~~

~~1. A resolution has been reached as a result of the interview and a written request from the noncustodial parent, or obligor, to withdraw the hearing request shall be sent; or~~

~~2. A resolution to the dispute has not been reached and the hearing request remains in effect.~~

~~(e)]~~ Upon the decision made by the agency conducting the hearing, and within twenty (20) calendar days of the hearing officer's decision, the child support agency shall notify the Transportation Cabinet of the request for the denial or suspension of the driver's license, unless:

1. The noncustodial parent, or obligor, makes full payment of the total arrearage that may have accrued since January 1, 1994;

2. The noncustodial parent, or obligor, enters into a payment agreement to pay current support, plus the specified amount on the total arrearage which accrued since January 1, 1994 as determined by paragraph (a)5d of this subsection; or

3. The noncustodial parent, or obligor, posts a bond for the total arrearage which has accrued since January 1, 1994.

~~(e) [(f)]~~ If the case does not qualify for submittal to the Transportation Cabinet, a notice to deny or suspend the driver's license shall not be sent.

~~(f) [(g)]~~ If the noncustodial parent, or obligor, does not contest the arrearage or after the interview and hearing process, the case qualifies for submittal to the Transportation Cabinet, the Cabinet for Families and Children shall refer the name of the noncustodial parent, or obligor, to the Transportation Cabinet for the denial or suspension of the driver's license, unless:

1. The noncustodial parent, or obligor, makes full payment of the arrearage within twenty (20) calendar days of the interview by the Cabinet for Families and Children;

2. The noncustodial parent, or obligor, posts a bond within twenty (20) calendar days of the interview for the total arrearage which accrued since January 1, 1994; or

3. The noncustodial parent, or obligor, enters into a payment agreement to pay current support, plus the specified amount on the total arrearage which has accrued since January 1, 1994 as determined by paragraph (a)5 [3]d of this subsection.

~~(g) [(h)]~~ The Cabinet for Families and Children shall notify the Transportation Cabinet to reinstate or reissue a previously suspended

## ADMINISTRATIVE REGISTER - 2037

or revoked driver's license if:

1. The noncustodial parent, or obligor, makes full payment of the arrearage;
2. The noncustodial parent, or obligor, posts a bond for the total arrearage amount; or
3. The noncustodial parent, or obligor:
  - a. Makes a good faith payment which equals three (3) months' current support; and
  - b. Enters into a payment agreement to pay the specified amount on the remaining arrearage which has accrued since January 1, 1994 as determined by paragraph (a)5 [3]d of this subsection.

(4) Denial of passport.

(a) The cabinet shall certify for passport denial to the Secretary of the U.S. Department of Health and Human Services any case for which the arrearage exceeds \$5000.

(b) If a timely appeal is filed by a noncustodial parent, or obligor, pursuant to the notice as set forth in the Advance Notice of Intent to Collect Past-due Support, Form CS-122, edition 10/97, the appeal is resolved and the finding is that the arrearage is less than \$5000, the U.S. Secretary of State shall be notified by the cabinet to issue a passport to the noncustodial parent, or obligor.

(c) The noncustodial parent, or obligor, whose arrearage exceeds \$5000, shall be deleted from passport denial when:

1. An arrearage judgment exists and the noncustodial parent, or obligor, is in full compliance with payments ordered in the judgment;
2. The noncustodial parent, or obligor, makes a payment bringing the arrearage to less than \$5000; or
3. In cases with an arrearage and no ordered arrearage payment, the noncustodial parent, or obligor, agrees to make satisfactory payment arrangements. The noncustodial parent, or obligor, shall:
  - a. Post a bond for the total amount due; or
  - b. Enter into a payment agreement to pay current support plus a specified monthly payment on the total arrearage. The monthly arrearage payment shall be:
    - (i) In the first month, a \$750 lump sum payment plus ten (10) percent of the arrearage balance as of the date of the agreement; and
    - (ii) In successive months, ten (10) percent of the arrearage balance as of the date of the agreement or the remaining balance if the remaining balance is less than ten (10) percent of the arrearage that was due on the date of the agreement.

Section 10. Appeal Procedure. An obligor may request a dispute hearing in accordance with KRS 405.490 or 405.450 as described in 904 KAR 2:400, Section 4.

Section 11. Material Incorporated by Reference. (1) Forms necessary for the collection and distribution of child support and medical support are incorporated [effective February 15, 1995]. These forms include:

- (a) CS-44, "Notice of Intent to Request Denial or Suspension of Driver's License, edition 2/97" [revised 2/97];
- (b) CS-63, "Notice to the Transportation Cabinet, edition 2/97" [revised 2/97];
- (c) CS-78, "Payment Agreement, edition 2/97" [revised 2/97];
- (d) CS-111, "Child Support Received Affidavit, edition 2/97" [revised 2/97];
- (e) CS-122, "Advance Notice of Intent to Collect Past-due Support, edition 10/97" [revised 7/96];
- (f) CS-123, "Letter to Obligated Parent Concerning Intercept of State Tax Return, edition 7/96" [revised 7/96];
- (g) CS-148, "Custodial Parent Affidavit Letter, edition 2/97" [revised 2/97];
- (h) CS-149, "Custodial Parent Affidavit of Support Paid, edition 5/97" [revised 5/97].

(2) These forms 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.

JOHN L. CLAYTON, Commissioner  
VIOLA P. MILLER, Secretary  
CHARLES P. LAWRENCE, Attorney

APPROVED BY AGENCY: January 30, 1998

FILED WITH LRC: February 10, 1998 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 23, 1998, at 9 a.m. at the Health Services Auditorium, 1st Floor, CHR Building. Individuals interested in attending this hearing shall notify this agency in writing by March 16, 1998, 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, in which case the person requesting the transcript shall be responsible for payment. 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 to on the proposed administrative regulation to: Judy H. Trigg, Cabinet for Families and Children, Office of the General Counsel, 275 East Main Street, 4th Floor West, Frankfort, Kentucky 40601, Telephone: (502) 564-7900, (502) 564-7573 (fax).

### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Marty Mason, Director

(1) Type and number of entities affected: The type of entities affected by the passport denial amendment are noncustodial parents, or obligors, who owe more than \$5,000 in child support arrearage and whose cases have been certified for federal tax refund intercept. There is no way to determine the number of noncustodial parents, or obligors, who will apply for a passport. Administrative offset, which results in the denial of nonexempt federal payments, will affect noncustodial parents who owe past due child support and whose cases have been certified for federal tax refund intercept. There is no way to determine the number of delinquent noncustodial parents, or obligors, who are entitled to nonexempt federal payments. Changes in the procedures for requesting hearings impact personnel in the Division of Child Support Enforcement and the Hearings Branch in that unnecessary hearings will not be scheduled. The federally mandated change in the distribution of escrow money will affect a custodial parent who is a KTAP recipient and has a child support case in which a monthly collection exceeds the monthly grant amount. The estimated number of households affected per month is 1450.

(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 comment received: No public comment received.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available for the public company received: No public comment 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: None. Passport denial and administrative offset are an extension of activities which the Division of Child Enforcement is already performing to certify arrearage cases for federal tax refund intercept.

2. Second and subsequent years: Same as Number 1 above.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings to the agency:

1. First Year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None



## ADMINISTRATIVE REGISTER - 2038

(4) Assessment of anticipated effect on state and local revenues:  
Possible effect on state revenues is the potential for slight increase in child support collections. Also, state compliance with this federal mandate will prevent sanctions and loss of federal funds.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Not applicable.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: No public comments received.

(b) Kentucky: No public comments received.

(7) Assessment of alternative methods; reasons why alternatives were rejected: No alternative methods suggested.

(8) Assessment of expected benefits:

(a) Identify effects on public welfare and environmental welfare of the geographical area in which implemented and on Kentucky: This administrative regulation is needed to comply with the mandated passport denial enforcement requirements and revised distribution requirements found in 42 USC 651 et seq.

(b) State whether a harmful effect on environment and public health would result if not implemented: No

(c) If detrimental effect would result, explain detrimental effect:  
None

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: None

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? No. Tiering was not applied since application of policy is applied in a like manner for all individuals as set forth through federal requirements.

### FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate.  
The process by which the denial of passports will occur when a noncustodial parent, or obligor, with a \$5,000 arrearage is certified for federal tax intercept beginning October 1, 1997. 42 USC 652(k).

2. State compliance standards. There are no separate state compliance standards.

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

NEW ADMINISTRATIVE REGULATIONS RECEIVED THROUGH NOON, FEBRUARY 13, 1998

**NATURAL RESOURCES AND ENVIRONMENTAL  
PROTECTION CABINET**

**Department for Environmental Protection  
Division for Air Quality  
(New Administrative Regulation)**

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

RELATES TO: 224.10-100, 224.20-100, 224.20-110, 224.20-120, 224.20-300, 224.20-310, 224.20-320, 224.99-010, 40 CFR 763.80 through 763.99, 15 USC 2601 through 2692, as amended November 28, 1990 (Toxic Substance Control Act), Appendices A through E to 40 CFR 763, Subpart E

STATUTORY AUTHORITY: 224.10-100, 224.20-100, 224.20-110, 224.20-120, 224.20-300, 224.20-310, 224.20-320, 224.99-010, 40 CFR 763.80 through 763.99, 15 USC 2601 through 2692, as amended November 28, 1990 (Toxic Substance Control Act), Appendices A through E to 40 CFR 763, Subpart E

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 requires the Natural Resources and Environmental Protection Cabinet to prescribe regulations for the prevention, abatement, and control of air pollution. This administrative regulation provides for the definition of terms used in 401 KAR Chapter 58.

Section 1. General Definitions. The definitions and terms used in 401 KAR Chapter 58, shall have the following meanings, unless the content clearly indicates otherwise.

(1) "Asbestos" means the asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite (amosite), anthophyllite, actinolite, and tremolite.

(2) "Asbestos-containing material" or "ACM" means asbestos-containing material containing more than one (1) percent asbestos by area as determined using Polarized Light Microscopy (PLM) method, specified in Appendix A, Section 1 to 40 CFR 763, Subpart E.

(3) "Day" means calendar day.

(4) "Facility" means an institutional, commercial, public, industrial, or residential structure, installation, or building (including a structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding single houses and multi-unit residential buildings having four (4) or fewer dwelling units); a ship; and an active or inactive waste disposal site. For this definition, a building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. A structure, installation, or building that was previously subject to 401 KAR 57:011, effective December 2, 1986, is not excluded, regardless of its current use or function.

(5) "Friable" means that the material, when dry, may be broken, crumbled, pulverized, or reduced to powder by hand pressure, and includes previously nonfriable material after the previously nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

Section 2. Abbreviations. The abbreviations used in the administrative regulations of 401 KAR Chapter 58 shall have the following meanings:

AHERA - Asbestos Hazard Emergency Response Act

ASTM - American Society for Testing and Materials

EC - degrees Celsius (centigrade)

CFR - Code of Federal Regulations

EPA or U.S. EPA - United States Environmental Protection Agency

EF - degrees Fahrenheit

ft - feet

in - inches

HEPA - high-efficiency particulate air

HVAC - heating, ventilation, and air conditioning system

KAR - Kentucky Administrative Regulations

KRS - Kentucky Revised Statutes

m - meters

mil - 1/1000 of an inch

min - minutes

NESHAP - National Emission Standards for Hazardous Air Pollutants

NIOSH - National Institute of Occupational Safety and Health

NIST - National Institute of Standards and Technology

NVLAP - National Voluntary Laboratory Accreditation Program

OSHA - Occupational Safety and Health Administration

oz - ounces

PAT - proficiency analytical testing

yd - yards

JAMES E. BICKFORD, Secretary

GLENNA JO CURRY, General Counsel

APPROVED BY AGENCY: January 16, 1998

FILED WITH LRC: January 16, 1998 at noon

PUBLIC HEARING: A public hearing on the proposed amendment to the administrative regulation will be held on March 23, 1998, at 10 a.m. (ET) in the Conference Room of the Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing, at least five days prior to the hearing, of their intent to attend. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed amendment. Send written notification of intent to be heard at the public hearing or written comments on the regulation to the contact person.

CONTACT PERSON: Millie Ellis, Supervisor, Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky 40601, (502) 573-3382, and fax number (502) 573-3787.

To request appropriate accommodations for the public hearing (such as an interpreter), or alternate formats of the printed material, please call (502) 573-3382, ext 362. The cabinet does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or the provision of services and provides, upon request, reasonable accommodation including auxiliary aids and services necessary to afford individuals with disabilities an equal opportunity to participate in all programs and activities.

**REGULATORY IMPACT ANALYSIS**

Agency Contact: Millie Ellis, Supervisor

(1) Type and number of entities affected: This administrative regulation defines the terms and abbreviations used in 401 KAR Chapter 58 of the Kentucky Administrative Regulations for the Division for Air Quality. As such, it will affect the interpretation of common terms used throughout the administrative regulations contained in Chapter 58.

(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. There will be no additional costs or savings due to the promulgation of this administrative regulation.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented. There will be no additional costs or savings in the geographical area (Kentucky) in which this administrative regulation will be implemented due to

## ADMINISTRATIVE REGISTER - 2040

promulgation of this administrative regulation.

(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 additional costs or savings due to the promulgation of this administrative regulation in the first year.

2. Second and subsequent years: There are no second year and subsequent years costs or savings due to the promulgation of this administrative regulation.

(3) Effects on the promulgating administrative body: There are no effects on the promulgating administrative body.

(a) Direct and indirect costs or savings:

1. First year: There are no direct or indirect costs or savings in the first year.

2. Continuing costs or savings: There are no continuing costs or savings.

3. Additional factors increasing or decreasing costs: There are no additional factors increasing or decreasing costs.

(b) Reporting and paperwork requirements: There are no reporting and paperwork requirements.

(4) Assessment of anticipated effect on state and local revenues: No effect is anticipated on state or local revenues.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: There are no costs associated with the implementation and enforcement of this administrative regulation.

(6) Economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: There are no known economic impacts arising from this administrative regulation.

(b) Kentucky: This administrative regulation will have no known economic impact in any geographical location in Kentucky.

(7) Assessment of alternative methods; reason why alternatives were rejected: No alternative methods were considered.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which administrative regulation will be implemented and on Kentucky: This administrative regulation provides only for the standard definitions and abbreviations of terms which are used in other administrative regulations in 401 KAR Chapter 58. Therefore, there are no environmental benefits associated with its implementation.

(b) State whether a detrimental effect on environment and public health would result if not implemented: There will be no detrimental effect on environment and public health if this administrative regulation is not implemented.

(c) If detrimental effect would result, explain detrimental effect: There will be no detrimental effect on environment and public health.

(9) Identify any statute, rule, regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict, overlapping, or duplication.

(a) Necessity of proposed regulation if in conflict: There is no conflict with other administrative regulations.

(b) If in conflict, was effort made to harmonize the proposed regulation with conflicting provisions: There is no conflict with other administrative regulations.

(10) Any additional information or comments: This administrative regulation is being proposed to comply with the requirements of KRS Chapter 13A, which prohibit regulatory agencies who use divisions such as chapters from adopting one general definition regulation to define all the terms used in its administrative regulations. In response to these requirements, the division will promulgate definition regulations for each chapter of the division's administrative regulations. This administrative regulation contains common definitions and abbreviations for Chapter 58, which will contain all the division's administrative

regulations dealing with asbestos.

(11) TIERING: Is tiering applied? No. Tiering is not applicable in this administrative regulation since it provides only for the definitions and abbreviations of terms which are used in other administrative regulations promulgated under 401 KAR Chapter 58.

### FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute of regulation constituting the federal mandate. There is no federal mandate.

2. State compliance standards. This administrative regulation is compiled in compliance with KRS Chapter 13A.

3. Minimum or uniform standards contained in the federal mandate. There is no federal mandate.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities of requirements, than those required by the federal mandate? There is no federal mandate.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Stricter standards or different responsibilities or requirements are not imposed.

### FISCAL NOTE ON LOCAL GOVERNMENT

1. Does this administrative regulation relate to any aspect of a local government, including any service provided by that local government? No. This administrative regulation provides only for the definitions and abbreviations by which terms in the administrative regulations in 401 KAR Chapter 58 are to be understood.

2. State what unit, part or division of local government this administrative regulation will affect. No unit, part, or division of local government will be affected by this administrative regulation.

3. State the aspect or service of local government to which this administrative regulation relates. This administrative regulation does not relate to any aspect or service of local government.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal import of the administrative regulation.

Revenues (+/-): There is no known effect on current revenues.

Expenditures (+/-): There is no known effect on current expenditures.

Other Explanation: There is no additional explanation.

### EDUCATION, ARTS AND HUMANITIES CABINET Education Professional Standards Board (New Administrative Regulation)

**704 KAR 20:022. Continuing education alternative to planned fifth-year program.**

RELATES TO: KRS 157.390(1)(a), 161.095

STATUTORY AUTHORITY: KRS 161.028(1)(a), 161.030(1), 161.095

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.095 requires the Education Professional Standards Board, with the advice of the State Board of Education, to establish an administrative regulation identifying procedures for a teacher to maintain a certificate by successfully completing meaningful continuing education. KRS 161.028 and 161.030 vest authority for the issuance and renewal of certification for all school personnel in the Education Professional Standards Board. This administrative regulation establishes the procedures for a continuing education alternative to the Planned Fifth-year Program for certificate renewal.

## ADMINISTRATIVE REGISTER - 2041

Section 1. Procedures for the first and second renewal of a teaching certificate shall require completion of the continuing education alternative identified in this administrative regulation or completion of a Planned Fifth-year Program identified in 704 KAR 20:021.

Section 2. The continuing education alternative to the Planned Fifth-year Program for certificate renewal of a teaching certificate shall require completion of the following procedures:

(1) An individual professional development plan shall be designed by the teacher. The plan shall:

(a) Focus on the teacher needs with consideration given to how the needs relate to the school transformation plan;

(b) Include goals related to each of the nine (9) experienced teacher standards identified in 704 KAR 20:021;

(c) Developed in collaboration with a team of colleagues chosen by the teacher; and

(d) Be submitted for review by a three (3) member state team.

(2) The teacher shall participate in professional development experiences that will assist in the accomplishment of the established goals. The professional development experiences may include any combination of graduate college credit, individual research, field-experience, and professional development activities. The experiences shall be identified in the professional development plan.

(3) The professional development experiences may be a part of an approved school professional development plan or may be experiences specifically needed by the teacher.

(4) The evidence of accomplishment of the goals identified in the plan, including the impact upon student learning, shall be documented and presented for review and scoring by a state team. The documentation shall provide evidence that all experienced teacher standards have been met.

(5) The evidence shall be presented:

(a) In a portfolio using a variety of mediums including, but not limited to, videotape, research data, and instructional logs; and

(b) To the state team at least one (1) year in advance of the expiration date of the certificate.

Section 3. (1) The three (3) member state team used to review and score the continuing education portfolio shall be selected by the Education Professional Standards Board from a pool of educators representing teacher, principals, central office instructional personnel, higher education faculty, professional organization representatives, and the Department of Education staff.

(2) The state team shall:

(a) Review and provide feedback to the teacher regarding the quality of the plan, including the planned professional development experiences;

(b) Use the experienced teacher standards and indicators to review and score the portfolios;

(c) Provide timely feedback to the teacher regarding additional evidence that may be needed to show that goals were accomplished and that all experienced teacher standards were met;

(d) Recommend the teacher for certificate renewal to the Education Professional Standards Board prior to the expiration date of the certificate; and

(e) Be trained to score the portfolios in a consistent and reliable manner.

Section 4. (1) A teacher following the continuing education alternative to the fifth-year program for certificate renewal shall complete the program by the end of the second certificate renewal period.

(2) For the first renewal the teacher shall show evidence of the development of a professional development plan and evidence of meeting a minimum of four (4) experienced teacher standards.

(3) The continuing education alternative to the fifth-year program

may be completed by end of the first certificate renewal period.

Section 5. An assessment fee not to exceed \$1200 shall be charged to a teacher following the continuing education alternative for certificate renewal. This fee shall be used to pay expenses related to administration of the continuing education alternative program including the cost of scoring portfolios and training for the state scoring team members.

ROSA WEAVER, Chair

ROBERT SHERMAN, Attorney

APPROVED BY AGENCY: February 10, 1998

FILED WITH LRC: February 12, 1998 at 8 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held at 10 a.m. on March 24, 1998, in the 1st Floor Conference Room, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by March 17, 1998, five work days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact Person: Dr. Susan Leib, Office of Teacher Education and Certification, 1024 Capital Center Drive, Frankfort, Kentucky 40601, (502) 573-4606, FAX: (502) 573-1610.

### REGULATORY IMPACT ANALYSIS

Contact Person: Rita Osborne

(1) Type and number of entities affected: All certified teachers in Kentucky are affected by this amendment to the administrative regulation.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: The certified teachers who choose and successfully the continuing education option for salary rank change from Rank III to Rank II will be given a salary increase. In addition, there will be a savings in cost in comparison to the traditional route to rank change, which includes only masters degree course work at a college or university.

(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: Possibly less paperwork than the traditional route for salary rank change.

2. Second and subsequent years: Possibly less paperwork than the traditional route for salary rank change.

(3) Effects on 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: The Division of Certification must disseminate and process applications for the continuing education option and assign review committee members.

(4) Assessment of anticipated effect on state and local revenues: None

(5) Source of revenue to be used for implementation and

## ADMINISTRATIVE REGISTER - 2042

enforcement of administrative regulation: State General Funds.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: None

(b) Kentucky: None

(7) Assessment of alternative methods; reasons why alternatives were rejected: The continuing education option for moving to Rank II must provide flexibility along with quality assurance. This amendment describes procedures which all for flexibility while including measures of quality assurance.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical areas in which implemented and on Kentucky: None

(b) State whether a detrimental effect on environment and public health would result if not implemented: None

(c) If detrimental effect would result, explain detrimental effect: None

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: None

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? No. Certification requirements and options are available to all certified teachers.

### PUBLIC PROTECTION AND REGULATION CABINET Public Service Commission

#### 807 KAR 5:004. Repeal of 807 KAR 5:002.

RELATES TO: KRS 13A.310

STATUTORY AUTHORITY: KRS 278.040(3), 278.115

NECESSITY, FUNCTION, AND CONFORMITY: KRS 278.040(3) provides that the commission may promulgate reasonable administrative regulations to implement the provisions of KRS Chapter 278. 807 KAR 5:002 is no longer required because KRS 278.115, requiring the commission to organize its offices by administrative regulation, has been amended to provide that organization of the commission's offices shall be subject to KRS Chapter 12.

Section 1. 807 KAR 5:002, Organization, is hereby repealed.

B. J. HELTON, Chairman

LAURA DOUGLAS, Secretary

DEBORAH T. EVERSOLE, Attorney

APPROVED BY AGENCY: February 10, 1998

FILED WITH LRC: February 12, 1998 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 31, 1998 at 10 a.m. at the Public Service Commission's office, Hearing Room No. 1, 730 Schenkel Lane, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing by March 24, 1998, five working 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: Deborah T. Eversole, Attorney, Public Service Commission, 730 Schenkel Lane, P.O. Box

615, Frankfort, Kentucky 40602, (502) 564-3490.

### REGULATORY IMPACT ANALYSIS

Contact person: Deborah T. Eversole

(1) Type and number of entities affected: According to current commission records, 1,523 regulated utilities provide service in Kentucky and are affected by generally applicable administrative regulations promulgated by the commission.

(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 on this subject were received.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments on this subject 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: No increase in paperwork or other requirements is required. There is no cost of compliance.

2. Second and subsequent years: There will be no long-term effect.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year: See answer to (3)(a).

2. Continuing costs or savings: See answer to (3)(a).

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: See answer to (3)(a).

(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: None

(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 were received.

(b) Kentucky: No public comments were received.

(7) Assessment of alternative methods; reasons why alternatives were rejected: There does not appear to be a reasonable alternative to repealing 807 KAR 5:002. It is obsolete as a matter of law.

(8) Assessment of expected benefits: Repeal will comply with the statute.

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: Not applicable.

(b) State whether a detrimental effect on environment and public health would result if not implemented: No

(c) If detrimental effect would result, explain detrimental effect: Not applicable.

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None exists.

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? No. This administrative regulation merely repeals an administrative regulation. Consequently, tiering is not applicable.

## ADMINISTRATIVE REGISTER - 2043

### CABINET FOR HEALTH SERVICES Department for Mental Health and Mental Retardation Services Division of Mental Retardation (New Administrative Regulation)

#### 908 KAR 2:190. Supported living services.

RELATES TO: KRS 210.770 through 210.795

STATUTORY AUTHORITY: KRS 210.770 through 210.795

NECESSITY, FUNCTION, AND CONFORMITY: The Department for Mental Health and Mental Retardation Services is promulgating administrative regulations pursuant to KRS 210.795 that shall enable provisions of KRS 210.770 to 210.795 concerning supported living services to be implemented.

Section 1. Definitions. (1) "Adaptive and therapeutic equipment" means items recommended by a physician, or therapist which promote the recipient's independent functioning and communication.

(2) "Applicant" means a person who is eligible for supported living funds and submits a completed application to the regional supported living coordinator employed by the mental health/mental retardation board located in the region where the applicant resides by the deadline established in the application.

(3) "Application" means a written request for supported living services which must be completed and submitted in accordance with Section 4 of this administrative regulation to the regional supported living coordinator.

(4) "Eligibility for services" means as stated at KRS 210.790(1).

(5) "Home modifications" means architectural changes, ramps, widening of doors, or other adaptations which need to be made to the recipient's place of residence to accommodate that person's disability.

(6) "Homemaker services" means cooking, cleaning, shopping, laundry housekeeping and practical assistance in maintaining the recipients household.

(7) "Impairment" means as stated at KRS 210.770(1) and (3).

(8) "Nominating organization" means one (1) of the organizations specified in KRS 210.775.

(9) "Personal care services" means assistance with feeding, bathing, dressing, transferring, turning, repositioning, activities of daily living, and if necessary, ambulation and emergency procedures.

(10) "Recipient" means a person who has applied and been approved for supported living funds by a Regional Supported Living Council.

(11) "Regional supported living coordinator" means a person who is responsible for fiscal and programmatic oversight of supported living funds and plans.

(12) "Regional Supported Living Council" means as stated at KRS 210.770(9) and 210.785.

(13) "Request for reconsideration" means the process to be followed when a recipient disagrees with a decision made by the regional supported living coordinator or council regarding a request for a supported living plan amendment.

(14) "Start-up grants" means an award of funds to a recipient for one (1) time expenses limited to a security deposit, down payment not to exceed ten (10) percent of the purchase price, closing costs for a home, purchase of furniture or equipment.

(15) "State Supported Living Council" means as stated at KRS 210.770(7) and 210.775.

(16) "Substantial limitation of a major life activity" means as stated at KRS 210.770(4).

(17) "Supported living" means as stated at KRS 210.770(5) and (6).

(18) "Supported living community resource developer" means a person who coordinates and assists a recipient to develop friendships, opportunities, networks, in the community on an individualized basis.

(19) "Supported living grant" means an award of funds other than

start-up grants by a Regional Supported Living Council to an applicant.

(20) "Supported living plan" means the document developed between the regional supported living coordinator and the recipient to account for the services to be provided and funds awarded as a supported living grant.

(21) "Supported living plan amendment" means a written, documented change in a supported living plan in the same fiscal year.

(22) "Transportation" means a service or mileage reimbursement for a person who transports the recipient to work or community activities.

#### Section 2. State Supported Living Council Operating Procedures.

(1) State Supported Living Council members shall:

(a) Adhere to the bylaws. Failure to act in accordance with the bylaws shall result in a request by the chairperson of the State Supported Living Council to recommend to the Governor the dismissal from the State Supported Living Council.

(b) Adhere to applicable laws and regulations concerning confidentiality.

(c) Neither influence, discuss, deliberate nor vote on decisions where the member has a personal, professional or financial interest of conflict and shall not be physically present in the meeting when such matters are discussed or voted upon.

(d) In no way assist another individual, regardless of where the person resides, to complete an application for supported living services except as provided in subsection (2) of this section.

(2) State Supported Living Council members may assist in the completion of an application for supported living services for himself, if eligible, or an eligible family member.

#### Section 3. Regional Supported Living Council Operating Procedures. (1) Regional Supported Living Council members shall:

(a) Adhere to the bylaws. Failure to act in accordance with the bylaws shall result in a request by the chairperson of the Regional Supported Living Council to recommend to the State Supported Living Council for dismissal from the Regional Supported Living Council.

(b) Adhere to applicable laws and regulations concerning confidentiality.

(c) Neither influence, discuss, deliberate nor vote on decisions where the member has a personal, professional or financial interest of conflict and shall not be physically present in the meeting when such matters are discussed or voted upon.

(d) In no way assist another individual, regardless of where the person resides, to complete an application for supported living services except as provided in Section 3(2) of this administrative regulation.

(e) Comply with the application review process as established by the State Supported Living Council and the Department for Mental Health and Mental Retardation Services for a given fiscal year.

(f) Accord all recipients the same opportunity for personal interaction with the council.

(g) Accord all applicants the same opportunity for personal interaction with the council.

(2) Regional Supported Living Council members may assist in the completion of an application for supported living services for himself, if eligible, or an eligible family member.

#### Section 4. Applicant Responsibilities. (1) The applicant shall submit a completed application to the regional supported living coordinator where the applicant wishes to reside. The application shall specify:

(a) Name;

(b) Address;

(c) Telephone number;

(d) Social Security number;

(e) Disability;

## ADMINISTRATIVE REGISTER - 2044

- (f) Type of services or supports requested;
- (g) Proposed budget.
- (2) Supported living grants shall not be used for:
  - (a) On-going rent or mortgage payments.
  - (b) Payment of medical insurance premiums or unpaid medical bills.
- (c) Supplementation of wages for staff in other publicly-funded programs.
- (d) Modifications costing over \$2,500 to rental property.
- (e) Home improvements not related to a person's disability.
- (f) Rental of a vehicle for more than thirty (30) days in a fiscal year.
- (g) Purchase of a vehicle.
- (h) Living arrangements that include more than three (3) people who are eligible for supported living unless all are related legally or biologically as a family unit.
- (i) Equipment or service which is obtainable from another program for which the applicant qualifies.
- (j) Tuition or fees to programs or activities for more than thirty (30) days in a fiscal year where the majority of the participants are eligible to apply for supported living.

Section 5. Recipient Responsibilities. (1) Recipients of supported living grants shall:

- (a) Participate in the development of a supported living plan in coordination with the supported living coordinator.
- (b) Adhere to the supported living plan and request a plan amendment for desired changes.
- (c) Negotiate with any service providing agency or any individual who provides services, either as an employee or independent contractor, about what services shall be provided.
- (2) Recipients of supported living grants who are employers shall:
  - (a) Be responsible for the computation of required employee payroll, withholdings, workers' compensation, unemployment and actual payment of required withholdings, taxes and disbursements appropriate to being an employer.
  - (b) Establish terms of employment for any employee, to include time, duties and responsibilities. This shall be in the form of a signed agreement between the recipient and the employee.
  - (c) Establish terms for any independent contract to include services to be provided and compensation. This shall be in the form of a signed agreement between the recipient and the independent contractor.
  - (d) Neither sell equipment nor other items purchased with supported living funds without written consent of regional council.
  - (e) Comply with standards as set forth in KRS 210.795.

Section 6. Termination of a Supported Living Grant. Termination of a supported living grant shall occur for the following reasons if:

- (1) Recipient does not use the funds in accordance with the principles of supported living.
- (2) Recipient does not comply with employer responsibilities if applicable.
- (3) Recipient takes up residence outside of Kentucky.
- (4) Recipient requests termination of the supported living grant.
- (5) Recipient dies.

Section 7. Reconsideration Process for Supported Living Plan or Plan Amendments. (1) Recipients who disagree with a decision by the regional supported living coordinator or Regional Supported Living Council regarding a supported living plan or plan amendment may request reconsideration, in writing, or alternative format within thirty (30) days following the notification by the regional supported living coordinator of the Regional Supported Living Council's decision.

(2) A request for reconsideration shall contain the following information and shall be submitted to the regional supported living coordinator for review by the Regional Supported Living Council:

- (a) Name.
- (b) Address.
- (c) Telephone number.
- (d) Decision(s) to be reconsidered.
- (e) Reason(s) for decision to be reconsidered.
- (f) Documentation supporting request for reconsideration.
- (g) Signature of person requesting reconsideration.
- (3) The request for reconsideration, and supporting documentation, shall be reviewed by the Regional Supported Living Council. The council shall issue a written or alternative format response to the recipient no later than seven (7) working days after a decision has been made.
- (4) The recipient may request a reconsideration by the State Supported Living Council if the Regional Supported Living Council's decision does not satisfy their request concerning a supported living plan or plan amendment.
- (a) A request for reconsideration shall contain the following information and shall be submitted to the regional supported living coordinator for review by the State Supported Living Council:
  - 1. Name.
  - 2. Address.
  - 3. Telephone number.
  - 4. Decision(s) to be reconsidered.
  - 5. Reason(s) for decision to be reconsidered.
  - 6. Documentation supporting request for reconsideration.
  - 7. Signature of person requesting reconsideration.
- (b) The request for reconsideration and supporting documentation shall be reviewed by the State Supported Living Council.
  - 1. The reconsideration shall include three (3) members of the State Supported Living Council, one (1) of whom shall be the chairperson or their designee.
  - 2. The reconsideration shall include the recipient or his designee.
  - 3. The reconsideration shall include two (2) members of the Regional Supported Living Council, one (1) of whom shall be the chairperson or their designee.
  - 4. The State Supported Living Council shall issue a written response to the recipient and the Regional Supported Living Council shall be notified of the decision and an explanation for the decision within thirty (30) days.

Section 8. Request for Administrative Hearing. (1) The recipient may request an administrative hearing if the State Supported Living Council's decision does not satisfy their request concerning a supported living plan or plan amendment.

(2) If a recipient disagrees with the determination made by the State Supported Living Council, the recipient may request an administrative hearing. The request shall be submitted no later than thirty (30) days after the receipt of the decision of the State Supported Living Council.

(3) The recipient shall submit a written request for an administrative hearing to the Commissioner of the Department for Mental Health and Mental Retardation Services, 275 East Main Street, Frankfort, Kentucky 40621 containing the following information:

- (a) Name.
- (b) Address.
- (c) Telephone number.
- (d) Decision(s) to be reconsidered.
- (e) The reason(s) the recipient disagrees with the council's decision.
- (f) Documentation supporting the recipient's disagreement.
- (g) Signature of person requesting reconsideration.
- (4) The administrative hearing process shall be in accordance with KRS Chapter 13B.

Section 9. Regional Supported Living Coordinator Responsibilities. The regional supported living coordinator shall:

- (1) Provide support to the regional council to include making



## ADMINISTRATIVE REGISTER - 2045

arrangements for meetings, sending notices and agendas to members, providing budgetary information for them to make decisions on funding, maintaining a financial account of expenditures, maintaining minutes from meetings and arranging for reimbursement for members' expenses.

(2) Disseminate applications for supported living.

(3) Provide assistance in the completion of supported living applications upon request by an eligible applicant or individual on the applicant's behalf.

(4) Receive supported living applications, document date received, send notice of receipt of application, and maintain a database of funded applicants.

(5) Maintain a database of unfunded applicants to include name, address, phone number, county, services requested and amount of funding requested.

(6) Prescreen applications to determine completeness, compliance with the instructions, and conformity with KRS 210.770(5) and (6).

(7) Upon recommendation for funding by the regional council, meet with the recipient to finalize a supported living plan within thirty (30) days of the recommendation for funding.

(8) Provide information concerning recordkeeping, taxes, worker's compensation and unemployment insurance responsibilities the recipient has related to the supported living plan.

(9) Maintain supported living plans which are currently funded, including the receipt of bills, checking against the plan, approving for payment, and keeping a record of payments.

(10) Arrange for billing and payment directly to a vendor for one (1) time expenditures and follow-up either by visit or telephone, within ninety (90) days, to determine if the vendor delivered the service or equipment.

(11) Attend trainings and meetings for regional supported living coordinators.

(12) Submit quarterly reports to the Division of Mental Retardation Services regarding expenditures and activities.

(13) Contact the appropriate nominating agency as governed by KRS 210.775(2)(b) and 210.785 to notify them of the need for a nomination(s) to replace an individual on the Regional Supported Living Council.

Section 10. Contract Agency Responsibilities. The contract agency for supported living funds shall:

(1) Implement the supported living program in accordance with KRS 210.770.

(2) Assume fiscal accountability for the state funds designated for the program.

(3) Provide necessary administrative support personnel within the contract agency office.

(4) Provide liability insurance for the Regional Supported Living Council.

(5) Establish a cost center and record staff costs for working with the regional council, applicants, recipients and administrative duties.

(6) Establish a budget with the Regional Supported Living Council for council expenses on a fiscal year basis.

(7) Maintain files and records, including applications, recipient plans, and quarterly reports.

Section 11. Department for Mental Health/Mental Retardation Services Responsibilities. The Department for Mental Health/Mental Retardation Services shall:

(1) With the State Supported Living Council, establish deadlines, budgets and priorities for supported living funds.

(2) Maintain aggregate financial and programmatic data.

(3) Advocate for program expansion.

(4) Provide technical assistance and training for the supported living program.

(5) Regularly inform the nominating organizations per KRS

210.775(2)(b) and 210.785 of their responsibility to solicit nominations for both the State and Regional Supported Living Councils.

Section 12. Nominating Organizations' Responsibilities. Nominating organizations shall:

(1) Solicit nominations of qualified nominees per their designated category to serve on both the State and Regional Supported Living Councils in accordance with KRS 210.775.

(2) Submit the biography form to the Director, Division of Mental Retardation Services, 275 East Main Street, Frankfort, Kentucky 40621.

ELIZABETH REHM WACHTEL, Commissioner

JOHN H. MORSE, Secretary

APPROVED BY AGENCY: February 13, 1998

FILED WITH LRC: February 13, 1998 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held Monday, March 23, 1998 at 9 a.m. in the Health Services Auditorium, First Floor, Health Services Building, 275 East Main Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by Monday, March 16, 1998, five (5) days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: Mae B. Lewis, Cabinet Regulation Coordinator, Cabinet for Health Services, Office of Counsel, 275 East Main Street, 4W-C, Frankfort, Kentucky 40621, (502) 564-7905, (502) 564-7573 (FAX).

### REGULATORY IMPACT ANALYSIS

Agency Contact Person: Elizabeth Rehm Wachtel, Ph.D., Commissioner

(1) Type and number of entities affected: There are 14 Regional Supported Living Councils which are affected. These councils are charged with the responsibility of administering the funds for this program. Benefits expected from the administrative regulation are to promote consistency and clarity of operating procedures and practices for the State Supported Living Council, Regional Supported Living Councils, supported living applicants and recipients in order to safeguard the principles and intent of KRS Chapter 210.

(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: 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 comment received: None

(3) Effects on the promulgating administrative body: Minimal

(a) Direct and indirect cost or savings:

1. First year: There will be some costs providing technical assistance to the councils, but the cost will be minimal.

2. Continued cost or savings: Same as the first year.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Minimal

(4) Assessment of anticipated effect on state and local revenues: None

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Existing general and agency funds.



## ADMINISTRATIVE REGISTER - 2046

(6) To the extent available from the public comment received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: A public hearing pertaining to the Notice of Intent was held on October 30, 1997 and no comments relating to economic impact from these administrative regulations were received.

(b) Kentucky: A public hearing pertaining to the Notice of Intent was held on October 30, 1997 and no comments relating to economic impact on Kentucky were received.

(7) Assessment of alternative methods; reasons why alternatives were rejected: Regulations are being promulgated to implement Sections 1-6 of KRS Chapter 210 for the Supported Living Program.

(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: None

(9) Identify any statute, administrative regulation or governmental policy which may be in conflict, overlapping, or duplication: There is no statute, administrative regulation, or governmental policy in conflict.

(a) Necessity of proposed regulation if in conflict: None in conflict.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None in conflict.

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? No. Tiering was not used since the requirements apply equally to all programs.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE  
Minutes of February 11, 1998

The February meeting of the Administrative Regulation Review Subcommittee was held on Wednesday, February 11, 1998 at 8:30 a.m. in Room 125 of the Capitol Annex. Representative John Arnold, Chairman, called the meeting to order, and the roll call was taken. The minutes of the January 14, 1998 meeting were approved.

**Present were:**

**Members:** Representative John Arnold, Chairman; Senators Joey Pendleton, Nick Kafoglis, and Dick Roeding; Representatives Jimmy Lee, Woody Allen and James Bruce.

**LRC Staff:** Greg Karambellas, Donna Little, Stephen Lynn, Susan Wunderlich, Angela Phillips, Donna Valencia, Veronica Power.

**Guests:** Richard Casey, Linda Renschler, KHEAA; Michael A. Mone', Board of Pharmacy; Larry Perkins, Aubrey D. May, Cheryl Lalonde-Mooney, Board of Professional Engineers and Land Surveyors; Nathan Goldman, Board of Nursing; Dave Nicholas, Division of Occupations and Professions; James Halvatgis, Department of Veterans Affairs; Pete Pfeiffer, Mark Marraccini, Tom Bennett, Scott Porter, Department of Fish and Wildlife Resources; Larry Hatfield, Bobbie Butler, Rachel Hoskins, Mark Farrow, Department of Agriculture; Mark Mangeot, Carl E. Campbell, Jim Villines, Ronald Mills, Natural Resources and Environmental Protection Cabinet; Brenda Priestley, Tamela Biggs, Jack Damron, Department of Corrections; Sandra Pullen Davis, Transportation Cabinet; Walt Turner, Donna Elsen Floyd, Department of Workers' Claims; Sharron S. Burton, Department of Insurance; Eric Friedlander, John Gray, Jayne M. Arnold, Joni Cracraft, Ellen Hesen, Rae C. Williams, D. W. Swain, Ruth Friedheim, Joyce Lea, Rosanne Barkley, Cookie Whitehouse, Departments for Health Services and Families and Children; Michael D. Baker, Newberry, Hargrave & Rambourne; Jeffrey L. Durham, Mediplex Rehabilitation Hospital; Dr. Julie Watts McKee, Public Health Home Health Alliance; Bill Doll, Kentucky Medical Association; Cynthia Dunn, Bluegrass Orthopaedics; Michael W. Wooden, Columbia/HCA; Dot Darby, Baptist Healthcare System; Rosanne Nields, Robert Stevens, St. Elizabeth Medical Center and Baptist Health Systems; Beth Monarch, Cardinal Hill Hospital; Susan A. Downs, Samuel G. Carneal, Samaritan Hospital; Lisa English Hinkle, Samaritan Hospital, Lexington Laser Vision, Pikeville Methodist Hospital; A. Cristene, PHNB; Marian T. Hayden, KHA; Joe curd, Jr., Kentucky Association of Professional Land Surveyors; Buddy Adams; Ted Bradshaw, IIAK; Peggy Kreimer, Kentucky Post; Robert L. Barnett, Kentucky Pharmacists Association; Jim Carlross, KAR; Ronny Pryor, Sam Crawford, Kentucky Farm Bureau; Glenn Rapp, EPI; Roy F. Gividen; Karen Hinkle, Kentucky Home Health Association; Ruby Jo Cummins, KAHCF; Sarah S. Nicholson, Nancy Galvagni, Kentucky Hospital Association; Lowell Reese, Kentucky Roll Call; James Todd Flowers; Vince Guenther, Louisville Water Company.

The Subcommittee determined that the following administrative regulations, as amended by the promulgating agency and the Subcommittee, complied with statutory requirements:

**Kentucky Higher Education Assistance Authority: KHEAA Grant Programs**

11 KAR 5:130. Student application. Richard Casey, General Counsel, and Linda Renschler, Student Aid Manager, represented the Authority.

In response to questions by Senator Roeding, Mr. Casey stated that: (1) KHEAA was the acronym for Kentucky Higher Education Assistance Authority; (2) there were two types of KHEAA grants: (a) college access program (CAP) grants; and (b) Kentucky tuition grants; (3) to apply for a KHEAA grant, a student was required to submit the Free Application for Federal Student Aid; and (4) the information filled out on the application form was analyzed to determine the actual financial need of the student.

In response to a question by Senator Roeding, Ms. Renschler stated that: (1) the central processor sent the application information directly to the Authority; and (2) because both the college access and Kentucky tuition grant programs were need-based programs, the Authority needed documented financial need.

This administrative regulation was amended as follows: (1) the NECESSITY, FUNCTION, AND CONFORMITY paragraph was amended to clearly state the necessity for and function served by the administrative regulation, as required by KRS 13A.220(3)(f); (2) Section 1(3) was amended to clarify the eligibility requirements for a KHEAA grant; and (3) Sections 1(1) and 2(2) were amended to comply with the: (a) format requirements of KRS 13A.220(4); and (b) drafting requirements of KRS 13A.222(4).

**Board of Pharmacy**

201 KAR 2:030. License transfer. Michael Moné, Executive Director, Pharmacy Board appeared before the Subcommittee. Subcommittee staff stated that, while KRS 315.210 used the words "exchange license certificates" to refer to reciprocity, and was titled "reciprocity", the term "license transfer" was permitted and correct because it was: (a) used by state pharmacy boards and associations; and (b) not prohibited or restricted by KRS Chapter 315.

This administrative regulation was amended as follows: (1) the RELATES TO paragraph was amended to insert sections of KRS 315.191(1) that relate to this administrative regulation; (2) the STATUTORY AUTHORITY paragraph was amended to insert sections of KRS 315.191(1) that granted the Board regulatory authority over the subject matter of this administrative regulation; (3) The NECESSITY, FUNCTION, AND CONFORMITY paragraph was amended, pursuant to KRS 13A.220(3)(f), to state the necessity for, and function of, this administrative regulation; (4) all sections were amended to comply with the: (a) format requirements of KRS 13A.220; and (b) drafting requirements of KRS 13A.222; (5) Section 1, Definitions, was amended establish a definition for: (a) the Pharmacy Board; (b) National Association of Boards of Pharmacy; and (c) the term, "license transfer"; (6) Section 2 was amended to clearly establish the eligibility requirements for license transfer; (7) Section 3 was amended to: (a) establish the information required by the National Association of Board of Pharmacies Preliminary Application, which must be completed in the application process for license transfer; and (b) delete language relating to the fee required by 201 KAR 2:050, Section 1(3), because the fee requirement should be in a separate section; (8) Section 4 was amended to clearly state that reciprocity shall be granted to applicants from states that: (a) are active members of the National Association of Board of Pharmacies; and (b) grants license transfers on the same conditions established by Kentucky; (9) Section 5 was amended to: (a) make it clear that an applicant must appear before the Board, or a Board member, to take the jurisprudence examination; and (b) delete language, relating to the requirement for those who have not been actively engaged in the practice of pharmacy for the year preceding the application for reciprocity to take a practical exam, from Section 5 and place it in new Section 6; (10) Section 7 was created to include language requiring payment of the license fee required by 201 KAR 2:050, Section 1(3), that was deleted from Section 3; and (11) pursuant to KRS 13A.110 and 13A.221(2), Section 8 was created to incorporate the form required by this administrative regulation, the National Association of Board of Pharmacies Preliminary Application form.

**Board of Registration for Professional Engineers and Land Surveyors**

201 KAR 18:150. Standards of practice. Larry Perkins, Director; Cheryl Lalonde-Mooney, Assistant Attorney General; and Aubrey May, Chairman, represented the Board.

## ADMINISTRATIVE REGISTER - 2048

In response to a question by Representative Lee, Mr. Perkins stated that this administrative regulation did not govern continuing education.

This administrative regulation was amended as follows: (1) Section 2 was amended to clarify that the standards of practice established in the administrative regulations were the minimum standards of practice for a professional land surveyor; (2) Section 9(4)(c) was amended to require a written description of a parcel boundary to include a dated signature and the seal of the professional land surveyor responsible for and in charge of the survey; and (3) Sections 1, 3, and 5 through 11 were amended to comply with the: (a) format requirements of KRS 13A.220(4); and (b) drafting requirements of KRS 13A.222(4).

### Board of Examiners of Psychologists

201 KAR 26:260. Status of persons credentialed by the board. Dave Nicholas, Director, Division of Occupations and Professions, represented the Board.

Mr. Nicholas stated that: (1) he was the Director of the Division of Occupations and Professions; and (2) the Division provided administrative services to seventeen different licensure boards or commissions, including the Board of Examiners of Psychology.

This administrative regulation was amended as follows: (1) the NECESSITY, FUNCTION, AND CONFORMITY paragraph was amended to clearly state the necessity for and function served by the administrative regulation, as required by KRS 13A.220(3)(f); and (2) Sections 1 and 2 were amended to: (a) clarify that a person licensed or certified by the board under KRS Chapter 319 shall: 1. be deemed licensed by the board; and 2. use the title that corresponds to the level of licensure or certification; and (b) comply with the: 1. format requirements of KRS 13A.220(4); and 2. drafting requirements of KRS 13A.222(4).

### Department of Veterans Affairs

201 KAR 37:010. Kentucky Veterans' Program Trust Fund, implementation of program. Jim Halvatgis, Deputy Commissioner, represented the Department.

Subcommittee staff stated that: (1) the initial staff review stated that the Department of Veterans' Affairs did not have the statutory authority to promulgate this administrative regulation because KRS 40.450(3) required the Department of Military Affairs to promulgate administrative regulations required for the effective administration of KRS 40.410 to 40.560; (2) while KRS 40.460(2)(b) was within the range of statutes covered by KRS 40.450(3), KRS 40.460(2)(b) specifically required the Department of Veterans' Affairs to administer the Veterans' Program Trust Fund; (3) in order to administer a program, an administrative body was required by KRS 13A.100, 13A.120, and 13A.130 to promulgate an administrative regulation; (4) the administrative regulation promulgated by the Department of Veterans' Affairs did not deal with issues other than the administration of the program it was required to administer; (5) the Department of Military Affairs had established the application process and the required forms for the veterans' bonus program; and (6) because the Department of Veterans' Affairs was required to promulgate an administrative regulation in order to administer the Fund, statutory authority existed for the administrative regulation.

This administrative regulation was amended as follows: (1) the TITLE was amended to clarify that the administrative regulation governed the administration of the fund, rather than the implementation of the fund; (2) the STATUTORY AUTHORITY paragraph was amended to correct a statutory citation; (3) Section 3 was amended to clearly establish the: (a) members of the Board of Directors; and (b) terms of the members; and (4) Sections 2 and 3 were amended to comply with the: (a) format requirements of KRS 13A.220(4); and (b) drafting requirements of KRS 13A.222(4).

### Tourism Development Cabinet: Department of Fish and Wildlife Resources: Fish

301 KAR 1:300. Reciprocal waters on Dale Hollow Lake. Tom Bennett, Commissioner; Pete Pfeiffer, Director, Division of Fisheries; and Scott Porter, Assistant Attorney General, represented the Department.

This administrative regulation was amended as follows: (1) the RELATES TO paragraph was amended to correct statutory citations; (2) Section 1 was amended to correct the spelling of Wolf River; and (3) Section 3 was amended to comply with the: (a) format requirements of KRS 13A.220(4); and (b) drafting requirements of KRS 13A.222(4).

301 KAR 1:310. Reciprocal waters on the Big South Fork. This administrative regulation was amended as follows: (1) the RELATES TO paragraph was amended to correct statutory citations; and (2) Section 3 was amended to comply with the: (a) format requirements of KRS 13A.220(4); and (b) drafting requirements of KRS 13A.222(4).

### Department of Agriculture: Division of Regulation and Inspections: Egg Marketing

302 KAR 10:060. Consumer grades. Mark Farrow, General Counsel; Larry Hatfield, Director; and Bobbie Butler, Program Administrator, represented the Department.

In response to a question by Senator Roeding, Mr. Farrow stated that the minimum weight for individual eggs at a rate per dozen within the small weight class was changed from 20 ounces to 17 ounces, to conform Kentucky's consumer grades to the federal regulations.

This administrative regulation was amended as follows: (1) the RELATES TO and STATUTORY AUTHORITY paragraphs were amended to correct statutory citations; (2) the NECESSITY, FUNCTION, AND CONFORMITY paragraph was amended to clearly state the necessity for and function served by the administrative regulation, as required by KRS 13A.220(3)(f); (3) Section 2(1) was amended to correct the minimum weight for individual eggs at a rate per dozen within the small weight class from 20 ounces to 17 ounces; and (4) Sections 1 and 2 were amended to: (a) clarify that shell eggs offered for sale in Kentucky as graded eggs shall be classified as Kentucky consumer grade AA, A, or B; and (b) comply with the: 1. format requirements of KRS 13A.220(4); and 2. drafting requirements of KRS 13A.222(4).

### Justice Cabinet: Department of Corrections: Division of Adult Institutions: Office of the Secretary

501 KAR 6:180 & E. Infectious diseases. Jack Damron and Tamela Biggs, Staff Attorneys, represented the Department.

This administrative regulation was amended as follows: (1) the RELATES TO and STATUTORY AUTHORITY paragraphs were amended to correct statutory citations; (2) the NECESSITY, FUNCTION, AND CONFORMITY paragraph was amended to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220(3)(f); (3) pursuant to KRS 13A.222(4)(a): (a) Section 1 was amended to clearly establish the definition of "serious infectious disease"; (b) Section 2(3) was amended to clearly designate the tests for serious infectious disease to which a high risk inmate may be subjected; (c) Section 3(2) was amended to clearly direct that an inmate follow precautions to prevent transmission of disease as instructed by the medical department; and (d) Section 4(1) was amended to clearly designate that appropriate care be prescribed by the medical staff; (4) Sections 2, 3, and 4 were amended to comply with the drafting requirements of KRS 13A.222(4); and (5) Section 3(3) was amended to comply with the formatting requirements of KRS 13A.220(4).

### Transportation Cabinet: Office of Minority Affairs

600 KAR 4:010. Certification of disadvantaged, minority and women business enterprises. Sandra Pullen Davis, Staff Assistant, represented the Cabinet.

## ADMINISTRATIVE REGISTER - 2049

This administrative regulation was amended as follows: (1) the RELATES TO, STATUTORY AUTHORITY, and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 4 and 10 were amended to correct statutory citations; (2) Sections 2(1), 14, and 17 were amended to change the effective dates of federal regulations to reflect the most recent versions of the regulations; (3) Sections 5(12) and 11(5) were amended to correct internal cross-references; (4) Sections 7 and 17 were amended to include the name of the required form; and (5) Sections 4, 5, 6, and 13 were amended to comply with the: (a) format requirements of KRS 13A.220(4); and (b) drafting requirements of KRS 13A.222(4).

### **Cabinet for Families and Children: Department for Social Insurance: Division of Management and Development: Public Assistance**

904 KAR 2:006 & E. Technical requirements for the Kentucky Transitional Assistance Program (K-TAP). Ruth Friedheim, Joyce Lea, Rosanne Barkley, Department for Social Insurance, appeared before the Subcommittee. Subcommittee staff stated that material relating to work registration in this administrative regulation was deleted and transferred to 904 KAR 2:370, which governs work registration.

This administrative regulation was amended to: (1) delete work registration requirements, including the form for work registration; and (2) correct drafting and format errors, pursuant to KRS 13A.200 and 13A.222.

904 KAR 2:370 & E. Technical requirements for Kentucky Works. This regulation was amended to: (1) insert work registration requirements that were deleted from 904 KAR 2:006, because this administrative regulation governed work registration requirements; and (2) establish the requirements to be included in the work site agency agreement, and which must be met by a training site agency, including: (a) prohibitions against discrimination; (b) compliance with applicable statutes relating to the work environment; (c) required forms, records, and reports, relating to personnel matters such as injuries, hours; (d) the right of participants to appeal; (e) prohibition of partisan political activity; (f) confidentiality of information relating to participants; (f) Cabinet access to records and facility, including Cabinet inspections; and (g) holding the Cabinet harmless from losses, etc., due to negligent acts of the training site agency; and (3) incorporate material by reference.

In response to a question by Chairman Arnold, Subcommittee staff stated that the prohibition against political activity was a prohibition against: (1) partisan political activities by participants in the program and the work site agency; and (2) forcing participants, or using the job or program, to engage in partisan political activity.

**The Subcommittee determined that the following administrative regulations complied with statutory requirements:**

### **Board of Registration for Professional Engineers and Land Surveyors**

201 KAR 18:132. Repeal of 201 KAR 18:130. Larry Perkins, Director; Cheryl Lalonde-Mooney, Assistant Attorney General; and Aubrey May, Chairman, represented the Board.

In response to a question by Representative Lee, Mr. Perkins stated that this administrative regulation: (1) repealed 201 KAR 18:130, because it contained language that duplicated the provisions of another administrative regulation; and (2) did not establish or change current requirements.

201 KAR 18:162. Repeal of 201 KAR 18:160.

### **Transportation Cabinet: Professional Engineering and Related Services**

600 KAR 6:010. Definitions. Sandra Pullen Davis, Staff Assistant, represented the Cabinet.

600 KAR 6:040. Prequalification of firms for professional engineering or related services. In response to a question by Representa-

tive Bruce, Ms. Davis stated that: (1) this administrative regulation required that a firm have professional liability insurance to: (a) be prequalified; or (b) design construction engineering projects for the state; and (2) even though most firms already had professional liability insurance, Mr. Codell, Secretary of the Transportation Cabinet, thought the Cabinet should determine in advance if a firm had professional liability insurance.

600 KAR 6:070. Contracting for professional engineering or related services. In response to a question by Senator Roeding, Ms. Davis stated that: (1) this administrative regulation authorized the Cabinet to require a company in certain situations to have project-specific liability insurance, rather than professional liability insurance for the firm; and (2) the consulting engineering community had requested that a specific policy would be best for certain projects, including a joint venture to provide engineering services.

### **Department of Vehicle Regulation: Division of Motor Vehicle Enforcement: Division of Motor Carriers**

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

### **Commercial Driver's License**

601 KAR 11:040. Medical waivers for intrastate operators of commercial motor vehicles. In response to a question by Chairman Arnold, Ms. Davis stated that: (1) this administrative regulation authorized medical waivers for intrastate operators of commercial motor vehicles; (2) when Congress enacted the commercial driver licensing law: (a) Congress authorized states to have a lesser or different standard for drivers who operated solely in intrastate commerce, rather than in interstate commerce; and (b) Kentucky enacted a commercial driver's license law to conform to the federal mandate; and (3) Kentucky: (a) had agreed with the House Transportation Committee to continue with the medical waivers that had been issued through the Medical Review Board; and (b) was following federal guidelines.

In response to a question by Senator Pendleton, Ms. Davis stated that: (1) the federal government was conducting evaluations: (a) on several of the different types of medical conditions; and (b) to determine if additional waivers should be permitted for interstate commerce; (2) along with other states that provided intrastate waivers, Kentucky provided data on state-issued waivers to assist the federal government in that evaluation; (3) the federal government was experimenting on an interstate basis the effect of granting waivers for particular conditions based on testimony from physicians that the condition did not pose a problem that would affect the operation of a motor vehicle; and (4) if he wanted information on a specific condition shared with the federal government, she would send that information on his behalf.

In response to a question by Senator Roeding, Ms. Davis stated that: (1) the primary reason for the amendment to this administrative regulation was to incorporate by reference the new forms required to apply for an intrastate waiver; and (2) all interstate waivers were: (a) honored by Kentucky; and (b) obtained from federal government, which had preempted interstate commerce activities.

### **Labor Cabinet: Department of Workers' Claims**

803 KAR 25:015. Issuance of citations and procedure in workers' compensation enforcement hearings. Walter Turner, Commissioner; and Donna Floyd, Staff Attorney, represented the Department.

Mr. Turner stated that this administrative regulation was amended to: (1) be consistent with KRS Chapter 13B; and (2) authorize the commissioner to issue a show cause order before issuing a citation to allow informal resolution of problems.

803 KAR 25:120. Training or education programs eligible for retraining incentive benefits. Mr. Turner stated that: (1) this administrative regulation was: (a) promulgated to comply with changes in the workers' compensation laws: 1. enacted during the 1996 First Extraordinary Session of the General Assembly; and 2. regarding retraining incentive benefits for coal miners; and (b) amended to

## ADMINISTRATIVE REGISTER - 2050

require a former coal miner to attend a retraining institute as a condition of receiving the \$350 payment authorized by KRS 342.732; (2) KRS 342.732 authorized the payment of: (a) up to \$350 for current beneficiaries per week as a retraining incentive benefit; (b) \$5000 for tuition; and (c) a reimbursement for relocation expenditures, if money was left over; and (3) while this administrative regulation established registration provisions for qualified retraining programs, a program that participated in a student financial aid program administered by the Kentucky Higher Education Assistance Authority was exempt from the registration requirements.

### **Cabinet for Families and Children: Department for Social Insurance: Division of Management and Development: Public Assistance**

904 KAR 2:016 & E. Standards for need and amount for the Kentucky Transitional Assistance Program (K-TAP).

904 KAR 2:017 & E. Kentucky Works child care and supportive services. In response to a question by Chairman Arnold relating to the basis for the promulgation of an emergency administrative regulation, agency personnel stated that an emergency administrative regulation was promulgated in order to comply with the federal mandate relating to the TANF block grant as quickly as possible to maximize the amount of money coming to the state.

Subcommittee staff stated the issues raised by the Initial Review and the response to the issues, as follows: (1) Reconciliation of discrepancies between estimated and actual transportation costs: FORM PA-33, incorporated by reference, was: (a) the verification of education, training, child care, and transportation costs; (b) returned by the recipient; (c) a low estimate of days attended is corrected up to the maximum of \$60 per month, under normal circumstances; (2) Standard for low cost transportation: (a) determination of the type of transportation and associated cost was made with the participant and case manager; and (b) Section 8 of this regulation contained the standards for the transportation payment authorization and amount; (3) Documentation to receive supportive service payments: (a) additional steps and documentation was not required by this administrative regulation; (b) Form PA 32 was the form for requests for supportive service; (c) Form PA 33 was the form for verification of education/training, child care, and transportation; (d) both forms were incorporated by reference in this administrative regulation; and (4) Revision of child care system costs: \$0 cost was stated for the second and following years, because the first year costs of \$2 million were start-up costs that would not be incurred in the second and following years.

904 KAR 2:050 & E. Time and manner of payments.

Pursuant to KRS 197.025, 61.815(2), 61.810(1)(i) and (k), the Subcommittee went into closed session to consider the following Department of Corrections administrative regulations relating to the security and control of inmates and penitentiaries:

### **Justice Cabinet: Department of Corrections: Division of Adult Institutions: Office of the Secretary**

501 KAR 6:020. Corrections policies and procedures. Jack Damron and Tamela Biggs, Staff Attorneys, represented the Department.

The Department had filed an amendment to this administrative regulation to delete material that related to the security and control of inmates and penitentiaries.

At the February 11, 1998, meeting of the Administrative Regulation Review Subcommittee, this administrative regulation was amended to incorporate policies that: (1) did not relate to the security and control of inmates and penitentiaries; and (2) had been deleted from this administrative regulation and transferred to 501 KAR 6:999, Corrections secured policies and procedures.

The following policies were incorporated by reference: (1) CPP 8.1 "Occupational Exposure to Bloodborne Pathogens"; (2) CPP 8.2

"Fire Safety"; and (3) CPP 9.5 "Execution".

501 KAR 6:030. Kentucky State Reformatory. The Department had filed an amendment to this administrative regulation to delete material that related to the security and control of inmates and penitentiaries.

Additional amendments were not made at the February 11, 1998, meeting of the Administrative Regulation Review Subcommittee.

501 KAR 6:040. Kentucky State Penitentiary. The Department had filed an amendment to this administrative regulation to delete material that related to the security and control of inmates and penitentiaries.

Additional amendments were not made at the February 11, 1998, meeting of the Administrative Regulation Review Subcommittee.

501 KAR 6:090. Frankfort Career Development Center. The Department had filed an amendment to this administrative regulation to delete material that related to the security and control of inmates and penitentiaries.

Additional amendments were not made at the February 11, 1998, meeting of the Administrative Regulation Review Subcommittee.

501 KAR 6:110. Roederer Correctional Complex. The Department had filed an amendment to this administrative regulation to delete material that related to the security and control of inmates and penitentiaries.

At the February 11, 1998, meeting of the Administrative Regulation Review Subcommittee, this administrative regulation was amended to incorporate policies that: (1) did not relate to the security and control of inmates and penitentiaries; and (2) had been deleted from this administrative regulation and transferred to 501 KAR 6:999, Corrections secured policies and procedures.

The following policies were incorporated by reference: (1) RCC 08-01-01 "Fire Prevention"; and (2) RCC 09-04-03 "Duties and Responsibilities of the Fire and Safety Officer".

501 KAR 6:120. Blackburn Correctional Complex. The Department had filed an amendment to this administrative regulation to delete material that related to the security and control of inmates and penitentiaries.

At the February 11, 1998, meeting of the Administrative Regulation Review Subcommittee, this administrative regulation was amended to incorporate policies that: (1) did not relate to the security and control of inmates and penitentiaries; and (2) had been deleted from this administrative regulation and transferred to 501 KAR 6:999, Corrections secured policies and procedures.

The following policies were incorporated by reference: (1) BCC 09-03-01 "Inmate Identification"; (2) BCC 09-10-03 "Development of Institutional Post Orders"; (3) BCC 09-14-01 "Prohibiting Inmate Authority Over Other Inmates"; (4) BCC 09-18-01 "Use of State Vehicles and Staff Owned Vehicles"; and (5) BCC 09-19-01 "Duties and Responsibilities of the Institutional Captain".

501 KAR 6:170. Green River Correctional Complex. The Department had filed an amendment to this administrative regulation to delete material that related to the security and control of inmates and penitentiaries.

Additional amendments were not made at the February 11, 1998, meeting of the Administrative Regulation Review Subcommittee.

501 KAR 6:999. Correction's secured policies and procedures. The Department had filed this new administrative regulation to contain all policies that related to the security and control of inmates and penitentiaries.

At the February 11, 1998, meeting of the Administrative Regulation Review Subcommittee, this administrative regulation was amended to delete the following policies that did not relate to the security and control of inmates and penitentiaries: (1) BCC 09-03-01 "Inmate Identification"; (2) BCC 09-10-03 "Development of Institutional Post Orders"; (3) BCC 09-14-01 "Prohibiting Inmate Authority Over Other Inmates"; (4) BCC 09-18-01 "Use of State Vehicles and Staff Owned Vehicles"; (5) BCC 09-19-01 "Duties and Responsibilities of the Institutional Captain"; (6) CPP 8.1 "Occupational Exposure to

## ADMINISTRATIVE REGISTER - 2051

Bloodborne Pathogens"; (7) CPP 8.2 "Fire Safety"; (8) CPP 9.5 "Execution"; (9) RCC 08-01-01 "Fire Prevention"; and (10) RCC 09-04-03 "Duties and Responsibilities of the Fire and Safety Officer".

The Subcommittee determined that the following emergency administrative regulation did not meet the requirements for an emergency administrative regulation established by KRS 13A.190:

### Board of Nursing

201 KAR 20:370E. Applications for licensure and registration. Nathan Goldman, General Counsel, represented the Board.

Subcommittee staff stated that because the Initial Staff Review of this administrative regulation questioned the need for an emergency administrative regulation under the provisions of KRS 13A.190, Mr. Goldman wanted to explain the need for an emergency administrative regulation.

Mr. Goldman stated that: (1) an emergency administrative regulation was promulgated because: (a) the existing administrative regulation included provisions that negatively impacted a group of people who were: 1. ready to take the nursing examination; and 2. solely because of existing provisions, not eligible to take the examination; and (b) without the promulgation of an emergency administrative regulation, these people would have been prohibited from taking the examination from January 1 until an ordinary administrative regulation would have become effective; and (2) this emergency administrative regulation amended existing provisions to permit the individuals to take the examination.

In response to questions by Senator Roeding, Mr. Goldman stated that: (1) the existing administrative regulation: (a) prohibited a person with a misdemeanor conviction within two years of the date of application from taking the examination; (b) went into effect on January 1; and (c) could not be amended in a timely fashion without an emergency administrative regulation; (2) the Board: (a) wanted to change the prohibition to allow an individual with a misdemeanor conviction within two years of the date of application to take the examination; and (b) felt the prohibition was too restrictive, since it prohibited a person convicted of a misdemeanor from taking the examination; (3) the emergency administrative regulation allowed an applicant between January 1 and April, or May, when an ordinary administrative regulation would become effective, to take the examination; (4) each case would be reviewed individually by the Board to determine if a misdemeanor was serious enough or of a character to affect an applicant's qualifications to practice nursing; and (5) two examples of minor misdemeanors that would not affect an applicant's ability to practice nursing included: (a) disorderly conduct; and (b) hunting or fishing without a license.

In response to questions by Chairman Arnold, Mr. Goldman stated that: (1) the emergency administrative regulation was promulgated to permit a person who had been convicted of a misdemeanor to take the licensure test; (2) because the examination was done by computer, the examination: (a) was not scheduled for a particular date and time; and (b) could be taken by an applicant as soon as the applicant graduated; and (3) under the existing administrative regulation, an applicant with a misdemeanor conviction would not have been eligible to take the examination upon graduation.

Chairman Arnold stated that: (1) he did not believe this emergency administrative regulation met the criteria established in KRS 13A.190 for the promulgation of an emergency administrative regulation; and (2) the Board had abused the emergency administrative regulation process by promulgating a nonemergency administrative regulation as an emergency administrative regulation.

Senator Roeding: (1) stated that he objected to this administrative regulation; and (2) moved that the Subcommittee request the Governor to remove the finding of emergency because this administrative regulation did not meet the requirements of KRS 13A.190.

Without objection, the Subcommittee approved a motion by

Senator Roeding, seconded by Chairman Arnold, to request the Governor to remove the finding of emergency because the administrative regulation did not meet the requirements of KRS 13A.190.

The following administrative regulations were deferred to the next Subcommittee meeting upon agreement by the Subcommittee and the promulgating agency:

### Tourism Development Cabinet: Department of Fish and Wildlife Resources: Game

301 KAR 2:221E. Waterfowl seasons and limits.

301 KAR 2:222E. Waterfowl hunting requirements.

### Natural Resources and Environmental Protection Cabinet: Department for Environmental Protection: Division for Air Quality: New Source Performance Standards

401 KAR 60:750. Standards of performance for municipal solid waste landfills.

#### Existing Source Standards

401 KAR 61:036. Emission guidelines and compliance times for municipal solid waste landfills.

### Department for Surface Mining Reclamation and Enforcement: Permits

Carl Campbell, Commissioner, Department of Surface Mining, appeared before the Subcommittee. The following administrative regulations were deferred until the March, 1998, meeting of the Subcommittee, at the request of the Subcommittee in order to give the Cabinet sufficient time to: (1) review the amendments suggested by Subcommittee staff; and (2) meet with groups that have raised objections to these administrative regulations.

405 KAR 8:001. Definitions for 405 KAR Chapter 8.

405 KAR 8:030. Surface coal mining permits.

405 KAR 8:040. Underground coal mining permits.

### Performance Standards for Surface Mining Activities

405 KAR 16:001. Definitions for 405 KAR Chapter 16.

405 KAR 16:060. General hydrologic requirements.

405 KAR 16:090. Sedimentation ponds.

405 KAR 16:100. Permanent and temporary impoundments.

405 KAR 16:160. Coal mine waste dams and impoundments.

### Performance Standards for Underground Mining Activities

405 KAR 18:001. Definitions for 405 KAR Chapter 18.

405 KAR 18:060. General hydrologic requirements.

405 KAR 18:090. Sedimentation ponds.

405 KAR 18:100. Permanent and temporary impoundments.

405 KAR 18:160. Coal mine waste dams and impoundments.

405 KAR 18:210. Subsidence control.

### Justice Cabinet: Department of Juvenile Justice: Child Welfare

505 KAR 1:040 & E. DJJ policies and procedures manual.

### Transportation Cabinet: Department of Vehicle Regulation: Division of Motor Vehicle Enforcement: Division of Motor Carriers

601 KAR 1:146. Fair market rental or lease value of vehicles operated pursuant to a U-drive-it permit.

601 KAR 1:147. Auditing of U-drive-it permit holders.

### Board of Education: Department of Education: Bureau for District Support Services: School Administration and Finance

702 KAR 3:110. Document filing dates.

### Bureau of Learning Results Services: Assistance and Intervention Services

703 KAR 3:060. Procedures for determining rewards and sanctions.

#### Learning Results Services

703 KAR 4:110. Code of ethics for state required testing.

**Education Professional Standards Board: Board**

704 KAR 20:015E. Rank I classification.

704 KAR 20:021E. Planned Fifth-year Program.

704 KAR 20:022E. Continuing education alternative to Planned Fifth-year Program.

704 KAR 20:045E. Recency and certification fees.

704 KAR 20:060E. Renewals.

**Department of Insurance: Assets and Liabilities**

806 KAR 6:100E. Actuarial opinion and memorandum. Representative Bruce stated that: (1) while he agreed to the deferral of this administrative regulation and 806 KAR 17:110E, he had a problem with the Department of Insurance that he wanted the Subcommittee to address; (2) the Department wanted to increase insurance rates by 20 to 25% for sports utility vehicles; (3) he wanted the Subcommittee to draft a letter expressing its displeasure with that decision; and (4) as chairman of the Banking and Insurance Committee, he would make an appropriate amendment to take care of this issue.

**Health Insurance Contracts**

806 KAR 17:110E. Establishment of the Kentucky Risk Assessment and Risk Adjustment System.

**Cabinet for Health Services: Office of Certificate of Need: Certificate of Need**

900 KAR 6:050 & E. Certificate of need administrative regulations. (See discussion below 902 KAR 17:041)

**Department for Public Health: State Health Plan**

902 KAR 17:041 & E. State health plan for facilities and services.

Ellen Heslen, General Counsel, John Gray, Director, Certificate of Need Office, Charles Cumberland, Branch Manager, Health Policy Development, Cabinet for Health Services; Nancy Galvagni, Kentucky Hospital Association; Karen Hinkle, Executive Director, Kentucky Home Health Association; Bob Stevens, Baptist Health Care System, and St. Elizabeth Medical Center; Lisa Hinkle, Good Samaritan Hospital, Lexington Laser Vision, Pikeville Methodist Hospital; Ruby Jo Cummins, Kentucky Association of Health Care Facilities; and Bill Doll, Kentucky Medical Association appeared before the Subcommittee.

Ms. Heslen stated that: (1) the CON administrative regulation was: (a) proposed after the Cabinet had received comments from various groups affected by the administrative regulation; and (b) the plan that the Cabinet felt best addressed the CON administrative process; (2) the most difficult issue facing all parties related to the dilemma over whether and how to define a physician's office; (3) after consideration of this issue, the Cabinet decided that it would be better not to define a physician's office at this point, because: (a) historically, it had not been done; and (b) resolution of this issue was within the jurisdiction of the General Assembly; (4) with regard to the State Health Plan, the Cabinet tried to develop a plan that encompassed the intent of the CON process, to ensure: (a) quality; (b) access to care; (c) the containment of costs; and (d) that unnecessary proliferation of services did not occur; (5) the Cabinet had: (a) reviewed the existing State Health Plan; and (b) considered 5 areas of service, MRI, megavoltage radiation, home health, rehab beds, and surgical services, for which it believed the established criteria was not accomplishing the goals of the Plan; (6) the Cabinet recommended that the criteria in the State Health Plan should be changed or removed for these areas, in order to remove what it had determined was an artificial barrier against applicants who wished to provide services in areas in which services were truly needed; (7) changes in the State Health Plan did not mean that the formal review process was changed; (8) the formal review process for applicants in the 5 areas would remain in place, because the State Health Plan was only 1 of 5 criteria; (9) an applicant in the 5 areas still would have the burden of proving: (a) need; (b) cost efficiency; (c) quality of care; (d) ability to be licensed; and (e) ability to have linkages and other connections; and (9) the Cabinet believed it had proposed a fair and

comprehensive plan.

In response to questions by Representative Bruce, Ms. Heslen stated that, although it had been suggested that the Cabinet consider establishing a definition for physician's office, the CON administrative regulation did not establish a definition for physician's office. Representative Bruce stated that he did not believe that doctors agreed with suggestions to define physician's office.

Chairman Arnold stated that: (a) the Subcommittee would hear statements from groups governed by these administrative regulations; and (b) these administrative regulations would be deferred to permit the Cabinet and interested parties to meet and reach an agreement. Chairman Arnold agreed with Representative Bruce's statement that, if an agreement was not reached by the Cabinet and interested parties, the Subcommittee would resolve the issues raised by these administrative regulations.

Ms. Galvagni stated that the Kentucky Hospital Association: (1) did not believe it was appropriate to delete the review criteria for the MRI, megavoltage radiation, home health, rehab beds, and surgical services from the State Health Plan; (2) the State Health Plan is required to be a meaningful document; (3) if the established criteria are not working, the Cabinet should change the criteria to correct the problem, rather than delete all criteria from the Plan; (4) during the last year, while a number of hearings were held on the Plan to solicit comments from providers, the Cabinet rejected all the comments; (5) wanted the Subcommittee to find the State Health Plan administrative regulation deficient, because it did not contain criteria for surgical services; (6) when the Subcommittee considered this last July: (a) it was noted that 67 letters of intent had been filed by out-of-state corporations to build surgery centers in rural Kentucky next to hospitals; and (b) the Subcommittee expressed its dissatisfaction with this; and (7) in spite of the Subcommittee's disapproval, the Cabinet has continued its policy.

With regard to the CON administrative regulation, Ms. Galvagni stated that: (1) a physician's office should be defined, because the Cabinet is issuing advisory opinions as to the types of arrangements that constitute a physician's office; (2) such opinions amount to the adoption of policy and criteria that is not contained in an administrative regulation, contrary to the provisions of KRS 13A.; (3) standards and criteria are required to be established by administrative regulation; (4) while the Kentucky Hospital Association does not believe that every doctor's office should be under CON, certain CON regulated services, such as surgery centers, should be governed by CON.

Ms. Lisa Henkle stated that: (1) she was in favor of the State Health Plan proposed by the Cabinet; (2) under the previous State Health Plan, the Cabinet had denied a license to a client who had filed a CON application for laser equipment to reshape corneas of the nearsighted; (3) the CON application had been lost at an unopposed hearing, because it had been determined that the client had not complied with the State Health Plan; (4) this meant that, while the laser operation could have been performed for those who could afford to pay or who had private insurance, the absence of a license prohibited surgery for those on Medicare or Medicaid; (5) the changes recommended by the Cabinet to the State Health Plan would remedy the situation that resulted in a denial of access to health services for people who need health services; (6) a change in the part of the State Health Plan that relates to neonatal nurseries provides that a neonatal nursery would not be approved, unless all existing programs operate at an 80% occupancy rate; (7) since there were only 2 programs in 1996 that operated at an 80% occupancy rate, no new Level II neonatal beds in Kentucky; (8) since the average age of a mother has increased, the risk associated with problem births that would require access to Level II beds has increased; (9) requested the Subcommittee amend the State Health Plan administrative regulation to restore the original formula for the determination of neonatal bed approval; (10) the increase in the number of open heart surgery procedures performed in the existing program from 300 to 400 to 500 means that Medicaid Partnership District, Number 8, the largest Medicaid District



## ADMINISTRATIVE REGISTER - 2053

in the state, is the only Medicaid District in Kentucky that does not have an open heart surgery program; and (11), restoration of the criteria to 300 procedures would permit the District to have an open heart surgery program.

Ms. Cummins: (1) stated that the Kentucky Association of Health Care Facilities, representing nursing homes, was concerned that personal care homes had been placed under nonsubstantive review, because the standards of review criteria had been eliminated from the State Health Plan; and (2) asked that personal care homes be restored to the formal review procedure.

In response to a question by Representative Bruce, Ms. Galvagni stated that, rather than finding these administrative regulations deficient, she hoped that the Cabinet and those opposed to these administrative regulations could reach an agreement on amendment of these administrative regulations.

The Cabinet agreed with the Subcommittee's request that: (1) these administrative regulations be deferred to the Subcommittee's March, 1998, meeting; and (2) the Cabinet and interested parties meet and attempt to reach an agreement. The Subcommittee instructed the Cabinet and those appearing before it to: (a) meet and negotiate; (b) submit materials submitted to the Cabinet to the Subcommittee and its staff; and (c) meet with Subcommittee staff concerning agreements reached and issues outstanding. The Subcommittee informed the parties that: (1) Subcommittee staff suggested amendments, if any, would be discussed with all parties; (2) these administrative regulations would be considered by the Subcommittee at its March, 1998, meeting; (3) issues not resolved, and amendments proposed, would be considered by the Subcommittee; and (4) at its March, 1998, meeting, the Subcommittee would determine whether these administrative regulations complied with statutory authority.

Chairman Arnold stated that: (1) he did not want to see any interested party left out of discussions and consideration; (2) he believed all parties needed to attempt to resolve the issues raised by these administrative regulations; and (3) work needed to be done on the surgery center issue, including consideration of requirements that related specifically to the various types and levels of surgery. Chairman Arnold stated that: (1) all parties should make a serious attempt to reach an agreement that could be accepted by all; and (2) while the Subcommittee did not want to limit anybody, it would take whatever action was required to resolve issues.

### **Division for Public Health Protection and Safety: Milk and Milk Products**

902 KAR 50:031. Standards for producer eligibility for manufacturing grade milk.

902 KAR 50:032. Standards for farm requirements for manufacturing grade milk.

902 KAR 50:033. Standards for enforcement procedures for manufacturing grade milk.

### **Cabinet for Families and Children: Department for Social Insurance: Division of Management and Development: Public Assistance**

904 KAR 2:410E. Child support collection and distribution.

#### **Food Stamp Program**

904 KAR 3:025E. Technical requirements.

#### **Department for Social Services: Child Welfare**

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

#### **Day Care**

905 KAR 2:150E. Child Day Care Assistance Program.

### **Cabinet for Health Services: Department for Medicaid Services: Division of Administration and Development: Medicaid Services**

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

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

907 KAR 1:145E. Supports for community living services for individuals with mental retardation or developmental disabilities.

907 KAR 1:151E. Repeal of 907 KAR 1:140 and 907 KAR 1:150.

907 KAR 1:155E. Payments for supports for community living services for individuals with mental retardation or developmental disabilities.

907 KAR 1:725E. Medicaid appropriations for a long-term nursing facility.

907 KAR 1:755E. Preadmission Screening and Annual Resident Review Program.

907 KAR 1:765E. Repeal of 907 KAR 1:460.

## **OTHER BUSINESS**

### **Transportation Cabinet: Department of Highways: Division of Transportation Planning: Department of Vehicle Regulation: Division of Motor Carriers: Division of Motor Vehicle Enforcement: Traffic**

603 KAR 5:070 & E. Motor vehicle dimension limits. Sandra Pullen Davis, Staff Assistant, represented the Cabinet. At the January 16, 1998 meeting of the Subcommittee: (1) Chairman Arnold stated that: (a) he wanted the Subcommittee to write a letter to the Transportation Cabinet requesting it look at the isolated counties of Kentucky to determine if a solution can be reached to the problem of access; and (b) at least one route in and out of a county to an interstate should be established; and (2) while the Subcommittee approved the amendment to this administrative regulation, the Subcommittee wanted its objections to this administrative regulation, and the reasons for its objections, noted for the record. Subcommittee members were: (a) informed that Chairman Arnold had transmitted the request to the Cabinet; and (b) provided with a copy of the letter to the Cabinet containing the request.

### **Board of Hairdressers and Cosmetologists**

201 KAR 12:200. Requirements for continuing education for renewal of license.

201 KAR 12:210. Requirements for continuing education; active and inactive license and temporary waiver of requirements.

At its January 16, 1998 meeting, the Subcommittee: (1) raised and discussed issues relating to the: (a) types of courses required for continuing education; (b) shows, or other events, that may be credited to continuing education requirements; and (c) number of hours of continuing education that was required; and (2) approved motions by Senator Kafoglis, seconded by Senator Roeding, to request LRC to refer the issues raised by these administrative regulations to the appropriate standing committees of the 1998 General Assembly for legislative action.

Subcommittee members were: (1) informed that Chairman Arnold had transmitted the request to LRC; and (2) provided copies of the transmittal.

### **Justice Cabinet: Department of Corrections: Office of the Secretary**

501 KAR 6:060. Northpoint Training Center. At its January 16, 1998 meeting, Subcommittee members: (1) objected to the provision of cable television service to inmates at state expense; and (2) requested that the Department review this issue and respond in writing to the Subcommittee. Chairman Arnold informed Subcommittee members that: (1) the Department had responded; and (2) pursuant to his instructions, Subcommittee staff had provided additional information to clarify Department responses. Subcommittee members were provided copies of the response and additional information.

The Subcommittee adjourned at 9:45 a.m. until March 11, 1998, at 8:30 a.m. in Room 125 of the Capitol Annex.



## ADMINISTRATIVE REGISTER - 2054

### 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.

#### **SENATE TRANSPORTATION COMMITTEE Meeting of January 21, 1998**

The following administrative regulations were available for consideration by the Senate Transportation Committee during its meeting of January 21, 1998, having been referred to the Committee on January 16, 1998, pursuant to KRS 13A.290(6):  
603 KAR 5:070 & E  
603 KAR 5:230

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(7) and 13A.030(2): None

The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320: 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 21, 1998 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

#### **HOUSE TRANSPORTATION COMMITTEE Meeting of January 22, 1998**

The following administrative regulations were available for consideration by the House Transportation Committee during its meeting of January 22, 1998, having been referred to the Committee on January 16, 1998, pursuant to KRS 13A.290(6):  
603 KAR 5:070 & E  
603 KAR 5:230

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(7) and 13A.030(2): None

The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320: 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-referenc-

ed administrative regulations is reflected in the minutes of the January 21, 1998 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

#### **HOUSE STANDING COMMITTEE ON COUNTIES AND SPECIAL DISTRICTS Meeting of February 4, 1998**

The following administrative regulations were available for consideration by the House Standing Committee on Counties and Special Districts during its meeting of February 4, 1998, having been referred to the Committee on January 16, 1998, pursuant to KRS 13A.290(6):

815 KAR 7:014  
815 KAR 30:060

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 February 4, 1998 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

#### **HOUSE COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT Meeting of February 3, 1998**

Administrative regulations were available for consideration by the House Committee on Natural Resources and Environment during its meeting of February 3, 1998, having been referred to the Committee on January 16, 1998, pursuant to KRS 13A.290(6).

The following administrative regulations were found to comply with KRS Chapter 13A: Department of Fish and Wildlife Resources: 301 KAR 1:192.

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.

## ADMINISTRATIVE REGISTER - 2055

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 regulation was deferred pursuant to KRS 13A.300: None

The following administrative regulation was reviewed but no action was taken: Department for Fish and Wildlife Resources, 301 KAR 2:225 & E.

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the February 3, 1998 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

### **HOUSE COMMITTEE ON APPROPRIATIONS AND REVENUE Meeting of February 10, 1998**

The following administrative regulations were available for consideration by the House Committee on Appropriations and Revenue during its meeting of February 10, 1998, having been referred to the Committee on January 14, 1998, pursuant to KRS 13A.290(6):

103 KAR 31:030  
200 KAR 14:011 & E  
200 KAR 14:081 & E  
200 KAR 14:200 & E

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 February 10, 1998 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

### **SENATE COMMITTEE ON APPROPRIATIONS AND REVENUE Meeting of February 10, 1998**

The following administrative regulations were available for consideration by the Senate Committee on Appropriations and Revenue during its meeting of February 10, 1998, having been referred to the Committee on January 14, 1998, pursuant to KRS 13A.290(6):

103 KAR 31:030  
200 KAR 14:011 & E  
200 KAR 14:081 & E  
200 KAR 14:200 & E

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 February 10, 1998 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

### **HOUSE STANDING COMMITTEE ON LICENSING AND OCCUPATIONS Meeting of February 11, 1998**

The following administrative regulations were available for consideration by the House Standing Committee on Licensing and Occupations during its meeting of 2/11/98, having been referred to the Committee on January 16, 1998, pursuant to KRS 13A.290(6): Board of Hairdressers & Cosmetologists: 201 KAR 12:200; 201 KAR 12:210.

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: Board of Hairdressers & Cosmetologists: 201 KAR 12:200; 201 KAR 12:210.

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 2/11/98 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.



## ADMINISTRATIVE REGISTER - I1

### CUMULATIVE SUPPLEMENT

#### **Locator Index - Effective Dates ..... I2**

The Locator Index lists all administrative regulations published in VOLUME 24 of the Administrative Register from July, 1997 through June, 1998. 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 23 are those administrative regulations that were originally published in Volume 23 (last year's) issues of the Administrative Register but had not yet gone into effect when the 1997 bound Volumes were published.

#### **KRS Index ..... I10**

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 24 of the Administrative Register.

#### **Subject Index ..... I18**

The Subject Index is a general index of administrative regulations published in VOLUME 24 of the Administrative Register, and is mainly broken down by agency.



# ADMINISTRATIVE REGISTER - I2

## LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	23 Ky.R Page No.	Effective Date	Regulation Number	23 Ky.R Page No.	Effective Date
----------------------	---------------------	-------------------	----------------------	---------------------	-------------------

### VOLUME 23

The administrative regulations listed under VOLUME 23 are those administrative regulations that were originally published in Volume 23 (last year's) issues of the Administrative Register but had not yet gone into effect when the 1997 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)

101 KAR 3:045E	3533	2-28-97
Expired		9-18-97
106 KAR 1:091E	3709	3-31-97
Expires		10-17-97
505 KAR 1:020E	3208	2-14-97
Expired		8-18-97
505 KAR 1:030E	3713	3-25-97
Withdrawn		9-15-97
806 KAR 13:130E	3714	3-24-97
Replaced		10-13-97
806 KAR 13:140E	3715	3-24-97
Replaced	896	10-13-97
806 KAR 38:090E	3541	3-11-97
Replaced		9-15-97
811 KAR 1:090E	3717	4-15-97
Replaced		9-12-97
900 KAR 6:015E	2954	12-18-96
Withdrawn		7-21-97
904 KAR 2:006E	4079	4-30-97
Withdrawn		8-14-97
904 KAR 2:016E	4088	4-30-97
Withdrawn		8-14-97
904 KAR 2:370E	3728	3-27-97
Withdrawn		7-11-97
904 KAR 3:020E	3542	2-27-97
Replaced		8-20-94
904 KAR 3:042E	3548	2-27-97
Replaced		8-20-97
905 KAR 1:180E	3735	3-19-97
Expired		10-17-97
907 KAR 1:022E	3294	1-17-97
Withdrawn		8-14-97
907 KAR 1:025E	3299	1-17-97
Withdrawn		8-14-97
907 KAR 1:160E	3736	4-15-97
Expired		10-17-97
907 KAR 1:170E	3739	4-15-97
Expired		10-17-97
907 KAR 1:720E	3741	3-18-97
Expired		10-17-97
908 KAR 2:200E	3742	3-18-97
Expired		10-17-97

### ORDINARY ADMINISTRATIVE REGULATIONS:

200 KAR 17:070	4246	(See Volume 24)
201 KAR 13:080	4250	(See Volume 24)
201 KAR 23:011	4251	10-13-97
201 KAR 23:020		
Amended	4201	10-13-97
201 KAR 23:060		
Amended	4202	(See Volume 24)
201 KAR 23:070		
Amended	4203	(See Volume 24)
201 KAR 23:080		
Amended	4206	(See Volume 24)
201 KAR 23:140	4252	(See Volume 24)
302 KAR 40:010		
Amended	3885	(See Volume 24)
401 KAR 8:030		
Amended	3079	
Amended	3808	(See Volume 24)
501 KAR 6:020		
Amended	3892	(See Volume 24)
501 KAR 6:060		
Amended	4210	9-15-97
501 KAR 6:130		
Amended	1007	
As Amended	1941	10-14-97
Amended	1678	11-14-97
780 KAR 3:070		
Amended	3096	
Amended	3588	(See Volume 24)
780 KAR 3:080		
Amended	3102	
Amended	3594	(See Volume 24)
780 KAR 6:060		
Amended	3104	(See Volume 24)
805 KAR 1:180	3658	(See Volume 24)
807 KAR 5:063	3659	
Amended	4185	(See Volume 24)
902 KAR 100:040		
Amended	3988	8-20-97
907 KAR 1:645	4033	(See Volume 24)
907 KAR 1:655	4035	(See Volume 24)
907 KAR 1:665	4039	(See Volume 24)
907 KAR 1:710	4285	(See Volume 24)

\*Statement of Consideration Not Filed by Deadline



# ADMINISTRATIVE REGISTER - I3

## LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	24 Ky.R Page No.	Effective Date	Regulation Number	24 Ky.R Page No.	Effective Date
----------------------	---------------------	-------------------	----------------------	---------------------	-------------------

### VOLUME 24

**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)

200 KAR 14:011E	485	8-15-97
Replaced	1645	2-10-98
200 KAR 14:081E	487	8-15-97
Replaced	1647	2-10-98
200 KAR 14:200E	489	8-15-97
Replaced	1649	2-10-98
200 KAR 23:010E	307	6-25-97
Replaced	1055	10-22-97
201 KAR 20:370E	1481	12-9-97
301 KAR 2:221E	1219	10-15-97
301 KAR 2:222E	1221	10-15-97
301 KAR 2:225E	842	8-21-97
Replaced	1670	2-17-98
301 KAR 2:290E	1482	12-5-97
Withdrawn		1-21-98
401 KAR 5:008E	1029	9-18-97
501 KAR 1:030E	1625	1-8-98
501 KAR 6:020E	1631	1-8-98
501 KAR 6:080E	1633	1-8-98
501 KAR 6:180E	1225	11-13-97
502 KAR 45:145E	26	6-3-97
Replaced	1076	11-14-97
505 KAR 1:040E	844	9-15-97
601 KAR 2:020E	1863	2-13-98
603 KAR 5:070E	27	5-19-97
Expired		12-18-97
704 KAR 20:015E	1484	12-12-97
704 KAR 20:021E	1486	12-12-97
704 KAR 20:022E	1487	12-12-97
704 KAR 20:045E	1489	12-12-97
704 KAR 20:060E	1490	12-12-97
704 KAR 20:305E	491	8-11-97
Replaced	1508	1-12-98
780 KAR 2:130E	308	7-14-97
Expired		1-16-98
787 KAR 1:200E	310	6-27-97
Replaced	1510	1-12-98
803 KAR 2:301E	493	8-14-97
Replaced	1148	1-12-98
803 KAR 2:320E	495	8-14-97
Replaced	1512	1-12-98
803 KAR 2:403E	501	8-14-97
Replaced	1156	1-12-98
803 KAR 2:411E	503	8-14-97
803 KAR 2:425E	504	8-14-97
Replaced	1159	1-12-98
803 KAR 2:500E	506	8-14-97
Replaced	1161	1-12-98
806 KAR 6:100E	1227	10-24-97
806 KAR 17:110E	1492	12-12-97
900 KAR 6:050E	510	7-21-97
902 KAR 17:041E	517	7-23-97
902 KAR 20:016E	32	6-12-97
Reprint	269	6-12-97
Replaced	1268	11-19-97

902 KAR 55:095E	41	6-12-97
Expired		12-18-97
904 KAR 2:006E	518	8-14-97
904 KAR 2:015	1634	1-12-98
904 KAR 2:016E	528	8-14-97
904 KAR 2:017E	311	7-14-97
904 KAR 2:035E	42	5-30-97
Expired		12-18-97
904 KAR 2:040E	45	5-30-97
Expired		1-18-98
904 KAR 2:046E	47	5-30-97
Expired		1-18-98
904 KAR 2:050E	49	5-30-97
Withdrawn		8-14-97
Resubmitted	538	8-14-97
904 KAR 2:055E	52	5-30-97
Expired		1-18-98
904 KAR 2:060E	55	5-30-97
Expired		12-18-97
904 KAR 2:370E	320	7-11-97
904 KAR 2:410E	1233	10-31-97
904 KAR 3:025E	1041	10-1-97
905 KAR 1:360E	1044	10-1-97
905 KAR 2:150E	1947	10-1-97
906 KAR 1:120E	540	7-25-97
Replaced	1687	2-17-98
907 KAR 1:022E	542	8-14-97
907 KAR 1:025E	547	8-14-97
907 KAR 1:145E	845	9-11-97
907 KAR 1:151E	848	9-11-97
907 KAR 1:155E	849	9-11-97
907 KAR 1:725E	1238	11-14-97
907 KAR 1:755E	554	8-14-97
907 KAR 1:765E	557	8-14-97
907 KAR 3:030E	1639	12-19-97

### ORDINARY ADMINISTRATIVE REGULATIONS:

11 KAR 5:130		
Amended	1538	
As Amended	1865	
11 KAR 6:010		
Amended	914	
As Amended	1241	12-4-97
13 KAR 2:060		
Amended	916	
Amended	1291	
As Amended	1498	1-12-98
31 KAR 4:020		
Amended	128	
As Amended	559	9-15-97
101 KAR 1:325		
Amended	1749	
101 KAR 1:335		
Amended	1751	
101 KAR 1:365		
Amended	387	
As Amended	852	10-13-97



# ADMINISTRATIVE REGISTER - 14

## LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	24 Ky.R Page No.	Effective Date	Regulation Number	24 Ky.R Page No.	Effective Date
102 KAR 1:175			201 KAR 12:200		
Amended	129		Amended	1357	
As Amended	559	9-4-97	As Amended	1653	
103 KAR 15:050			201 KAR 12:210	1423	
Amended	388		As Amended	1654	
As Amended	853	9-25-97	201 KAR 13:080		
103 KAR 31:030			As Amended	858	10-13-97
Amended	920		201 KAR 16:060		
Amended	1522		Amended	641	
As Amended	1643	2-10-98	As Amended	1055	11-14-97
106 KAR 2:010			201 KAR 16:070		
Recodified as 201-37:010		10-20-97	Repealed	791	11-14-97
200 KAR 2:006			201 KAR 16:071	791	11-14-97
Amended	922	11-11-97	201 KAR 18:132	1581	
200 KAR 5:021			201 KAR 18:150		
Amended	926		Amended	1540	
Amended	1294	1-12-98	As Amended	1866	
200 KAR 5:302			201 KAR 18:162	1581	
Amended	927	11-11-97	201 KAR 20:070		
200 KAR 5:306			Amended	1752	
Amended	929	11-11-97	201 KAR 20:110		
200 KAR 14:011			Amended	1754	
Amended	1353		201 KAR 20:162		
As Amended	1645	2-10-98	Amended	1755	
200 KAR 14:081			201 KAR 20:240		
Amended	1355		Amended	391	
As Amended	1647	2-10-98	As Amended	1057	11-14-97
200 KAR 14:200	1422		201 KAR 20:370		
As Amended	1649	2-10-98	Amended	1757	
200 KAR 17:070			201 KAR 20:390		
As Amended	855	9-25-97	Amended	1116	
200 KAR 22:040			As Amended	1502	1-12-98
Repealed	789	11-14-97	201 KAR 20:411	425	
200 KAR 22:041	789	11-14-97	As Amended	859	
200 KAR 23:010	790		201 KAR 23:010		
As Amended	1055	10-22-97	Repealed		10-13-97
201 KAR 2:030			201 KAR 23:030		
Amended	1115		Repealed		10-13-97
As Amended	1865		201 KAR 23:040		
201 KAR 8:390			Repealed		10-13-97
Amended	931		201 KAR 23:060		
As Amended	1650	2-17-98	As Amended	860	10-13-97
201 KAR 8:400			201 KAR 23:070		
Amended	934		As Amended	861	10-13-97
As Amended	1243		201 KAR 23:080		
Withdrawn		12-3-97	As Amended	864	10-13-97
201 KAR 8:410			201 KAR 23:100		
Repealed	991	11-19-97	Repealed	10-13-97	
201 KAR 8:411	991	11-19-97	201 KAR 23:110		
201 KAR 10:010			Repealed		10-13-97
Amended	131		201 KAR 23:140		
As Amended	561	11-14-97	As Amended	866	10-13-97
201 KAR 10:040			201 KAR 26:145		
Amended	132		Amended	1117	
As Amended	561	11-14-97	As Amended	1655	2-17-98
201 KAR 10:070			201 KAR 26:155		
Amended	133		Amended	1121	
As Amended	563	11-14-97	As Amended	1658	2-17-98
201 KAR 10:080			201 KAR 26:160		
Amended	134		Amended	1123	
As Amended	563	11-14-97	As Amended	1660	2-17-98
201 KAR 11:011			201 KAR 26:171		
Amended	1539		Amended	1124	
			As Amended	1661	2-17-98



# ADMINISTRATIVE REGISTER - I5

## LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	24 Ky.R Page No.	Effective Date	Regulation Number	24 Ky.R Page No.	Effective Date
201 KAR 26:175			302 KAR 10:060		
Amended	1127		Amended	1546	
As Amended	1664	2-17-98	As Amended	1873	
201 KAR 26:180			302 KAR 10:070		
Amended	1129		Amended	1764	
As Amended	1666	2-17-98	302 KAR 20:077	1795	
201 KAR 26:185			302 KAR 20:240	1795	
Amended	1130		302 KAR 31:040	795	
As Amended	1666	2-17-98	Withdrawn		11-19-97
201 KAR 26:215			302 KAR 40:010		
Amended	1131		As Amended	1062	11-12-97
As Amended	1667	2-17-98	401 KAR 5:001		
201 KAR 26:230			Amended	1547	
Amended	1132		401 KAR 5:008	1585	
As Amended	1667	2-17-98	Amended	1899	
201 KAR 26:250	1182		401 KAR 8:030		
As Amended	1669	2-17-98	As Amended	70	
201 KAR 26:260	1582		As Amended	332	
As Amended	1870		401 KAR 46:005	221	
201 KAR 32:030			Died*		9-12-97
Amended	642		401 KAR 46:010	223	
As Amended	1132	11-14-97	Died*		9-12-97
201 KAR 37:010			401 KAR 46:020	225	
Recodified from 106-2:010		10-20-97	Died*		9-12-97
Amended	1544		401 KAR 46:030	228	
As Amended	1871		Died*		9-12-97
301 KAR 1:085			401 KAR 46:040	230	
Amended	1759		Died*		9-12-97
301 KAR 1:192	1424		401 KAR 46:050	234	
As Amended	1669	2-17-98	Died*		9-12-97
301 KAR 1:201			401 KAR 46:060		
Amended	392		Amended	142	
As Amended	866	10-8-97	Died*		9-12-97
301 KAR 1:300	1583		401 KAR 46:070		
As Amended	1872		Amended	145	
301 KAR 1:310	1584		Died*		9-12-97
As Amended	1872		401 KAR 47:150		
301 KAR 2:082	427		Amended	149	
As Amended	869	10-8-97	Died*		9-12-97
301 KAR 2:111			401 KAR 50:012		
Amended	138		Amended	648	11-12-97
As Amended	567	9-10-97	401 KAR 50:032	1425	
301 KAR 2:125			Amended	1911	
Amended	140		401 KAR 50:066	800	
As Amended	568	9-10-97	As Amended	1244	11-12-97
301 KAR 2:140			401 KAR 51:010		
Amended	643		Amended	650	11-12-97
As Amended	1058	11-12-97	401 KAR 58:001	2039	
301 KAR 2:142	792		401 KAR 58:005		
As Amended	1060	11-12-97	Amended	1920	
301 KAR 2:144	794		401 KAR 58:025		
As Amended	1061	11-12-97	Amended	1927	
301 KAR 2:221			401 KAR 59:174	802	
Amended	1914		Amended	1295	
301 KAR 2:222			As Amended	1503	1-12-98
Amended	1916		401 KAR 60:750	1427	
301 KAR 2:225			401 KAR 61:036	1429	
Amended	1359		401 KAR 63:005		
As Amended	1670	2-17-98	Amended	654	
301 KAR 2:240			Amended	1299	1-12-98
Amended	1762		401 KAR 63:060		
301 KAR 3:022			Amended	1765	
Amended	646	11-12-97	401 KAR 63:100		
			Amended	1770	



# ADMINISTRATIVE REGISTER - 16

## LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	24 Ky.R Page No.	Effective Date	Regulation Number	24 Ky.R Page No.	Effective Date
401 KAR 63:104	1798		501 KAR 6:020		
401 KAR 63:541	1800		As Amended	569	9-15-97
401 KAR 63:560	1801		Amended	755	
401 KAR 63:640	1803		Withdrawn		11-10-97
401 KAR 63:680	1805		Amended	1361	
401 KAR 63:741	1806		As Amended	1873	
401 KAR 63:780	1808		501 KAR 6:030		
401 KAR 63:800	1810		Amended	1364	
401 KAR 63:820	1811		501 KAR 6:040		
401 KAR 63:900	1813		Amended	935	
401 KAR 63:920	1814		Amended	1366	12-15-97
401 KAR 63:940	1816		501 KAR 6:050		
401 KAR 63:960	1818		Amended	156	9-15-97
401 KAR 65:010			501 KAR 6:060		
Amended	656		Amended	1134	2-17-98
Amended	1302	1-12-98	501 KAR 6:090		
405 KAR 8:001			Amended	757	
Amended	667		Amended	1367	12-15-97
405 KAR 8:030			501 KAR 6:110		
Amended	675		Amended	396	9-16-97
Amended	1313		Amended	1368	
405 KAR 8:040			As Amended	1875	
Amended	687		501 KAR 6:120		
Amended	1325		Amended	1370	
405 KAR 16:001			As Amended	1876	
Amended	704		Amended	1929	
405 KAR 16:060			501 KAR 6:170		
Amended	710		Amended	1136	
Amended	1341		As Amended	1506	1-12-98
405 KAR 16:090			Amended	1372	
Amended	716		501 KAR 6:180	1597	
405 KAR 16:100			As Amended	1878	
Amended	719		501 KAR 6:999	1431	
405 KAR 16:160			As Amended	1879	
Amended	723		Amended	1932	
405 KAR 18:001			502 KAR 31:010	429	
Amended	725		Withdrawn		10-13-97
405 KAR 18:060			502 KAR 45:145		
Amended	732		Amended	759	
Amended	1347		As Amended	1076	11-14-97
405 KAR 18:090			505 KAR 1:020	236	
Amended	738		As Amended	572	9-15-97
405 KAR 18:100			505 KAR 1:040	1598	
Amended	741		600 KAR 4:010		
405 KAR 18:160			Amended	1559	
Amended	745		As Amended	1880	
405 KAR 18:210			600 KAR 6:010		
Amended	747		Amended	1373	
500 KAR 11:001			Amended	1689	
Amended	151		600 KAR 6:040		
As Amended	871	9-12-97	Amended	1375	
500 KAR 11:025			Amended	1691	
Amended	152		600 KAR 6:070		
As Amended	873	9-12-97	Amended	1378	
500 KAR 11:080			Amended	1693	
Amended	154		601 KAR 1:005		
As Amended	874	9-12-97	Amended	1932	
500 KAR 11:090			601 KAR 1:025		
Amended	155		Amended	1384	
As Amended	874		Amended	1699	
			601 KAR 1:146	1183	
			Amended	1524	
			601 KAR 1:147	1185	
			Amended	1525	

# ADMINISTRATIVE REGISTER - 17

## LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	24 Ky.R Page No.	Effective Date	Regulation Number	24 Ky.R Page No.	Effective Date
601 KAR 9:135			704 KAR 20:670		
Amended	398		Amended	404	
Amended	909	11-4-97	As Amended	892	10-2-97
601 KAR 11:040			704 KAR 20:696		
Amended	1387		Amended	1952	
Amended	1702		704 KAR 20:700		
603 KAR 3:080			Amended	1958	
Amended	157		704 KAR 20:710		
Amended	612		Amended	177	
As Amended	875	10-7-97	As Amended	575	9-4-97
As Amended	1076		750 KAR 2:010		
603 KAR 4:040			Amended	179	
Amended	1936		As Amended	576	9-4-97
603 KAR 5:050			780 KAR 2:130		
Amended	403	10-2-97	Repealed by 780-2:131	1678	2-17-98
603 KAR 5:070			780 KAR 2:131	1432	
Amended	1390		As Amended	1678	2-17-98
As Amended	1671	1-22-98	780 KAR 3:070		
603 KAR 5:230			As Amended	1237	
Amended	1137		Withdrawn		12-2-97
Amended	1527		780 KAR 3:080		
As Amended	1675	1-22-98	As Amended	1253	
702 KAR 3:110			Withdrawn		12-2-97
Amended	1565		780 KAR 6:060		
702 KAR 7:065			As Amended	1255	12-4-97
Amended	174		785 KAR 1:010		
As Amended	573	9-4-97	Amended	407	
703 KAR 3:060			As Amended	894	10-2-97
Amended	1566		785 KAR 1:020		
703 KAR 4:110			Amended	409	
Amended	1570		As Amended	895	10-2-97
704 KAR 3:303			787 KAR 1:200		
Amended	1941		Amended	1144	
704 KAR 3:455			As Amended	1510	1-12-98
Amended	760		803 KAR 2:060		
As Amended	1093	11-6-97	Amended	1145	
704 KAR 7:130	238	9-4-97	As Amended	1510	1-12-98
704 KAR 20:015			803 KAR 2:301		
Amended	1942		Amended	1148	1-12-98
704 KAR 20:021			803 KAR 2:320		
Amended	1944		Amended	1150	
704 KAR 20:022	2040		As Amended	1512	1-12-98
704 KAR 20:045			803 KAR 2:403		
Amended	1946		Amended	1156	1-12-98
704 KAR 20:060			803 KAR 2:411		
Amended	1947		Amended	1158	
704 KAR 20:084			As Amended	1518	
Amended	937		803 KAR 2:425		
As Amended	1245	12-4-97	Amended	1159	1-12-98
704 KAR 20:165			803 KAR 2:500		
Amended	176		Amended	1161	1-12-98
As Amended	574	9-4-97	803 KAR 25:012		
704 KAR 20:210			Amended	939	
Amended	1140		As Amended	1260	12-15-97
As Amended	1507	1-12-98	803 KAR 25:015		
704 KAR 20:305			Amended	1571	
Amended	1141		803 KAR 25:096		
As Amended	1508	1-12-98	Amended	942	12-15-97
704 KAR 20:420			803 KAR 25:120		
Amended	1949		Amended	1395	
704 KAR 20:475			Amended	1705	
Amended	1950		803 KAR 25:130	1187	
			As Amended	1518	1-12-98



# ADMINISTRATIVE REGISTER - 18

## LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	24 Ky.R Page No.	Effective Date	Regulation Number	24 Ky.R Page No.	Effective Date
803 KAR 25:175	807		902 KAR 13:120		
Amended	1113		Amended	965	11-19-97
As Amended	1262	12-15-97	902 KAR 14:084	435	
803 KAR 25:190			As Amended	898	10-13-97
Amended	1771		902 KAR 14:100	241	
805 KAR 1:180			As Amended	903	10-13-97
As Amended	92		902 KAR 17:041	1433	
As Amended	1263	11-12-97	Amended	1714	
806 KAR 13:130	431		902 KAR 20:008		
As Amended	895	10-13-97	Amended	1786	
806 KAR 13:140	432		902 KAR 20:016		
As Amended	896	10-13-97	Amended	969	
806 KAR 38:090	239	9-15-97	As Amended	1268	11-19-97
806 KAR 39:070			902 KAR 20:036		
Amended	764		Amended	190	8-20-97
As Amended	1264	12-15-97	902 KAR 20:048		
806 KAR 40:020	433	10-13-97	Amended	410	
807 KAR 5:004	2042		Died*		9-5-97
807 KAR 5:063			902 KAR 20:051		
As Amended	367		Amended	418	
As Amended	896	8-27-97	Died*		9-5-97
807 KAR 5:069			902 KAR 20:058		
Amended	1774		Amended	1959	
810 KAR 1:018			902 KAR 20:091		
Amended	1776		Amended	1788	
810 KAR 1:026			902 KAR 20:180		
Amended	1779		Amended	1962	
811 KAR 1:085			902 KAR 20:320		
Amended	1782		Amended	1966	
811 KAR 1:090			902 KAR 20:330		
Amended	180		Amended	1978	
As Amended	577	9-12-97	902 KAR 50:031		
811 KAR 1:220			Amended	1573	
Amended	1784		902 KAR 50:032		
815 KAR 7:014	1433		Amended	1575	
As Amended	1679	2-17-98	902 KAR 55:033		
815 KAR 7:070			Amended	1578	
Amended	945	12-15-97	902 KAR 55:095		
815 KAR 7:105			Amended	1165	1-12-98
Amended	949		902 KAR 100:019		
As Amended	1267	12-15-97	Amended	1982	
815 KAR 8:010			902 KAR 100:073		
Amended	950	12-15-97	Amended	195	
815 KAR 8:020			As Amended	580	8-20-97
Amended	952	12-15-97	902 KAR 100:165		
815 KAR 15:027			Amended	771	11-14-97
Amended	954	12-15-97	904 KAR 2:006		
815 KAR 15:080			Amended	1400	
Amended	956	12-15-97	Amended	1715	
815 KAR 20:020			As Amended	1884	
Amended	957	12-15-97	904 KAR 2:016		
815 KAR 20:030			Amended	1409	
Amended	960		Amended	1724	
Withdrawn		12-9-97	904 KAR 2:017		
815 KAR 20:130			Amended	1166	
Amended	962	12-15-97	Amended	1733	
815 KAR 30:060			904 KAR 2:035		
Amended	1397		Amended	978	
As Amended	1679	2-17-98	As Amended	1519	1-12-98
815 KAR 35:015			904 KAR 2:040		
Amended	767		Amended	981	
As Amended	1097	11-5-97	Amended	1529	
900 KAR 6:050	1188		As Amended	1682	2-17-98
Amended	1706				

# ADMINISTRATIVE REGISTER - I9

## LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	24 Ky.R Page No.	Effective Date	Regulation Number	24 Ky.R Page No.	Effective Date
904 KAR 2:046			907 KAR 1:710		
Amended	983		Amended	629	
Amended	1531		As Amended	1276	11-19-97
As Amended	1683	2-17-98	907 KAR 1:720	809	
904 KAR 2:050			As Amended	1108	11-14-97
Amended	1419		908 KAR 1:380	1824	
904 KAR 2:055			908 KAR 2:190	2043	
Amended	985		908 KAR 2:200	811	
Amended	1533		As Amended	1109	11-14-97
As Amended	1684	2-17-98			
904 KAR 2:060					
Amended	988				
As Amended	1520	1-12-98			
904 KAR 2:370					
Amended	1175				
Amended	1742				
As Amended	1892				
904 KAR 2:410					
Amended	2033				
904 KAR 3:020					
Amended	209				
As Amended	594	8-20-97			
904 KAR 3:025					
Amended	1791				
904 KAR 3:042					
Amended	215				
As Amended	600	8-20-97			
904 KAR 3:060					
Amended	774	11-14-97			
905 KAR 1:180					
Amended	777	11-14-97			
906 KAR 1:120	1196				
As Amended	1687	2-17-98			
907 KAR 1:003	247	8-20-97			
907 KAR 1:004					
Repealed	247	8-20-97			
907 KAR 1:140					
Repealed	848	9-11-97			
907 KAR 1:145	1819				
907 KAR 1:150					
Repealed	848	9-11-97			
907 KAR 1:155	1822				
907 KAR 1:160					
Amended	779				
As Amended	1101	11-14-97			
907 KAR 1:170					
Amended	782				
As Amended	1103	11-14-97			
907 KAR 1:428					
Repealed	808	11-14-97			
907 KAR 1:429	808	11-14-97			
907 KAR 1:432					
Repealed	808	11-14-97			
907 KAR 1:560					
Amended	784				
As Amended	1104	11-14-97			
907 KAR 1:645					
As Amended	605	8-20-97			
907 KAR 1:655					
As Amended	607	8-20-97			
907 KAR 1:665					
As Amended	610	8-20-97			



# ADMINISTRATIVE REGISTER - 110

KRS SECTION	REGULATION	KRS SECTION	REGULATION
KRS INDEX			
13A.310	807 KAR 5:004		301 KAR 2:221
Chapter 13B	101 KAR 1:365		301 KAR 2:222
	803 KAR 25:015	150.025	301 KAR 1:085
16.040	502 KAR 45:145		301 KAR 1:192
16.080	502 KAR 45:145		301 KAR 2:111
18A.075	101 KAR 1:325		301 KAR 2:125
	101 KAR 1:335		301 KAR 2:221
	101 KAR 1:365		301 KAR 2:222
18A.0751	101 KAR 1:325		301 KAR 2:225
	101 KAR 1:335		301 KAR 2:240
	101 KAR 1:365	150.092	301 KAR 2:125
18A.095	101 KAR 1:365	150.110	301 KAR 1:085
18A.111	101 KAR 1:325	150.170	301 KAR 1:085
18A.430	200 KAR 22:041		301 KAR 1:300
40.460	201 KAR 37:010		301 KAR 1:310
41.600-41.620	200 KAR 14:200		301 KAR 2:111
42.500	200 KAR 14:011		301 KAR 2:240
	200 KAR 14:081	150.175	301 KAR 1:085
42.520	200 KAR 14:011		301 KAR 2:140
	200 KAR 14:081		301 KAR 2:142
42.525	200 KAR 14:011		301 KAR 2:144
	200 KAR 14:081		301 KAR 3:022
44.060	200 KAR 2:006	150.180	301 KAR 2:082
45.101	200 KAR 2:006	150.195	301 KAR 3:022
Chapter 45A	200 KAR 5:021	150.225	301 KAR 3:022
	200 KAR 5:302	150.235	301 KAR 1:300
45A.080	200 KAR 5:306		301 KAR 1:310
45A.095	907 KAR 1:710		301 KAR 3:022
45A.690-45A.725	907 KAR 1:710	150.240	301 KAR 3:022
45A.800-45A.835	600 KAR 6:010	150.250	301 KAR 2:125
	600 KAR 6:040	150.280	301 KAR 2:082
	600 KAR 6:070		301 KAR 3:022
Chapter 56	200 KAR 23:010E	150.290	301 KAR 2:082
56.863	200 KAR 23:010		301 KAR 3:022
61.870-61.884	601 KAR 2:020E	150.305	301 KAR 2:082
61.872	907 KAR 1:710		301 KAR 2:140
61.874	201 KAR 20:240		301 KAR 2:142
	907 KAR 1:710		301 KAR 2:144
61.876	907 KAR 1:710		301 KAR 2:221
Chapter 96A	600 KAR 4:010		301 KAR 2:222
117.343	31 KAR 4:020	150.320	301 KAR 2:225
131.081	103 KAR 15:050	150.330	301 KAR 2:221
131.170	103 KAR 15:050		301 KAR 2:222
136.100	103 KAR 15:050		301 KAR 2:225
Chapter 138	601 KAR 1:005	150.340	301 KAR 2:221
138.462	601 KAR 1:146		301 KAR 2:222
	601 KAR 1:147		301 KAR 2:225
138.463	601 KAR 1:146	150.360	301 KAR 2:140
	601 KAR 1:147		301 KAR 2:142
138.4631	601 KAR 1:146		301 KAR 2:144
	601 KAR 1:147		301 KAR 2:225
139.260	103 KAR 31:030		301 KAR 2:240
139.400	103 KAR 31:030	150.370	301 KAR 2:111
139.710	103 KAR 31:030		301 KAR 2:125
141.042	103 KAR 15:050		301 KAR 2:240
141.160	103 KAR 15:050	150.390	301 KAR 2:111
141.170	103 KAR 15:050		301 KAR 2:140
141.300	103 KAR 15:050		301 KAR 2:142
141.444	201 KAR 37:010		301 KAR 2:144
146.410	405 KAR 8:001	150.399	301 KAR 2:240
147A.050	907 KAR 1:710	150.400	301 KAR 2:240
150.010	301 KAR 2:082	150.410	301 KAR 2:240
	301 KAR 2:125	150.4111	301 KAR 2:240



# ADMINISTRATIVE REGISTER - 111

KRS SECTION	REGULATION	KRS SECTION	REGULATION
150.470	301 KAR 1:201	158.6455	703 KAR 3:060
150.485	301 KAR 3:022		703 KAR 4:110
150.520	301 KAR 1:085	160.160	703 KAR 3:060
150.525	301 KAR 3:022	160.290	704 KAR 3:303
150.600	301 KAR 2:221	160.345	704 KAR 3:455
	301 KAR 2:222	160.380	704 KAR 7:130
150.603	301 KAR 2:225	161.010	704 KAR 20:015
	301 KAR 3:022	161.020	704 KAR 20:021
150.620	301 KAR 1:192		704 KAR 20:045
	301 KAR 2:225		704 KAR 20:060
	301 KAR 3:022		704 KAR 20:084
150.660	301 KAR 3:022		704 KAR 20:165
150.680	301 KAR 2:125		704 KAR 20:210
150.990	301 KAR 1:201		704 KAR 20:420
	301 KAR 2:125		704 KAR 20:475
	301 KAR 2:140		704 KAR 20:670
	301 KAR 2:142		704 KAR 20:710
	301 KAR 2:144	161.027	704 KAR 20:420
	301 KAR 2:221		704 KAR 20:710
	301 KAR 2:222	161.028	704 KAR 20:021
151.100	405 KAR 16:090		704 KAR 20:045
	405 KAR 16:100		704 KAR 20:060
	405 KAR 16:160		704 KAR 20:165
	405 KAR 18:090		704 KAR 20:210
	405 KAR 18:100		704 KAR 20:305
	405 KAR 18:160		704 KAR 20:420
151.250	405 KAR 16:090		704 KAR 20:475
	405 KAR 16:100		704 KAR 20:670
	405 KAR 16:160		704 KAR 20:696
	405 KAR 18:090		704 KAR 20:700
	405 KAR 18:100		704 KAR 20:710
	405 KAR 18:160	161.030	704 KAR 20:021
151B.023	785 KAR 1:010		704 KAR 20:045
	785 KAR 1:020		704 KAR 20:060
151B.025	780 KAR 2:130E		704 KAR 20:084
	780 KAR 2:131		704 KAR 20:165
151B.035	780 KAR 6:060		704 KAR 20:210
151B.040	780 KAR 6:060		704 KAR 20:305
151B.085	780 KAR 6:060		704 KAR 20:420
151B.110	780 KAR 2:130E		704 KAR 20:475
	780 KAR 2:131		704 KAR 20:670
	785 KAR 1:010		704 KAR 20:696
	785 KAR 1:020		704 KAR 20:700
151B.125	785 KAR 1:010		704 KAR 20:710
	785 KAR 1:020	161.095	704 KAR 20:015
151B.150	780 KAR 2:130E		704 KAR 20:022
	780 KAR 2:131	161.100	704 KAR 20:210
156.070	702 KAR 7:065	161.430	102 KAR 1:175
	704 KAR 3:303	164.001	13 KAR 2:060
156.160	702 KAR 3:110	164.020	13 KAR 2:060
	704 KAR 3:303	164.744	11 KAR 6:010
156.400-156.476	704 KAR 3:455	164.744-164.753	11 KAR 5:130
Chapter 157	750 KAR 2:010	164.748	11 KAR 6:010
157.060	702 KAR 3:110	164.753	11 KAR 6:010
157.100-157.190	704 KAR 3:455	164.7535	11 KAR 5:130
157.3175	704 KAR 20:084	164.780	11 KAR 5:130
157.390	704 KAR 20:015	164.785	11 KAR 5:130
	704 KAR 20:021	Chapter 174	600 KAR 4:010
	704 KAR 20:022	174.400-174.425	601 KAR 1:025
158.645	703 KAR 3:060	Chapter 176	600 KAR 4:010
	703 KAR 4:110	Chapter 177	600 KAR 4:010
158.6451	703 KAR 3:060	177.830-177.890	603 KAR 3:080
	703 KAR 4:110	177.0771	603 KAR 5:230
	704 KAR 3:303	Chapter 183	600 KAR 4:010
158.6453	703 KAR 3:060	186.005	601 KAR 1:147
	703 KAR 4:110	186.020	601 KAR 9:135



# ADMINISTRATIVE REGISTER - I12

KRS SECTION	REGULATION	KRS SECTION	REGULATION
186.021	806 KAR 39:070	200.650-200.676	907 KAR 1:720
186.050	601 KAR 9:135	202A.011	907 KAR 1:710
	603 KAR 5:070	202A.028	907 KAR 1:710
186.281	601 KAR 1:147	202A.041	907 KAR 1:710
186.655	603 KAR 5:070	202A.051	907 KAR 1:710
186A.040	806 KAR 39:070	202A.061	907 KAR 1:710
186A.095	806 KAR 39:070	205.010	904 KAR 2:006
187.310	601 KAR 2:020E	205.170	904 KAR 2:060
189.222	603 KAR 5:070	205.175	904 KAR 2:035
189.230	603 KAR 5:230	205.177	904 KAR 2:035
189.337	603 KAR 4:040	205.200	904 KAR 2:006
	603 KAR 5:050		904 KAR 2:016
194.050	904 KAR 3:020		904 KAR 2:017
	904 KAR 3:042		904 KAR 2:035
194.060	505 KAR 1:040		904 KAR 2:040
	904 KAR 2:035		904 KAR 2:046
	905 KAR 1:180	205.201-205.204	505 KAR 1:040
Chapter 196	501 KAR 6:020		905 KAR 1:180
	501 KAR 6:030	205.210	904 KAR 2:016
	501 KAR 6:040	205.211	904 KAR 2:016
	501 KAR 6:050		904 KAR 2:017
	501 KAR 6:060	205.220	904 KAR 2:050
	501 KAR 6:080	205.231	904 KAR 2:055
	501 KAR 6:090		907 KAR 1:560
	501 KAR 6:110	205.237	904 KAR 2:055
	501 KAR 6:120		907 KAR 1:560
	501 KAR 6:170	205.245	904 KAR 2:015
	501 KAR 6:999		904 KAR 2:035
196.030	501 KAR 6:180		904 KAR 2:040
196.171	501 KAR 6:180		904 KAR 2:046
Chapter 197	501 KAR 6:020	205.275	904 KAR 2:035E
	501 KAR 6:030	205.277	904 KAR 2:035E
	501 KAR 6:040	205.455-205.465	505 KAR 1:040
	501 KAR 6:050		905 KAR 1:180
	501 KAR 6:060	205.520	907 KAR 1:003
	501 KAR 6:080		907 KAR 1:022E
	501 KAR 6:090		907 KAR 1:025E
	501 KAR 6:110		907 KAR 1:145
	501 KAR 6:120		907 KAR 1:151E
	501 KAR 6:170		907 KAR 1:155
	501 KAR 6:999		907 KAR 1:160
197.020	501 KAR 6:180		907 KAR 1:170
197.055	501 KAR 6:180		907 KAR 1:429
198B.010	815 KAR 7:105		907 KAR 1:560
198B.040	815 KAR 7:070		907 KAR 1:710
	815 KAR 7:105		907 KAR 1:720
198B.050	815 KAR 7:070		907 KAR 1:725
	815 KAR 7:105		907 KAR 1:755
198B.060	815 KAR 7:014		907 KAR 3:030
	815 KAR 7:105	205.6334	907 KAR 1:710
198B.080	815 KAR 7:105	205.710-205.800	904 KAR 2:410
198B.090	815 KAR 7:070	205.8451	907 KAR 1:710
198B.110	815 KAR 7:105	205.8453	907 KAR 1:710
198B.260	815 KAR 7:105	Chapter 208	505 KAR 1:040
198B.650-198B.689	815 KAR 8:010		905 KAR 1:180
	815 KAR 8:020	Chapter 209	505 KAR 1:040
198B.990	815 KAR 7:105		905 KAR 1:180
199.420-199.990	505 KAR 1:040	209.010	907 KAR 1:710
	905 KAR 1:180	210.005	907 KAR 1:710
199.640-199.670	905 KAR 1:360E	210.290	907 KAR 1:710
199.892-199.896	905 KAR 2:150E	210.370-210.460	907 KAR 1:710
200.020	907 KAR 1:710	210.370-210.480	902 KAR 20:091
200.080-200.120	505 KAR 1:040	210.770-210.795	908 KAR 2:190
	905 KAR 1:180	211.463	907 KAR 1:710
200.503	907 KAR 1:710	211.842-211.852	902 KAR 100:019
200.509	907 KAR 1:710		902 KAR 100:073



## ADMINISTRATIVE REGISTER - I13

KRS SECTION	REGULATION		KRS SECTION	REGULATION	
	902 KAR	100:165		401 KAR	63:060
211.950-211.956	902 KAR	14:084		401 KAR	63:100
211.960-211.968	902 KAR	13:120		401 KAR	63:104
211.990	902 KAR	13:120		401 KAR	63:541
	902 KAR	100:019		401 KAR	63:560
	902 KAR	100:073		401 KAR	63:640
	902 KAR	100:165		401 KAR	63:680
211.990-211.956	902 KAR	14:100		401 KAR	63:741
214.175	902 KAR	20:016		401 KAR	63:780
215.550	501 KAR	6:180		401 KAR	63:800
216.2925	902 KAR	20:008		401 KAR	63:820
216B.010-216B.130	900 KAR	6:050		401 KAR	63:900
	902 KAR	17:041		401 KAR	63:920
	902 KAR	20:008		401 KAR	63:940
	902 KAR	20:016		401 KAR	63:960
	902 KAR	20:036		401 KAR	65:010
	902 KAR	20:051	224.10-110	401 KAR	5:001
	902 KAR	20:058	224.16-050	401 KAR	5:001
	902 KAR	20:091	224.16-060	401 KAR	5:001
	902 KAR	20:320	224.20-100	401 KAR	50:066
	902 KAR	20:330		401 KAR	51:010
216B.010-216B.131	902 KAR	20:026		401 KAR	58:001
	902 KAR	20:180		401 KAR	58:005
216B.015	902 KAR	14:084		401 KAR	58:025
216B.105	902 KAR	14:084		401 KAR	59:174
216B.410	902 KAR	14:084		401 KAR	60:750
216B.450-216B.459	902 KAR	20:320		401 KAR	61:036
	902 KAR	20:330		401 KAR	63:005
216B.455	900 KAR	6:050		401 KAR	63:100
216B.990	900 KAR	6:050		401 KAR	63:104
	902 KAR	14:084		401 KAR	63:541
	902 KAR	20:008		401 KAR	63:560
	902 KAR	20:016		401 KAR	63:640
	902 KAR	20:026		401 KAR	63:680
	902 KAR	20:036		401 KAR	63:741
	902 KAR	20:048		401 KAR	63:780
	902 KAR	20:051		401 KAR	63:800
	902 KAR	20:058		401 KAR	63:820
	902 KAR	20:091		401 KAR	63:900
	902 KAR	20:180		401 KAR	63:920
	902 KAR	20:320		401 KAR	63:940
	902 KAR	20:330		401 KAR	63:960
217.005-217.215	902 KAR	50:031		401 KAR	65:010
	902 KAR	50:032	224.20-110	401 KAR	50:032
	902 KAR	50:033		401 KAR	50:066
217C.010-217C.990	902 KAR	50:031		401 KAR	51:010
	902 KAR	50:032		401 KAR	58:001
	902 KAR	50:033		401 KAR	58:005
218A.070	902 KAR	55:095		401 KAR	58:025
218A.180	902 KAR	55:095		401 KAR	59:174
218A.200	902 KAR	55:095		401 KAR	60:750
222.231	908 KAR	1:380		401 KAR	61:036
224.01-010	401 KAR	5:001		401 KAR	63:005
	401 KAR	59:174		401 KAR	63:060
224.10	401 KAR	5:008		401 KAR	63:100
224.10-100	401 KAR	5:001		401 KAR	63:104
	401 KAR	50:012		401 KAR	63:541
	401 KAR	50:032		401 KAR	63:560
	401 KAR	50:066		401 KAR	63:640
	401 KAR	58:001		401 KAR	63:680
	401 KAR	58:005		401 KAR	63:741
	401 KAR	58:025		401 KAR	63:780
	401 KAR	59:174		401 KAR	63:800
	401 KAR	60:750		401 KAR	63:820
	401 KAR	61:036		401 KAR	63:900
	401 KAR	63:005		401 KAR	63:920



# ADMINISTRATIVE REGISTER - 114

KRS SECTION	REGULATION	KRS SECTION	REGULATION
224.20-120	401 KAR 63:940	Chapter 236	815 KAR 15:027
	401 KAR 63:960		815 KAR 15:080
	401 KAR 65:010	238.500-238.995	500 KAR 11:001
	401 KAR 50:012	238.505	500 KAR 11:080
	401 KAR 50:032		500 KAR 11:090
	401 KAR 51:010	238.550	500 KAR 11:025
	401 KAR 58:001	238.570	500 KAR 11:025
	401 KAR 58:005	255.2	904 KAR 2:055
	401 KAR 58:025	Chapter 257	302 KAR 20:077
	401 KAR 59:174		302 KAR 20:240
	401 KAR 60:750	260.036	302 KAR 40:010
	401 KAR 61:036	260.620	302 KAR 10:060
	401 KAR 63:005		302 KAR 10:070
	401 KAR 63:100	278.020	807 KAR 5:069
	401 KAR 63:104	278.023	807 KAR 5:069
	401 KAR 63:541	278.190	807 KAR 5:069
	401 KAR 63:560	278.300	807 KAR 5:069
	401 KAR 63:640	Chapter 281A	601 KAR 11:040
	401 KAR 63:680	281.600	601 KAR 11:040
	401 KAR 63:741	281.607-281.760	907 KAR 1:710
	401 KAR 63:780	281.615-281.670	601 KAR 1:146
	401 KAR 63:800		601 KAR 1:147
	401 KAR 63:820	287.011	907 KAR 1:710
	401 KAR 63:900	289.021	907 KAR 1:710
	401 KAR 63:920	290.015	907 KAR 1:710
	401 KAR 63:940	291.030	907 KAR 1:710
	401 KAR 63:960	294.032	907 KAR 1:710
	401 KAR 65:010	304.05-130	907 KAR 1:710
224.20-300	401 KAR 58:001	304.05-140	907 KAR 1:710
	401 KAR 58:005	304.1-010-304.1-070	907 KAR 1:710
	401 KAR 58:025	304.3-120	806 KAR 3:190
224.20-310	401 KAR 58:001	304.3-140	806 KAR 3:190
	401 KAR 58:005	304.6	806 KAR 3:190
	401 KAR 58:025	304.6-171	806 KAR 6:100E
224.20-320	401 KAR 58:001	304.7	806 KAR 3:190
	401 KAR 58:005	304.13-011	806 KAR 13:130
	401 KAR 58:025	304.13-057	806 KAR 13:130
224.20-710-224.20-765	401 KAR 65:010		806 KAR 13:140
	401 KAR 5:008	304.13-091	806 KAR 13:130
	401 KAR 5:001	304.13-161	806 KAR 13:140
224.70	401 KAR 5:001	304.13-415	806 KAR 13:130
224.70-100	401 KAR 5:008		806 KAR 13:140
224.70-110	401 KAR 58:001	304.17A-110	907 KAR 1:710
224.73	401 KAR 58:005	304.17A-130	806 KAR 17:110E
224.99-010	401 KAR 58:025	304.17A-160	806 KAR 38:090
	815 KAR 35:015	304.17A-300	907 KAR 1:710
227.450	815 KAR 35:015	304.17A.310	907 KAR 1:710
227.489	815 KAR 35:015	304.24-350	806 KAR 3:190
227.490	815 KAR 35:015	304.33	806 KAR 3:190
227.4901	810 KAR 1:018	304.38-030	907 KAR 1:710
230.210-230.360	810 KAR 1:026	304.38-035	907 KAR 1:710
230.215	810 KAR 1:026	304.38-060	907 KAR 1:710
230.225	810 KAR 1:026	304.38-080	806 KAR 38:090
230.260	811 KAR 1:085	304.39-080	806 KAR 39:070
	811 KAR 1:220	304.39-083	806 KAR 39:070
230.280	811 KAR 1:220	304.39-085	806 KAR 39:070
230.290	811 KAR 1:220	304.39-090	806 KAR 39:070
230.300	811 KAR 1:220	304.39-117	806 KAR 39:070
230.310	811 KAR 1:085	304.40-075	806 KAR 40:020
	811 KAR 1:220	Chapter 310	902 KAR 20:016
230.3771	811 KAR 1:220	311.241-311.247	902 KAR 20:016
230.630	811 KAR 1:090	311.623	907 KAR 1:710
230.640	811 KAR 1:090	311.625	907 KAR 1:710
230.700	811 KAR 1:090	311.627	907 KAR 1:170
230.770	811 KAR 1:220	311.629	907 KAR 1:170
230.990	811 KAR 1:220	311.631	907 KAR 1:170



# ADMINISTRATIVE REGISTER - 115

KRS SECTION	REGULATION	KRS SECTION	REGULATION
311.990	902 KAR 20:016	319.071	201 KAR 26:160
313.150	201 KAR 8:400	319.082	201 KAR 26:145
313.160	201 KAR 8:411		201 KAR 26:171
313.220	201 KAR 8:390	319.092	201 KAR 26:171
314.011	201 KAR 20:162	319.118	201 KAR 26:171
	201 KAR 20:390	321.235	201 KAR 16:060
314.025	201 KAR 20:390		201 KAR 16:071
314.026	201 KAR 20:390	321.240	201 KAR 16:071
314.027	201 KAR 20:390	321.351	201 KAR 16:060
314.031	201 KAR 20:162	321.360	201 KAR 16:060
314.041	201 KAR 20:070	322.020	201 KAR 18:162
	201 KAR 20:110	322.290	201 KAR 18:150
	201 KAR 20:240		201 KAR 18:162
	201 KAR 20:370	323A.040	201 KAR 10:040
314.042	201 KAR 20:240	323A.050	201 KAR 10:040
314.051	201 KAR 20:070	323A.060	201 KAR 10:040
	201 KAR 20:110	323A.070	201 KAR 10:040
	201 KAR 20:240	323A.080	201 KAR 10:070
	201 KAR 20:370	323A.210	201 KAR 10:010
314.071	201 KAR 20:162		201 KAR 10:080
	201 KAR 20:240	324.160	201 KAR 11:011
	201 KAR 20:370	324.400	201 KAR 11:011
314.073	201 KAR 20:240	324.410	201 KAR 11:011
314.091	201 KAR 20:162	324.420	201 KAR 11:011
314.142	201 KAR 20:411	335.330	201 KAR 32:030
314.161	201 KAR 20:162	335.340	201 KAR 32:030
	201 KAR 20:240	338.051	803 KAR 2:060
314.991	201 KAR 20:162		803 KAR 2:301
315.210	201 KAR 2:030		803 KAR 2:320
315.191	201 KAR 2:030		803 KAR 2:403
317A.050	201 KAR 12:200		803 KAR 2:411
	201 KAR 12:210		803 KAR 2:425
318.010	815 KAR 20:020		803 KAR 2:500
	815 KAR 20:130	338.061	803 KAR 2:301
318.015	815 KAR 20:020		803 KAR 2:320
	815 KAR 20:130		803 KAR 2:403
318.130	815 KAR 20:020		803 KAR 2:411
	815 KAR 20:130		803 KAR 2:425
318.150	815 KAR 20:020		803 KAR 2:500
	815 KAR 20:130	341.380	787 KAR 1:200
318.200	815 KAR 20:020	Chapter 342	803 KAR 25:096
	815 KAR 20:130		803 KAR 25:190
319.010	201 KAR 26:260		806 KAR 13:140
319.015	201 KAR 26:215	342.0011	803 KAR 25:175
319.032	201 KAR 26:145	342.020	803 KAR 25:012
	201 KAR 26:171	342.035	803 KAR 25:012
	201 KAR 26:175	342.040	803 KAR 25:120
	201 KAR 26:180	342.125	803 KAR 25:012
	201 KAR 26:185	342.260	803 KAR 25:012
	201 KAR 26:230	342.325	803 KAR 25:012
	201 KAR 26:250	342.340	803 KAR 25:175
319.050	201 KAR 26:155	342.395	803 KAR 25:130
	201 KAR 26:160	342.732	803 KAR 25:120
	201 KAR 26:171	342.735	803 KAR 25:012
	201 KAR 26:175	342.990	803 KAR 25:015
	201 KAR 26:230	Chapter 350	405 KAR 8:001
	201 KAR 26:260		405 KAR 16:001
319.056	201 KAR 26:260		405 KAR 18:001
	201 KAR 26:171	350.020	405 KAR 16:090
319.064	201 KAR 26:155		405 KAR 18:090
	201 KAR 26:160		405 KAR 18:210
	201 KAR 26:171	350.028	405 KAR 18:210
	201 KAR 26:175	350.060	405 KAR 8:030
	201 KAR 26:230		405 KAR 8:040
	201 KAR 26:250	350.100	405 KAR 16:060
	201 KAR 26:260		405 KAR 16:090



# ADMINISTRATIVE REGISTER - I16

KRS SECTION	REGULATION	KRS SECTION	REGULATION
	405 KAR 16:100	645.120	907 KAR 1:710
	405 KAR 18:060	1996 Acts c. 380	301 KAR 2:140
	405 KAR 18:090	7 CFR	302 KAR 10:060
	405 KAR 18:100		405 KAR 8:001
350.151	405 KAR 8:040		405 KAR 8:030
	405 KAR 18:060		405 KAR 8:040
	405 KAR 18:090		405 KAR 16:001
	405 KAR 18:100		405 KAR 18:001
	405 KAR 18:160		904 KAR 3:020
	405 KAR 18:210		904 KAR 3:025
350.410	405 KAR 16:060		904 KAR 3:042
350.420	405 KAR 16:060		904 KAR 3:060
	405 KAR 16:090	10 CFR	902 KAR 100:019
	405 KAR 16:100		902 KAR 100:073
	405 KAR 18:060	13 CFR	600 KAR 4:010
	405 KAR 18:090	20 CFR	904 KAR 2:015
	405 KAR 18:100	21 CFR	902 KAR 55:095
350.421	405 KAR 16:060	23 CFR	401 KAR 50:066
	405 KAR 18:060		600 KAR 6:010
350.425	405 KAR 16:160		600 KAR 6:040
	405 KAR 18:160		600 KAR 6:070
350.440	405 KAR 16:060		603 KAR 3:080
	405 KAR 18:060		603 KAR 5:070
350.455	405 KAR 16:100	29 CFR	803 KAR 2:060
	405 KAR 18:100		803 KAR 2:301
350.465	405 KAR 8:030		803 KAR 2:320
	405 KAR 16:060		803 KAR 2:403
	405 KAR 16:090		803 KAR 2:411
	405 KAR 16:100		803 KAR 2:425
	405 KAR 18:060		803 KAR 2:500
	405 KAR 18:090	30 CFR	405 KAR 8:001
	405 KAR 18:100		405 KAR 8:040
	405 KAR 18:210		405 KAR 16:001
387.510	907 KAR 1:710		405 KAR 16:060
387.530	907 KAR 1:710		405 KAR 116:090
387.540	907 KAR 1:170		405 KAR 16:100
387.570	907 KAR 1:710		405 KAR 16:160
387.580	907 KAR 1:710		405 KAR 18:001
387.600	907 KAR 1:710		405 KAR 18:060
403.215	904 KAR 2:410		405 KAR 18:090
405.450	904 KAR 2:410		405 KAR 18:100
405.465	904 KAR 2:410		405 KAR 18:160
405.467	904 KAR 2:410		405 KAR 18:210
405.490	904 KAR 2:410	40 CFR	401 KAR 5:001
405.520	904 KAR 2:410		401 KAR 50:012
422.317	907 KAR 1:710		401 KAR 50:032
Chapter 439	501 KAR 6:020		401 KAR 50:066
	501 KAR 6:030		401 KAR 51:010
	501 KAR 6:040		401 KAR 58:001
	501 KAR 6:050		401 KAR 58:005
	501 KAR 6:060		401 KAR 58:025
	501 KAR 6:080		401 KAR 60:750
	501 KAR 6:090		401 KAR 61:036
	501 KAR 6:110		401 KAR 63:060
	501 KAR 6:120		401 KAR 63:100
	501 KAR 6:170		401 KAR 63:104
	501 KAR 6:999		401 KAR 63:541
439.340	501 KAR 1:030E		401 KAR 63:560
Chapters 600-645	505 KAR 1:040		401 KAR 63:640
	905 KAR 1:180		401 KAR 63:680
600.020	907 KAR 1:710		401 KAR 63:741
605.090	905 KAR 1:360E		401 KAR 63:780
605.095	505 KAR 1:020		401 KAR 63:800
605.100	505 KAR 1:020		401 KAR 63:820
610.110	905 KAR 1:360E		401 KAR 63:900
620.030	907 KAR 1:710		401 KAR 63:920



# ADMINISTRATIVE REGISTER - 117

KRS SECTION	REGULATION	KRS SECTION	REGULATION
	401 KAR 63:940		405 KAR 8:030
	401 KAR 63:960		405 KAR 8:040
	401 KAR 65:010		405 KAR 16:001
	405 KAR 8:030		405 KAR 16:060
	405 KAR 8:040		405 KAR 16:090
42 CFR	902 KAR 100:019		405 KAR 16:100
	902 KAR 20:016		405 KAR 16:160
	902 KAR 20:320		405 KAR 18:001
	904 KAR 2:016		405 KAR 18:060
	906 KAR 1:120		405 KAR 18:090
	907 KAR 1:022		405 KAR 18:100
	907 KAR 1:025		405 KAR 18:160
	907 KAR 1:145		405 KAR 18:210
	907 KAR 1:155	33 USC	401 KAR 5:001
	907 KAR 1:160	42 USC	401 KAR 50:012
	907 KAR 1:560		401 KAR 50:032
	907 KAR 1:710		401 KAR 50:066
	907 KAR 1:720		401 KAR 51:010
	907 KAR 1:725		401 KAR 59:174
	907 KAR 1:755		401 KAR 60:750
45 CFR	907 KAR 3:030		401 KAR 61:036
	904 KAR 2:006		401 KAR 63:005
	904 KAR 2:016		401 KAR 63:060
	904 KAR 2:035		401 KAR 63:100
	904 KAR 2:046		401 KAR 63:104
	904 KAR 2:050		401 KAR 63:541
	904 KAR 2:055		401 KAR 63:560
	904 KAR 2:060		401 KAR 63:640
	904 KAR 2:410		401 KAR 63:680
	905 KAR 2:150E		401 KAR 63:741
48 CFR	600 KAR 6:010		401 KAR 63:780
	600 KAR 6:070		401 KAR 63:800
49 CFR	401 KAR 50:066		401 KAR 63:820
	600 KAR 4:010		401 KAR 63:900
	600 KAR 6:010		401 KAR 63:920
	600 KAR 6:040		401 KAR 63:940
	600 KAR 6:070		401 KAR 63:960
	601 KAR 1:005		401 KAR 65:010
	601 KAR 1:025		904 KAR 2:006
	601 KAR 11:040		904 KAR 2:016
	902 KAR 100:019		904 KAR 2:017
50 CFR	301 KAR 2:221		904 KAR 2:035
	301 KAR 2:222		904 KAR 2:040
7 USC	904 KAR 3:020		904 KAR 2:046
	904 KAR 3:025		904 KAR 2:050
	904 KAR 3:042		904 KAR 2:055
	904 KAR 3:060		904 KAR 2:060
8 USC	904 KAR 2:006		904 KAR 2:370
	904 KAR 2:015		907 KAR 1:022
	904 KAR 3:025		907 KAR 1:025
15 USC	401 KAR 58:001		907 KAR 1:145
	401 KAR 58:005		907 KAR 1:155
	600 KAR 4:010		907 KAR 1:160
	904 KAR 2:410		907 KAR 1:560
16 USC	405 KAR 8:030		907 KAR 1:710
	405 KAR 8:040		907 KAR 1:720
18 USC	601 KAR 2:020E		907 KAR 1:725E
20 USC	907 KAR 1:155E		907 KAR 1:755E
	908 KAR 2:200		907 KAR 3:030
23 USC	600 KAR 6:010	49 USC	601 KAR 9:135
	600 KAR 6:040	PL 104-193	904 KAR 3:020
	600 KAR 6:070	PL 104-208	904 KAR 2:006
	603 KAR 3:080		904 KAR 3:025
25 USC	904 KAR 2:016	PL 105-33	904 KAR 3:025
29 USC	907 KAR 1:155E	EO 96-862	907 KAR 1:155
30 USC	405 KAR 8:001	EO 96-1576	505 KAR 1:040



## ADMINISTRATIVE REGISTER - 118

### SUBJECT INDEX

#### ADULT AND TECHNICAL EDUCATION

Management of the Kentucky TECH System  
Minimum standards of admission for postsecondary students; 780 KAR 2:130E  
Repeal of 780 KAR 2:130; 780 KAR 2:131

#### ADULT EDUCATION AND LITERACY

High school equivalency diploma; 785 KAR 1:020  
Testing program; 785 KAR 1:010

#### ADVERTISING DEVICES (HIGHWAYS)

(See Highways)

#### AGRICULTURE

Egg marketing; 302 KAR Chapter 10  
Livestock sanitation; 302 KAR Chapter 20  
Pesticides; 302 KAR Chapter 31

#### AIR QUALITY

Asbestos  
Accreditation of asbestos professionals; 401 KAR 58:005  
Definitions, abbreviations; 401 KAR 58:001  
National emission standard for asbestos; 401 KAR 58:025  
Existing Source Standards  
Municipal solid waste facilities, emission guidelines, compliance times; 401 KAR 61:036  
General Administrative Procedures  
Conformity of transportation plans, programs, projects; 401 KAR 50:066  
General applications; 401 KAR 50:012  
Hot mix asphalt plants, prohibitory rule; 401 KAR 50:032  
Mobile Source-related Emissions  
Vehicle emission control programs; 401 KAR 65:010  
New Source Performance Standards  
Municipal solid waste landfills; 401 KAR 60:750  
New Source Requirements, Nonattainment Areas  
Attainment status designations; 401 KAR 51:010  
New Source Standards  
Stage II controls at gasoline dispensing facilities; 401 KAR 59:174  
Performance; General Standards  
General provisions; 401 KAR 63:100  
Hazardous air pollutants list, petition process, lesser quantity designations, source category list; 401 KAR 63:060  
National emission standards  
Aerospace manufacturing, rework facilities; 401 KAR 63:741  
Containers; 401 KAR 63:920  
Drain systems, individual; 401 KAR 63:960  
Hazardous air pollutants from off-site waste, recovery operations; 401 KAR 63:680  
Hazardous air pollutants from petroleum refineries; 401 KAR 63:640  
Hazardous air pollutants from secondary lead smelting; 401 KAR 63:541  
Marine tank vessel loading operations; 401 KAR 63:560  
Oil-water, organic-water separators; 401 KAR 63:104  
Printing, publishing industry; 401 KAR 63:820  
Shipbuilding, ship repair (surface coating) 401 KAR 63:780  
Surface impoundments; 401 KAR 63:940  
Tanks - level 1; 401 KAR 63:900  
Wood furniture manufacturing; 401 KAR 63:800  
Open burning; 401 KAR 63:005

#### AMBULANCES

(See Public Health)

#### ARCHITECTS

(Also see Landscape Architects)

#### ASBESTOS

(See Air Quality)

#### ASSET/LIABILITY COMMISSION

Guidelines for use of financial agreements; 200 KAR 23:010

#### BIDDING (STATE GOVERNMENT)

(See Purchasing)

#### BILLBOARDS

(See Highways)

#### BINGO

(See Charitable Gaming)

#### BOILERS AND PRESSURE VESSELS

Certificates, fees for inspection; 815 KAR 15:027  
Licensing fees for new contractors; 815 KAR 15:080

#### BUILDING CODE

Certified Building Inspector Program; 815 KAR 7:070  
Kentucky Building Code (1997); 815 KAR 7:105  
Repeal of 815 KAR 7:013; 815 KAR 7:014

#### CERTIFICATE OF NEED

Certificate of need; 900 KAR 6:050

#### CHARITABLE GAMING

Charity fundraising event; 500 KAR 11:080  
Definitions; 500 KAR 11:001  
Quarterly reports; 500 KAR 11:025  
Special limited charitable games; 500 KAR 11:090

#### CHILD WELFARE

(See Social Services)

#### CLASSIFIED EMPLOYEES

(See Personnel)

#### COLLEGES AND UNIVERSITIES

(See Postsecondary Education, Council on)

#### COMMERCIAL DRIVER'S LICENSE

(See Vehicle Regulation)

#### CONTROLLED SUBSTANCES

(See Public Health)

#### CORRECTIONS

Institution Policies and Procedures  
Blackburn Correctional Complex; 501 KAR 6:120  
Department manuals; 501 KAR 6:080E  
Department policies and procedures; 501 KAR 6:020E  
Frankfort Career Development Center; 501 KAR 6:090  
Green River Correctional Complex; 501 KAR 6:170  
Infectious diseases; 501 KAR 6:180  
Kentucky State Penitentiary; 501 KAR 6:040  
Kentucky State Reformatory; 501 KAR 6:030  
Luther Luckett Correctional Complex; 501 KAR 6:050  
Northpoint Training Center; 501 KAR 6:060  
Roederer Correctional Complex; 501 KAR 6:110  
Secured policies and procedures; 501 KAR 6:999



## ADMINISTRATIVE REGISTER - 119

### Parole Board

Determining parole eligibility; 501 KAR 1:030E

### COSMETOLOGISTS

(See Hairdressers and Cosmetologists)

### DAY CARE

(See Social Services)

### DENTISTRY

Complaint procedure; 201 KAR 8:400

General anesthesia, deep sedation, conscious sedation; 201 KAR 8:390

Repeal of 201 KAR 8:410; 201 KAR 8:411

### DISTRICT SUPPORT SERVICES (EDUCATION)

School Administration, Finance

Document filing dates; 702 KAR 3:110

School Terms, Attendance, Operation

Agent designation, high school interscholastic athletics; 702 KAR 7:065

### DRIVER'S LICENSING

(See Vehicle Regulation)

### DRUGS (CONTROLLED SUBSTANCES)

(See Public Health)

### EDUCATION ASSISTANCE AUTHORITY

(See Higher Education Assistance Authority)

### EDUCATION DEPARTMENT

District Support Services

School administration, finance; 702 KAR Chapter 3

School terms, attendance, operation; 702 KAR Chapter 7

Learning Programs Development

Instruction; 704 KAR Chapter 3

Learning support services; 704 KAR Chapter 7

Learning Results Services

Assistance, intervention services; 703 KAR Chapter 3

Learning results services; 703 KAR Chapter 4

### EDUCATION, ARTS, AND HUMANITIES CABINET

Education Department

District Support Services

School administration, finance; 702 KAR Chapter 3

School terms, attendance, operation; 702 KAR Chapter 7

Learning Programs Development

Learning support services; 704 KAR Chapter 7

Education Professional Standards Board; 704 KAR Chapter 20

### EDUCATION PROFESSIONAL STANDARDS BOARD

Continuing education alternative to planned Fifth-year Program; 704 KAR 20:022

Interdisciplinary early childhood education, birth to primary; 704 KAR 20:084

Kentucky teaching certificates; 704 KAR 20:670

Planned Fifth-year Program; 704 KAR 20:021

Professional certificate for instructional leadership-school principal, all grades; 704 KAR 20:710

Professional school position qualifications; 704 KAR 20:165

Rank I classification; 704 KAR 20:015

Recency and certification fees; 704 KAR 20:045

Renewals; 704 KAR 20:060

School superintendent certification; 704 KAR 20:420

Substitute teachers, emergency school personnel; 704 KAR 20:210

Teacher certification, written examination prerequisites; 704 KAR 20:305

Teacher education, standards for admission; 704 KAR 20:700

Teacher education units, standards for accreditation, approval of programs; 704 KAR 20:696

Technology education teachers, probationary certificate; 704 KAR 20:475

### EGG MARKETING

Consumer grade quality standards; 302 KAR 10:070

Consumer grades; 302 KAR 10:060

### ELECTIONS

Forms and Procedures

Elections costs, county clerk reimbursement form; 31 KAR 4:020

### ELECTRICAL INSPECTORS

(See Housing, Buildings and Construction)

### EMERGENCY MEDICAL SERVICES

(See Public Health)

### EMERGENCY MEDICAL TECHNICIANS

(See Public Health)

### EMPLOYEES, STATE

(See also Personnel)

Personnel Board; 101 KAR Chapter 1

Travel expense and reimbursement; 200 KAR 2:006

### EMPLOYMENT SERVICES

Unemployment Insurance

Maximum weekly benefit rate; 787 KAR 1:200

### ENGINEERS, LAND SURVEYORS

Repeal of 201 KAR 18:130; 201 KAR 18:132

Repeal of 201 KAR 18:160; 201 KAR 18:162

Standards of practice; 201 KAR 18:150

### EXOTIC WILDLIFE

(See Fish and Wildlife Resources)

### FAMILIES AND CHILDREN

Social Insurance

Food Stamp Program; 904 KAR Chapter 3

Public assistance; 904 KAR Chapter 2

Social Services

Child welfare; 905 KAR Chapter 1

Day care; 905 KAR Chapter 2

### FAMILY THERAPISTS

(See Marriage and Family Therapists)

### FINANCE AND ADMINISTRATION CABINET

Kentucky Asset/Liability Commission; 200 KAR Chapter 23

Personnel Pilot Programs; 200 KAR Chapter 22

Purchasing; 200 KAR Chapter 5

School Facilities Construction Commission; 750 KAR Chapter 2

State Investment Commission; 200 KAR Chapter 14

Travel expense and reimbursement; 200 KAR Chapter 2

### FISH

(See Fish and Wildlife Resources)

### FISH AND WILDLIFE RESOURCES

Fish

Big South Fork, reciprocal waters; 301 KAR 1:310

Dale Hollow Lake, reciprocal waters; 301 KAR 1:300

Fishing limits; 301 KAR 1:201

Lake Chumbley, closing; 301 KAR 1:192

Mussel shell harvesting; 301 KAR 1:085



## ADMINISTRATIVE REGISTER - I20

### Game

Bobcat, special harvest season; 301 KAR 2:240  
Dale Hollow State Park, quota deer hunt; 301 KAR 2:290E  
Deer, turkey hunting on federal areas; 301 KAR 2:111  
Dove, wood duck, teal, migratory game bird hunting; 301 KAR 2:225  
Exotic wildlife; importing and holding; 301 KAR 2:082  
Fall wild turkey hunting; 301 KAR 2:144  
Small game, furbearer hunting on federal areas; 301 KAR 2:125  
Spring wild turkey hunting; 301 KAR 2:142  
Waterfowl hunting requirements; 301 KAR 2:222  
Waterfowl seasons, limits; 301 KAR 2:221  
Wild turkey hunting requirements; 301 KAR 2:140

### Hunting and Fishing

License, tag, permit fees; 301 KAR 3:022

### FOOD STAMPS

(See Social Insurance)

### GAMBLING

(See Charitable Gaming)

### GAME

(See Fish and Wildlife Resources)

### HAIRDRESSERS AND COSMETOLOGISTS

Continuing education requirements for active, inactive license, temporary waiver of requirements; 201 KAR 12:210  
Continuing education requirements for renewal of license; 201 KAR 12:200

### HARNESS RACING

Conduct of racing; 811 KAR 1:085  
Harness racing at county fairs; 811 KAR 1:220  
Stimulants and drugs; 811 KAR 1:090

### HAZARDOUS MATERIALS

Certification of underground petroleum storage tank contractors; 815 KAR 30:060

### HEALTH CARE INSURANCE

(See Insurance)

### HEALTH FACILITIES

(See Public Health, or Medicaid)

### HEALTH INSURANCE

(See Insurance)

### HEALTH MAINTENANCE ORGANIZATIONS

(See Insurance)

### HEALTH PLAN, STATE

(See Public Health)

### HEALTH SERVICES (CABINET)

Certificate of need; 900 KAR Chapter 6  
Inspector General; 906 KAR Chapter 1  
Medicaid  
Medicaid services; 907 KAR Chapter 1  
Payment and services; 907 KAR Chapter 3  
Mental Health, Mental Retardation Services  
Substance abuse; 908 KAR Chapter 1  
Mental health; 908 KAR Chapter 2  
Public Health  
Controlled substances; 902 KAR Chapter 55  
Emergency medical services, ambulance service providers; 902 KAR Chapter 14  
Emergency medical technicians; 902 KAR Chapter 13

Health services, facilities; 902 KAR Chapter 20  
Milk and milk products; 902 KAR Chapter 50  
Radiology; 902 KAR Chapter 100  
Health plan, state; 902 KAR Chapter 17

### HEATING, VENTILATION, AND AIR CONDITIONING (HVAC) LICENSING REQUIREMENTS

Master HVAC contractor licensing requirements; 815 KAR 8:010  
Journeyman HVAC mechanic licensing requirements; 815 KAR 8:020

### HIGHER EDUCATION ASSISTANCE AUTHORITY

KHEAA Grant Programs  
Student application; 11 KAR 5:130  
Work Study Program  
KHEAA Work Study Program; 11 KAR 6:010

### HIGHER EDUCATION, COUNCIL ON

(See Postsecondary Education, Council on)

### HIGHWAYS

Maintenance  
Advertising devices; 603 KAR 3:080  
Right-of-way  
TODS signs, placement on public roads other than interstates or parkways; 603 KAR 4:040  
Traffic  
Extended weight coal, coal by-products haul road system, bridge weight limits; 603 KAR 5:230  
Motor vehicle dimension limits; 603 KAR 5:070  
Uniform traffic control devices; 603 KAR 5:050

### HOG FARMS

(See Water)

### HOSPITALS

(See Public Health, or Medicaid)

### HOUSING, BUILDINGS AND CONSTRUCTION

Electrical Inspectors  
Certification of electrical inspectors; 815 KAR 35:015

### INCOME TAX

(See Taxation)

### INSPECTOR GENERAL (HEALTH SERVICES)

Informal dispute resolution; 906 KAR 1:120

### INSTRUCTION (EDUCATION)

(See Learning Programs Development)

### INSURANCE

Assets and Liabilities  
Actuarial opinion and memorandum; 806 KAR 6:100E  
Authorization of Insurers and General Requirements  
Risk-based capital for insurers; 806 KAR 3:190  
Health Care Malpractice  
Charitable health care provider registration; 806 KAR 40:020  
Health Insurance Contracts  
Establishment of the Kentucky Risk Assessment, Risk Adjustment System; 806 KAR 17:110E  
Health Maintenance Organizations  
HMO open enrollment; 806 KAR 38:090  
Motor Vehicle Repairs (No-fault)  
Proof of motor vehicle insurance; 806 KAR 39:070  
Rates and Rating Organizations  
Experience modification factors for workers' compensation insurers; 806 KAR 13:130  
Notice of right to seek review of application of workers' compensation insurance rates; 806 KAR 13:140



## ADMINISTRATIVE REGISTER - I21

### INVESTMENT COMMISSION

(See State Investment Commission)

### JUSTICE CABINET

Charitable gaming; 500 KAR 11:001

Corrections Department

Institutions policies and procedures; 501 KAR Chapter 6

Parole Board; 501 KAR Chapter 1

Juvenile Justice

Child welfare; 505 KAR Chapter 1

State Police

Candidate selection; 502 KAR Chapter 45

Sex offender registration system; 502 KAR Chapter 31

### JUVENILE JUSTICE

Child Welfare

DJJ policy and procedures manual; 505 KAR 1:040

Internal grievance procedure; 505 KAR 1:020

### KENO

(See Charitable Gaming)

### KENTUCKY ASSET/LIABILITY COMMISSION

(See Asset/Liability Commission)

### KENTUCKY EARLY INTERVENTION PROGRAM

(See Health Services)

### KENTUCKY TRANSITIONAL ASSISTANCE PROGRAM

(See Social Insurance)

### KENTUCKY WORKS

(See Social Insurance)

### LABOR

Occupational safety, health; 803 KAR Chapter 2

Workers' claims; 803 KAR Chapter 25

### LAND SURVEYORS

(See Engineers, Land Surveyors)

### LANDSCAPE ARCHITECTS

Applications; 201 KAR 10:040

Board personnel; 201 KAR 10:010

Continuing education; 201 KAR 10:080

Seals; 201 KAR 10:070

### LEARNING PROGRAMS DEVELOPMENT (EDUCATION)

Instruction

Instructional material, textbook adoption process; 704 KAR 3:455

Required program of studies; 704 KAR 3:303

Learning Support Services

Minority teacher requirement; 704 KAR 7:130

### LEARNING RESULTS SERVICES (EDUCATION)

Assistance and Intervention Services

Procedures for determining rewards, sanctions; 703 KAR 3:060

Learning Results Services

Code of ethics for state required testing; 703 KAR 4:110

### LINKED DEPOSIT INVESTMENT PROGRAM

(See State Investment Commission)

### LITERACY

(See Adult Education and Literacy)

### LIVESTOCK SANITATION

Mycobacterium paratuberculosis (Johne's); 302 KAR 20:240

Repeal of 302 KAR 20:076; 302 KAR 20:077

### LUTHER LUCKETT CORRECTIONAL COMPLEX

(See Corrections Department)

### MARRIAGE AND FAMILY THERAPISTS

Fees; 201 KAR 32:030

### MEDICAID

Medicaid Services

Community living services, supports; 907 KAR 1:145; 907 KAR 1:155

Home, community based waiver services; 907 KAR 1:160

Home, community based waiver service payments; 907 KAR 1:170

Kentucky Early Intervention Program services; coverage, payments through agreement with state Title V agency; 907 KAR 1:720

Managed behavioral health care initiative; 907 KAR 1:710

Medicaid appropriations for long-term nursing facility; 907 KAR 1:725E

Medicaid hearings, appeals for recipients; 907 KAR 1:560

Mentally Retarded Services

Nursing, intermediate facilities; 907 KAR 1:022E

Payments for nursing, intermediate facilities; 907 KAR 1:025E

Preadmission screening, annual resident review program; 907 KAR 1:755E

Repeal of 907 KAR 1:004; 907 KAR 1:003

Repeal of 907 KAR 1:140 and 1:150; 907 KAR 1:151E

Repeal of 907 KAR 1:428 and 1:432; 907 KAR 1:429

Repeal of 907 KAR 1:460; 907 KAR 1:765E

Payments and Services

Impact Plus services, coverage, payments; 907 KAR 3:030E

### MENTAL HEALTH, MENTAL RETARDATION SERVICES

Mental Health

Kentucky Early Intervention Program services, coverage and payment; 908 KAR 2:200

Supported living services; 908 KAR 2:190

Substance Abuse

Alcohol, other drug abuse prevention programs; licensing, standards; 908 KAR 1:380

### MILK AND MILK PRODUCTS

(See Public Health)

### MINORITY AFFAIRS

(See Transportation)

### MINORITY TEACHER REQUIREMENTS

(See Learning Programs Development)

### MOTOR VEHICLE INSURANCE

(See Insurance)

### MOTOR VEHICLE REGISTRATION

(See Vehicle Regulation)

### NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

Environmental Protection

Air quality; 401 KAR Chapters 50 through 65

Waste Management; 401 KAR Chapters 46, 47

Water; 401 KAR Chapter 5

Surface mining, reclamation; 405 KAR Chapters 8 through 18

### NONPUBLIC SCHOOL TRANSPORTATION

(See Transportation)

### NURSING, BOARD OF

Disciplinary hearings, procedures; 201 KAR 20:162

Fees for applications and services; 201 KAR 20:240



## ADMINISTRATIVE REGISTER - I22

Licensure by endorsement; 201 KAR 20:110  
Licensure by examination; 201 KAR 20:070  
Licensure, registration applications; 201 KAR 20:370  
Nursing incentive scholarship fund; 201 KAR 20:390  
Sexual assault nurse examiner program standards, credential requirements; 201 KAR 20:411

### NURSING FACILITY SERVICES

(See Public Health, or Medicaid)

### OCCUPATIONAL SAFETY, HEALTH

Adoption, extension of federal standards; 803 KAR 2:301  
Air contaminants; 803 KAR 2:320  
Employers' responsibilities; 803 KAR 2:060  
Maritime employment; 803 KAR 2:500  
Occupational health, environmental controls; 803 KAR 2:403  
Scaffolds; 803 KAR 2:411  
Toxic, hazardous substances; 803 KAR 2:425

### OCCUPATIONS AND PROFESSIONS

Dentistry; 201 KAR Chapter 8  
Engineers, land surveyors; 201 KAR Chapter 18  
Hairdressers and cosmetologists; 201 KAR Chapter 12  
Landscape architects; 201 KAR Chapter 10  
Marriage and family therapists; 201 KAR Chapter 32  
Nursing; 201 KAR Chapter 20  
Pharmacy; 201 KAR Chapter 2  
Psychology; 201 KAR Chapter 26  
Real Estate Commission; 201 KAR Chapter 11  
Veterinary examiners; 201 KAR Chapter 16

### PAROLE BOARD

(See Corrections)

### PERSONAL CARE HOMES

(See Public Health)

### PERSONNEL

(See also Employees, State)

#### Board

Appeal and hearing procedures; 101 KAR 1:365  
Employee actions; 101 KAR 1:335  
Probationary periods; 101 KAR 1:325

### PERSONNEL PILOT PROGRAMS

Repeal of 200 KAR 22:040; 200 KAR 22:041

### PESTICIDES

Storage, handling of bulk pesticides, bulk fertilizers for agrichemical facilities; 302 KAR 31:040

### PHARMACY, BOARD OF

License transfer, 201 KAR 2:030

### PIG FARMS

(See Water)

### PLUMBING

House sewers, storm water piping, methods of installation; 815 KAR 20:130  
License application, examination qualifications, requirements, expiration, renewal, revival or reinstatement of licenses; 815 KAR 20:030  
Parts or materials list; 815 KAR 20:020

### POSTSECONDARY EDUCATION, COUNCIL ON

Public Educational Institutions  
Degree program approval, equal opportunity goals; 13 KAR 2:060

### PRIMARY CARE CENTERS

(See Public Health)

### PSYCHIATRIC HOSPITALS

(See Public Health)

### PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES

(See Public Health)

### PSYCHOLOGY, BOARD OF

Applicant licensed in another state; 201 KAR 26:185  
Application procedure, temporary license, certificate; 201 KAR 26:155  
Code of conduct; 201 KAR 26:145  
Continuing education; 201 KAR 26:175  
Examinations; 201 KAR 26:230  
Fee schedule; 201 KAR 26:160  
Nonresident status; 201 KAR 26:215  
Psychological associate, employment; 201 KAR 26:250  
Reciprocity; 201 KAR 26:180  
Status of persons credentialed by the board; 201 KAR 26:260  
Supervision requirements; 201 KAR 26:171

### PUBLIC ASSISTANCE

(See Social Insurance)

### PUBLIC EDUCATIONAL INSTITUTIONS

(See Postsecondary Education, Council on)

### PUBLIC HEALTH

#### Controlled Substances

Prescription for Schedule II, fax or partial filling; 902 KAR 55:095  
Emergency Medical Services, Ambulance Service Providers  
Advanced life support medical first response providers; 902 KAR 14:100

Class III ground ambulance providers; 902 KAR 14:084

#### Emergency Medical Technicians

Basic, 1st responder automated external defibrillation training, authorization; 902 KAR 13:120

#### Health Plan, State

Plan for facilities and services; 902 KAR 17:041

#### Health Services, Facilities

Community mental health-mental retardation center, facility specifications, operation, services; 902 KAR 20:091

Hospitals; operations, services; 902 KAR 20:016

Intermediate care, operation and services; 902 KAR 20:051

License procedures, fee schedule; 902 KAR 20:008

Personal care homes; operation, services; 902 KAR 20:036

Primary care center; operation, services; 902 KAR 20:508

Psychiatric hospitals; operation, services; 902 KAR 20:180

Psychiatric residential treatment facilities; 902 KAR 20:320; 902 KAR 20:330

Skilled nursing facilities; operation, services; 902 KAR 20:026

#### Milk and Milk Products

Standards for enforcement procedures for manufacturing grade milk; 902 KAR 50:032

Standards for farm requirements for manufacturing grade milk; 902 KAR 50:032

Standards for producer eligibility for manufacturing grade milk; 902 KAR 50:031

#### Radiology

Notices, reports, instructions to employees; 902 KAR 100:165

Standards for protection against radiation; 902 KAR 100:019

Use of radionuclides in the healing arts; 902 KAR 100:073

### PUBLIC PROTECTION AND REGULATION CABINET

#### Housing, Buildings and Construction

Boilers, pressure vessels; 815 KAR Chapter 15

Electrical inspectors; 815 KAR Chapter 35

Hazardous materials; 815 KAR Chapter 30



## ADMINISTRATIVE REGISTER - I23

Heating, ventilation, air conditioning licensing requirements; 815  
KAR Chapter 8

Kentucky Building Code; 815 KAR Chapter 7

Plumbing; 815 KAR Chapter 20

### Insurance

Authorization of insurers, requirements; 806 KAR Chapter 3

Health care malpractice; 806 KAR 40:020

Health insurance contracts; 806 KAR Chapter 17

Health maintenance organizations; 806 KAR Chapter 38

Motor vehicle reparations (no-fault); 806 KAR Chapter 39

Rates and rating organizations; 806 KAR Chapter 13

### Kentucky Racing Commission

Harness racing; 811 KAR Chapter 1

Thoroughbred racing; 810 KAR Chapter 1

Public Service Commission; 807 KAR Chapter 5

### PUBLIC SERVICE COMMISSION

Repeal of 807 KAR 5:002; 807 KAR 5:004

Water associations, commissions, districts; federally-funded construction projects, filing requirements, procedures; 807 KAR 5:069

### PURCHASING (STATE)

Competitive sealed bidding; 200 KAR 5:306

Delegation of authority; 200 KAR 5:302

Manual of policies and procedures; 200 KAR 5:021

### RACING COMMISSION

Harness racing; 811 KAR Chapter 1

### RADIOLOGY

(See Public Health)

### REAL ESTATE COMMISSION

Definitions; 201 KAR 11:011

### RETIREMENT

Teachers' Retirement

Investment policies; 102 KAR 1:175

### REVENUE

(See also Taxation)

Income Tax

Administration; 103 KAR Chapter 15

Sales and Use Tax

Administration and accounting; 103 KAR Chapter 31

### SALES AND USE TAX

(See Taxation)

### SCHOOL FACILITIES CONSTRUCTION COMMISSION

Education Technology Funding Program guidelines; 750 KAR 2:010

### SCHOOL TERMS, ATTENDANCE, OPERATION

(See District Support Services)

### SEX OFFENDER REGISTRATION SYSTEM

System; 502 KAR 31:010

### SOCIAL INSURANCE

Food Stamp Program

Administrative disqualification hearings, penalties; 904 KAR 3:060

Employment and Training Program; 904 KAR 3:042

Financial requirements; 904 KAR 3:020

Technical requirements; 904 KAR 3:025

Public Assistance

Adverse action, conditions; 904 KAR 2:046

Child support collection, distribution; 904 KAR 2:410

Delegation of power for oaths and affirmations; 904 KAR 2:060

Determining initial, continuing eligibility; 904 KAR 2:040

Hearings and appeals; 904 KAR 2:055

Kentucky Works supportive services; 904 KAR 2:017

Kentucky Works technical requirements; 904 KAR 2:370

K-TAP standards for need and amount; 904 KAR 2:016

K-TAP technical requirements; 904 KAR 2:006

Right to apply and reapply; 904 KAR 2:035

Supplemental programs for aged, blind, or with disability; 904  
KAR 2:015E

Time and manner of payments; 904 KAR 2:050

### SOCIAL SERVICES

Child Welfare

DSS policy and procedures manual; 905 KAR 1:180

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

Day Care

Child day care assistance programs; 905 KAR 2:150E

### SOLID WASTE FACILITIES

(See Waste Management)

### STATE HEALTH PLAN

(See Public Health)

### STATE INVESTMENT COMMISSION

General rules; 200 KAR 14:011

Linked Deposit Investment Program; 200 KAR 14:200

Repurchase agreement; 200 KAR 14:081

### STATE POLICE

Candidate Selection

Merit Pay Program; 502 KAR 45:145

Sex Offender Registration System

System; 502 KAR 31:010

### SURFACE MINING RECLAMATION AND ENFORCEMENT

Performance Standards for Surface Mining Activities

Coal mine waste dams, impoundments; 405 KAR 16:160

Definitions; 405 KAR 16:001

General hydrologic requirements; 405 KAR 16:060

Permanent, temporary impoundments; 405 KAR 16:100

Sedimentation ponds; 405 KAR 16:090

Performance Standards for Underground Mining Activities

Coal mine waste dams, impoundments; 405 KAR 18:160

Definitions; 405 KAR 18:001

General hydrologic requirements; 405 KAR 18:060

Permanent, temporary impoundments; 405 KAR 18:100

Sedimentation ponds; 405 KAR 18:090

Subsidence control; 405 KAR 18:210

Permits

Definitions; 405 KAR 8:001

Surface coal mining permits; 405 KAR 8:030

Underground coal mining permits; 405 KAR 8:040

### SWINE FARMS

(See Water)

### TAXATION

Income Tax; Administration

Filing dates and extensions; 103 KAR 15:050

Sales and Use Tax; Administration and Accounting

Direct pay authorization; 103 KAR 31:030

### TEACHER CERTIFICATION

(See Education Professional Standards Board)

### TEACHERS' RETIREMENT

(See Retirement)



## ADMINISTRATIVE REGISTER - I24

### TEACHING CERTIFICATES

(See Education Professional Standards Board)

### TEXTBOOKS

(See Learning Programs Development)

### THERAPISTS

(See Marriage and Family Therapists)

### THOROUGHBRED RACING

Medication, testing procedures; 810 KAR 1:018  
Racing associations; 810 KAR 1:026

### TIRES

(See Waste Management)

### TODS Signs

(See Highways)

### TOURISM CABINET

Fish and Wildlife Resources  
Fish; 301 KAR Chapter 1  
Game; 301 KAR Chapter 2  
Hunting and fishing; 301 KAR Chapter 3

### TRAFFIC

(See Highways)

### TRANSPORTATION

Highways  
Maintenance; 603 KAR Chapter 3  
Right-of-way; 603 KAR Chapter 4  
Traffic; 603 KAR Chapter 5  
Minority Affairs  
Certification of disadvantaged, minority, women business enterprises; 600 KAR 4:010  
Professional Engineering and Related Services  
Contracting for services; 600 KAR 6:070  
Definitions; 600 KAR 6:010  
Prequalification of firms; 600 KAR 6:040  
Vehicle Regulation  
Administration; 601 KAR Chapter 2  
Commercial driver's license; 601 KAR Chapter 11  
Motor carriers; 601 KAR Chapter 1  
Motor vehicle tax; 601 KAR Chapter 9

### TRAVEL EXPENSES (STATE EMPLOYEES)

Employee's reimbursement for travel; 200 KAR 2:006

### U-DRIVE-IT PERMITS

(See Vehicle Regulation)

### UNCLASSIFIED EMPLOYEES

(See Personnel)

### UNEMPLOYMENT INSURANCE

(See Employment Services)

### VEHICLE REGULATION

Administration  
Drivers' privacy protection; 601 KAR 2:020E  
Commercial Driver's License  
Medical waivers for intrastate operators; 601 KAR 11:040  
Motor Carriers  
Audit of U-drive-it permit holders; 601 KAR 1:147  
Fair market rental, leave value, U-drive-it permit; 601 KAR 1:146  
Safety regulations; 601 KAR 1:005  
Transporting hazardous materials by air, highway; 601 KAR 1:025

### Motor Vehicle Tax

Apportioned registration; 601 KAR 9:135

### VETERANS AFFAIRS

Kentucky Veterans' Program Trust Fund; 201 KAR 37:010

### VETERINARY EXAMINERS

Complaint processing procedures; 201 KAR 16:060  
Repeal of 201 KAR 16:070; 201 KAR 16:071

### VOCATIONAL EDUCATION

(See Workforce Development Cabinet)

### WASTE MANAGEMENT

Solid Waste Facilities  
Special types of permits; 401 KAR 47:150  
Waste Tires  
Definitions; 401 KAR 46:005  
Facilities' operating requirements; 401 KAR 46:030  
Financial assurance; 401 KAR 46:040  
General provisions; 401 KAR 46:010  
Registration for accumulators, processors; 401 KAR 46:020  
Tire retailer fee; 401 KAR 46:050  
Waste Tire Trust Fund Grant Program; 401 KAR 46:070  
Waste Tire Trust Fund Loan Program; 401 KAR 46:060

### WASTE TIRES

(See Waste Management)

### WATER

Quality  
Definitions; 401 KAR 5:001  
Swine feeding operations; 401 KAR 5:008

### WILDLIFE

(See Fish and Wildlife Resources)

### WORK STUDY PROGRAM

(See Higher Education Assistance Authority)

### WORKERS' CLAIMS

Insurance coverage filing, notice of policy change or termination; 803 KAR 25:175  
Issuance of citations, procedure in enforcement hearings; 803 KAR 25:015  
Notice of rejection of Workers' Compensation Act; 803 KAR 25:130  
Resolution of medical fee disputes; 803 KAR 25:012  
Selection of physicians, treatment plans, statements for medical services; 803 KAR 25:096  
Training or education programs eligible for retraining incentive benefits; 803 KAR 25:120  
Utilization review, medical bill audit; 803 KAR 25:190

### WORKFORCE DEVELOPMENT CABINET

Adult and Technical Education  
Management of Kentucky TECH System; 780 KAR Chapter 2  
Adult education and literacy; 785 KAR Chapter 1  
Employment Services  
Unemployment insurance; 787 KAR Chapter 1





