ADMINISTRATIVE REGISTER OF KENTUCKY

LEGISLATIVE RESEARCH COMMISSION
Frankfort, Kentucky

VOLUME 29, NUMBER 9
SATURDAY, MARCH 1, 2003

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MEETING NOTICE

The Administrative Regulation Review Subcommittee is **tentatively** scheduled to meet on Tuesday, March 11, 2003, at 10:00 a.m., in Room 149 of the Capitol Annex. See **tentative agenda** on pages 2211-2213 of this Administrative Register.

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

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TENTATIVE AGENDA - March 11, 2003, at 10 a.m., Room 149, Capitol Annex

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Information Systems
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DEPARTMENT OF STATE
Registry of Election Finance

Reports and Forms
32 KAR 1:100E. Slate software. ("E" expires 5/20/03) (Deferred from January)
32 KAR 1:190E. Forms for gubernatorial slates of candidates and related filers. ("E" expires 5/20/03) (Deferred from January)
32 KAR 1:200E. Transfers of public funds for gubernatorial slates of candidates. ("E" expires 5/20/03) (Deferred from January)

DEPARTMENT OF LAW
Office of the Attorney General

Division of Consumer Protection
40 KAR 2:078. Interface with federal database. (Deferred from December)

PERSONNEL BOARD

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101 KAR 1:325. Probationary periods.

KENTUCKY EMPLOYEES' RETIREMENT SYSTEM

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105 KAR 1:370E. Kentucky Retirement Systems personnel policies. ("E" expires 6/20/03)

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Board of Pharmacy
201 KAR 2:025. License reinstatement.
201 KAR 2:270. Expungement.
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Board of Nursing
201 KAR 20:056. Advanced registered nurse practitioner registration, program requirements, recognition of a national certifying organization.
201 KAR 20:057. Scope and standards of practice of advanced registered nurse practitioners.
201 KAR 20:070. Licensure by examination.
201 KAR 20:215. Continuing competency requirements.
201 KAR 20:310. Faculty for prelicensure registered nurse and practical nurse programs.

Board of Physical Therapy
201 KAR 22:111. Repeal of 201 KAR 22:110.

State Board for Proprietary Education
201 KAR 40:040E. Commercial driver license training school curriculum. ("E" expires 7/21/03)
201 KAR 40:050E. Application for license for commercial driver license training school. ("E" expires 7/21/03)
201 KAR 40:060E. Application for renewal of license for commercial driver license training school. ("E" expires 7/21/03)
201 KAR 40:070E. Commercial driver license training school instructor and agent application and renewal procedures. ("E" expires 7/21/03)
201 KAR 40:080E. Maintenance of student records, schedule of fees charged to students, contracts and agreements involving licensed commercial driver training schools, advertising and solicitation of students by commercial driver license training schools. ("E" expires 7/21/03)
201 KAR 40:090E. Complaint procedure against agents, commercial driver license training schools, uncredentialed agents, and uncredentialed commercial driver license training schools. ("E" expires 7/21/03)

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Game
301 KAR 2:049. Small game and furbearer hunting on public areas.
301 KAR 2:111. Deer and turkey hunting on federal areas.
301 KAR 2:185. Hunter education training.
301 KAR 2:221 & E. Waterfowl seasons and limits. ("E" expires 5/20/03)
301 KAR 2:222 & E. Waterfowl hunting requirements. ("E" expires 5/20/03)
301 KAR 2:251. Hunting and trapping seasons and limits for furbearers and small game.

Hunting and Fishing
301 KAR 3:110 & E. Mobility-impaired hunts for deer, turkey and waterfowl. ("E" expires 5/20/03)

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Pesticides
302 KAR 31:040. Storage and handling of pesticides and bulk fertilizer.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET

Department for Environmental Protection

Underground Storage Tanks

401 KAR 42:005 & E. Definitions related to 401 KAR Chapter 42. ("E" expires 4/20/03)

Division for Air Quality

General Standards of Performance

401 KAR 63:105. Requirements for control technology determinations for major sources in accordance with Clean Air Act section 112(g) and (j). (Not Amended After Hearing) (Deferred from December)

Department for Surface Mining Reclamation and Enforcement

Surface Effects of Noncoal Mining

405 KAR 5:001E. Definitions for 405 KAR Chapter 5. ("E" expires 7/21/03)
405 KAR 5:030E. Permit requirements. ("E" expires 7/21/03)
405 KAR 5:035E. Signs, markers, and safety barriers. ("E" expires 7/21/03)
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405 KAR 5:075E. Contemporaneous reclamation. ("E" expires 7/21/03)
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JUSTICE CABINET

Department of Corrections

Office of the Secretary

501 KAR 6:040. Kentucky State Penitentiary.
501 KAR 6:060. Northpoint Training Center.
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501 KAR 6:130. Western Kentucky Correctional Complex.
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Department of Criminal Justice Training

Kentucky Law Enforcement Council

503 KAR 1:110E. Department of Criminal Justice Training basic training: graduation requirements; records. ("E" expires 6/20/03) (Deferred from February)

503 KAR 1:140E. Peace officer professional standards. ("E" expires 5/20/03) (Deferred from January)

Law Enforcement Foundation Program Fund

503 KAR 5:090E. Participation: requirements; application; withdrawal. ("E" expires 5/20/03) (Deferred from January)

TRANSPORTATION CABINET

Department of Highways

Division of Professional Services

Professional Engineering and Related Services

600 KAR 6:040. Prequalification of firms for professional engineering or related services. (Deferred from February)
600 KAR 6:060. Professional engineering service selection committee. (Deferred from February)
600 KAR 6:070. Contracting for professional engineering or related services. (Public Hearing (WC) in January)
600 KAR 6:080. Financial records and audits of firms. (Public Hearing (WC) in January)

Right of Way

603 KAR 4:035. Log signs; placement along fully-controlled and partially-controlled access highways. (Deferred from January)
603 KAR 4:040. TODS signs; placement on public roads other than interstates or parkways. (Deferred from January)
603 KAR 4:045. Cultural and recreational supplemental guide signs and boundary signs. (Amended After Hearing)

WORKFORCE DEVELOPMENT CABINET

Department for the Blind

Development for the Blind

782 KAR 1:070. Certified driver training program.

LABOR CABINET

Occupational Safety and Health

803 KAR 2:180E. Recordkeeping; statistics. ("E" expires 7/21/03)
803 KAR 2:406E. Signs, signals, and barricades. ("E" expires 7/21/03)
803 KAR 2:500E. Maritime employment. ("E" expires 7/21/03)

PUBLIC PROTECTION AND REGULATION CABINET

Department of Financial Institutions

Securities

808 KAR 10:260. Examination requirement for individuals advising the public on securities, broker-dealers, and agents.

Department of Housing, Buildings and Construction

Kentucky Building Code

815 KAR 7:120. Kentucky Building Code/2002.
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CABINET FOR HEALTH SERVICES

Certificate of Need

900 KAR 6:050E. Certificate of need administrative regulation. ("E" expires 7/21/03)

Department for Public Health

Sanitation

902 KAR 10:060. On-site sewage disposal application fee. (Deferred from February)

State Health Plan

902 KAR 17:041E. State Health Plan for facilities and services. ("E" expires 5/20/03) (Deferred from January)

Health Services and Facilities

902 KAR 20:008. License procedures and fee schedule. (Not Amended After Hearing)

Department for Medicaid Services

Medicaid Services

907 KAR 1:008 & E. Ambulatory surgical center services and reimbursement. ("E" expires 4/20/03)

907 KAR 1:065E. Payments for price-based nursing facility services. ("E" expires 7/21/03)

907 KAR 1:145E. Supports for community living services for an individual with mental retardation or a developmental disability. ("E" expires 6/20/03) (Deferred from February)

907 KAR 1:320 & E. Kentucky Patient Access and Care System (KenPAC). ("E" expires 4/20/03)

907 KAR 1:479E. Durable medical equipment covered benefits and reimbursement. ("E" expires 7/21/03)

907 KAR 1:520E. Payments for targeted case management services for adults with chronic mental illness. ("E" expires 7/21/03)

907 KAR 1:530E. Payments for targeted case management services for severely emotionally disturbed children. ("E" expires 7/21/03)

907 KAR 1:604 & E. Recipient cost-sharing. ("E" expires 5/20/03)

907 KAR 1:800E. Breast and cervical cancer eligibility for Medicaid. ("E" expires 4/20/03) (Deferred from December)

Payment and Services

907 KAR 3:030E. Coverage and payments for IMPACT Plus services. ("E" expires 7/21/03)

907 KAR 3:090E. Acquired brain injury services. ("E" expires 7/21/03)

Commission for Children with Special Health Care Needs

Kentucky Early Intervention System

911 KAR 2:120E. Kentucky Early Intervention Program evaluation and eligibility. ("E" expires 7/21/03)

911 KAR 2:130E. Kentucky Early Intervention Program assessment and service planning. ("E" expires 7/21/03)

911 KAR 2:200E. Coverage and payment for Kentucky Early Intervention Program services. ("E" expires 7/21/03)

CABINET FOR FAMILIES AND CHILDREN

Department for Community Based Services

Family Support

K-TAP, Kentucky Works, Welfare to Work, State Supplementation

921 KAR 2:015E. Supplemental programs for persons who are aged, blind, or have a disability. ("E" expires 7/21/03)

Food Stamp Program

921 KAR 3:020 & E. Financial requirements. ("E" expires 4/20/03)

921 KAR 3:025E. Technical requirements. ("E" expires 4/20/03) (Deferred from December)

921 KAR 3:030. Application process.

Protection and Permanency

Child Welfare

922 KAR 1:130. Kinship Care Program.

922 KAR 1:490 & E. Background checks for foster and adoptive parents and reporting requirements. ("E" expires 3/20/03) (Deferred from November)

Day Care

922 KAR 2:180. Requirements for unregulated provider registration in the Child Care Assistance Program.

922 KAR 2:220. Requirements for the Commonwealth Child-Care Credential.

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.

NOTICES OF INTENT TO PROMULGATE ADMINISTRATIVE REGULATIONS RECEIVED AS OF NOON, FEBRUARY 14, 2003

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

February 5, 2003

(1) **11 KAR 5:130.** Student application.

(2) The Kentucky Higher Education Assistance Authority intends to amend the administrative regulation governing the subject matter listed above, particularly Section 1(3)(c) pertaining to ineligibility for KHEAA grants.

(3) A public hearing to receive oral and written comments on the proposed amendment to administrative regulations has been scheduled for Friday, March 21, 2003, at 10 a.m., at 100 Airport Road, 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 21, 2003, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Richard F. Casey, General Counsel, Kentucky Higher Education Assistance Authority, PO Box 798, Frankfort, Kentucky 40602-0798, phone 1-800-693-8211, fax (502) 696-7293.

(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 amend 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 Higher Education Assistance Authority at the address listed above.

(7) Information relating to the proposed amendment:

(a) The statutory authority for the promulgation of an administrative regulation relating to the subject matter of this administrative regulation is KRS 164.746(6), 164.748(4) and 164.7535.

(b) The Kentucky Higher Education Assistance Authority intends to amend 11 KAR 5:130 as follows: Section 1(3)(c) of the above-cited administrative regulation provides that applicants that are graduate students shall be ineligible for KHEAA grants. The Kentucky Higher Education Assistance Authority intends to amend that section of the administrative regulation to provide an exception that students enrolled in a program of study designated as an equivalent undergraduate program of study by the Council on Postsecondary Education shall nevertheless be eligible for a CAP grant award.

(c) The necessity and function of the proposed administrative regulation are as follows: 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. This administrative regulation prescribes the form to be used by a student to apply for and establish financial need for KHEAA grant programs.

(d) The benefits of this administrative regulation are: To insure that all educational institutions listed on the Free Application for Federal Student Aid be considered in determining a KHEAA grant program award.

(e) The administrative regulation will be implemented as follows: Students submit the Free Application for Federal Student Aid (FAFSA) as the application for KHEAA grant eligibility. The applicant will submit changes in information by indicating the changed information on the Student Aid Report (SAR), received from the federal government, and returning the SAR to the federal processor. The applicant's eligibility for KHEAA grants will be considered based upon the information provided on the FAFSA, including a list of up to 6 educational institutions that the applicant may plan to attend.

February 5, 2003

(1) **11 KAR 5:180.** Kentucky Higher Education Assistance Authority Grant Programs, records and reports.

(2) The Kentucky Higher Education Assistance Authority intends to promulgate an administrative regulation governing the subject matter listed above. Particularly, the authority intends to amend the record retention requirements for educational institutions by reducing from 5 to 3 years the period of retention.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for Friday, March 21, 2003, at 10 a.m., at 100 Airport Road, Frankfort, Kentucky 40602-0798.

(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 Friday, March 21, 2003, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Richard F. Casey, General Counsel, Kentucky Higher Education Assistance Authority, PO Box 798, Frankfort, Kentucky 40602-0798, phone 1-800-693-8211, fax (502) 696-7293.

(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 Higher Education Assistance Authority 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 this administrative regulation is KRS 164.748(4) and 164.753(4).

(b) The administrative regulation that the Kentucky Higher Education Assistance Authority intends to promulgate will amend 11 KAR 5:180 as follows: Section 1 will be amended to change the institutional record retention requirement from 5 to 3 years to be consistent with the re-

quirement for other state aid programs.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 164.748(4) requires the authority to promulgate administrative regulations pertaining to the awarding of grants, scholarships, and honorary scholarships as provided in KRS 164.740 to 164.785. KRS 164.753(4) requires the authority to promulgate administrative regulations pertaining to grants. The amendment to 11 KAR 5:180 is necessary to change the institutional record retention requirement from 5 to 3 years to be consistent with the requirement for other state aid programs.

(d) The benefits expected from the administrative regulation are: The benefits expected from the amendment to 11 KAR 5:180 are that the proposed amendment will reduce the time period that the institution must retain KHEAA grant program records to be consistent with other financial aid programs.

(e) The administrative regulation will be implemented as follows: The educational institution must retain for 3 years all records relied upon by that institution to certify that any recipient of funds from the authority is an eligible student and make the records available to the authority upon request.

February 5, 2003

(1) **11 KAR 8:040**. Deferment of teacher scholarship repayment.

(2) The Kentucky Higher Education Assistance Authority intends to promulgate an administrative regulation governing the subject matter listed above, particularly, to amend the criteria for an unemployment deferment of a payment obligation to limit an unemployment deferment to 1 year instead of a maximum of 3 years as currently permitted in the regulation.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for Friday, March 21, 2003, at 10 a.m., at 100 Airport Road, 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 Friday, March 21, 2003, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Richard F. Casey, General Counsel, Kentucky Higher Education Assistance Authority, PO Box 798, Frankfort, Kentucky 40602-0798, phone 1-800-693-8211, fax (502) 696-7293.

(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 Higher Education Assistance Authority 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 this administrative regulation is KRS 164.748(4) and 164.769(6)(f).

(b) The administrative regulation that the Kentucky Higher Education Assistance Authority intends to promulgate will amend 11 KAR 8:040, as follows: The amendment will change Section 4(2) of the existing administrative regulation by limiting an unemployment deferment to 1 year instead of a maximum of 3 years as currently permitted in the administrative regulation.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 164.744(2) authorizes the authority to provide scholarships and KRS 164.769 authorizes the authority to specifically provide a program of teacher scholarships. KRS 164.748(4) and 164.753(3) require the authority to promulgate administrative regulations pertaining to the awarding of scholarships as provided in KRS 164.740 to 164.785. KRS 164.769(6)(f) requires the authority to establish, by administrative regulation, the terms and conditions for the award, cancellation, and repayment of teacher scholarships including, but not limited to, deferments. This administrative regulation prescribes conditions for deferment of the repayment obligation.

(d) The benefits expected from the administrative regulation are: The amendment to this administrative regulation strengthens the criteria that must be met before a scholarship recipient will qualify for a deferment of the repayment obligation under the scholarship program based on the recipient's unemployment. The amendment will encourage quicker repayment of scholarship funds by limiting an unemployment deferment to 1 year instead of a maximum of 3 years as currently permitted in the administrative regulation.

(e) The administrative regulation will be implemented as follows: In regard to the established criteria, qualification for an unemployment deferment, will be limited to 1 year.

EDUCATION PROFESSIONAL STANDARDS BOARD

January 2003

(1) **16 KAR 1:040**. Teachers' National Certification Incentive Trust Fund.

(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 26, 2003, at 1 p.m. at the State Board Room, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

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

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

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 10 days prior to March 26, 2003, the hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Dr. Susan Leib, Education Professional Standards Board, 1024 Capital Center Drive, Frankfort, Kentucky 40601, phone (502) 573-4606, 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 promulgation of an administrative regulation governing the Teachers' National Certification Incentive Trust Fund is KRS 161.133 and 161.134.

(b) The administrative regulation that the Education Professional Standards Board intends to amend is 16 KAR 1:040, Teachers' National Certification Incentive Trust Fund. The amendment would limit candidate participation and encumber funds per candidate on first-come, first-served basis, alter the candidate registration process, restrict incentive availability to second-year candidates, delay disbursement of incentive funds until candidates have submitted the portfolio portion of the certification assessment, require candidates to identify third-party payments made on their behalf towards the certification fee, and create a new request for proposals format for solicitation, receipt, and consideration of mentoring program proposals.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 161.133 requires the Education Professional Standards Board to establish procedures for the administration of the fund and the requirements for participating teachers and local boards of education. KRS 161.134 requires the Education Professional Standards Board to establish the parameters for mentoring programs utilizing national board certified teachers.

(d) The benefits expected from administrative regulation are: This amendment establishes the benefit application, eligibility, and reward process to administer the fund under the strict confines of the limitations established in the Governor's Fiscal Year 2003 Spending Plan (Executive Order 2002-727).

(e) The administrative regulation will be implemented as follows: Local districts, educator preparation programs, and private education associations would be notified of the changes, and publications of the Education Professional Standards Board would be updated to reflect the changes.

January 2003

(1) **16 KAR 2:020**. Industrial education teachers.

(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 26, 2003, at 1 p.m. at the State Board Room, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

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

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

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

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 10 days prior to March 26, 2003, the hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Dr. Susan Leib, Education Professional Standards Board, 1024 Capital Center Drive, Frankfort, Kentucky 40601, phone (502) 573-4606, 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 promulgation of an administrative regulation governing industrial education teachers is KRS 161.028 and 161.030.

(b) The administrative regulation that the Education Professional Standards Board intends to amend is 16 KAR 2:020, Industrial education teachers. The amendment would align preparation and certification of occupation-based career and technical education teachers with standards for all new teachers, expand certification options, and update certification procedures.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 161.028 requires the Education Professional Standards Board to establish standards and requirements for obtaining and maintaining a teaching certificate. KRS 161.030 grants the Education Professional Standards Board certification authority.

(d) The benefits expected from administrative regulation are: This amendment is proposed in response to HB 185 of the 2001 General Assembly, which directed the Education Professional Standards Board to establish a work group to review the preparation and certification of teachers in technical fields. The amendment would align the preparation and certifications of teachers in these fields with the standards and expectations of teachers in other fields, strengthen the program of preparation to meet the demands of today's classroom, and provide certification options that mirror the changing career and technical programs offered in Kentucky's public schools.

(e) The administrative regulation will be implemented as follows: Local districts, educator preparation programs, and private education associations would be notified of the changes, and publications of the Education Professional Standards Board would be updated to reflect the changes.

January 2003

(1) **16 KAR 2:190**. Probationary certificate for information technology teachers.

(2) The Education Professional Standards Board 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 26, 2003, at 1 p.m. at the State Board Room, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

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

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

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

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 10 days prior to March 26, 2003, the hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Dr. Susan Leib, Education Professional Standards Board, 1024 Capital Center Drive, Frankfort, Kentucky 40601, phone (502) 573-4606, 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 promulgation of an administrative regulation relating to the establishing of standards and requirements for obtaining and maintaining a teaching certificate is KRS 161.028 and 161.030.

(b) The administrative regulation that the Education Professional Standards Board intends to promulgate is 16 KAR 2:190, Probationary certificate for information technology teachers. The Education Professional Standards Board is promulgating this administrative regulation to create a probationary certificate for teaching information technology in grades 5-12.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 161.028 requires the Education Professional Standards Board to establish standards and requirements for obtaining and maintaining a teaching certificate. KRS 161.030 grants the Education Professional Standards Board certification authority.

(d) The benefits expected from administrative regulation are: This administrative regulation is proposed in response to HB 185 of the 2001 General Assembly, which directed the Education Professional Standards Board to establish a work group to review the preparation and certification of teachers in technical fields. This administrative regulation would create a probationary option for obtaining full certification for teaching information technology, grades 5-12. Currently, there is a shortage of preparatory offerings and lack of certified teachers for this subject matter. The probationary option would allow a teacher who holds at least a statement of eligibility in another area and minimum preparation in the content area, to receive a probationary certificate and be allowed to teach information technology while he/she is concurrently completing the remaining preparation requirements for full certification in this area.

(e) The administrative regulation will be implemented as follows: Local districts, educator preparation programs, and private education associations would be notified of the changes, and publications of the Education Professional Standards Board would be updated to reflect the changes.

January 2003

(1) **16 KAR 5:010**. Standards for accreditation of educator preparation units and approval of programs.

(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 26, 2003, at 1 p.m. at the State Board Room, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

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

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

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

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 10 days prior to March 26, 2003, the hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Dr. Susan Leib, Education Professional Standards Board, 1024 Capital Center Drive, Frankfort, Kentucky 40601, phone (502) 573-4606, 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 promulgation of an administrative regulation relating to the accreditation of an educator preparation unit and the approval of programs is KRS 161.028 and 161.030.

(b) The administrative regulation that the Education Professional Standards Board intends to amend is 16 KAR 5:010, Standards for accreditation of educator preparation units and approval of programs. The amendment would align and update accreditation/approval processes with national standards and best practices gained from multiple years of state experience, and the amendment would establish a quality performance index for each educator preparation unit.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 161.028 requires that an educator preparation 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.

(d) The benefits expected from administrative regulation are: This amendment would improve the accreditation and program approval process by further aligning the state process with performance-based, national standards. The addition of the quality performance index will provide a comparable, output measure of quality at each institution.

(e) The administrative regulation will be implemented as follows: Local districts, educator preparation programs, and private education associations would be notified of the changes, and publications of the Education Professional Standards Board would be updated to reflect the changes.

January 2003

(1) **16 KAR 6:020**. Written examination and internship prerequisites for vocational teachers.

(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 26, 2003, at 1 p.m. at the State Board Room, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

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

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

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

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 10 days prior to March 26, 2003, the hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Dr. Susan Leib, Education Professional Standards Board, 1024 Capital Center Drive, Frankfort, Kentucky 40601, phone (502) 573-4606, 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 promulgation of an administrative regulation relating to the establishing of standards and requirements for obtaining and maintaining a teaching certificate, including assessment requirements, is KRS 161.028 and 161.030.

(b) The administrative regulation that the Education Professional Standards Board intends to amend is 16 KAR 6:020, Written examination and internship prerequisites for vocational teachers. The amendment would establish a new, validated array of testing requirements for career and technical education teachers, including assessment of general knowledge and subject matter competency.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 161.028 requires the Education Professional Standards Board to establish standards and requirements for obtaining and maintaining a teaching certificate. KRS 161.030 requires the Education Professional Standards Board to select appropriate assessments that measure knowledge of the specific teaching field of each teacher applicant, including content of the field and teaching of that content.

(d) The benefits expected from administrative regulation are: This amendment is proposed in response to HB 185 of the 2001 General Assembly, which directed the Education Professional Standards Board to establish a work group to review the preparation and certification of teachers in technical fields. The amendment would align the testing requirements of teachers in these fields with the standards and expectations of teachers in other fields, including testing of general knowledge and verbal skills at an appropriate level and verification of subject matter competency in the field(s) to be taught.

(e) The administrative regulation will be implemented as follows: Local districts, educator preparation programs, and private education associations would be notified of the changes, and publications of the Education Professional Standards Board would be updated to reflect the changes.

January 2003

(1) **16 KAR 8:040**. Ranking of vocational trade instructors.

(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 26, 2003, at 1 p.m. at the State Board Room, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

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

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 10 days prior to March 26, 2003, the hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Dr. Susan Leib, Education Professional Standards Board, 1024 Capital Center Drive, Frankfort, Kentucky 40601, phone (502) 573-4606, 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 promulgation of an administrative regulation governing ranking of teachers is KRS 161.1211.

(b) The administrative regulation that the Education Professional Standards Board intends to amend is 16 KAR 8:040, Ranking of vocational trade instructors. The amendment would align the ranking of occupation-based career and technical education teachers with the concurrent amendments to 16 KAR 2:020 and update certification procedures.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 161.1211 establishes certificate ranks and grants authority to the Education Professional Standards Board to issue rank classifications.

(d) The benefits expected from administrative regulation are: This amendment is proposed in response to HB 185 of the 2001 General Assembly, which directed the Education Professional Standards Board to establish a work group to review the preparation and certification of teachers in technical fields. The amendment would align the ranking of teachers in these fields with the standards and expectations of teachers in other fields, taking into consideration their previous work experience.

(e) The administrative regulation will be implemented as follows: Local districts, educator preparation programs, and private education associations would be notified of the changes, and publications of the Education Professional Standards Board would be updated to reflect the changes.

SECRETARY OF STATE

February 10, 2003

(1) **30 KAR 3:010**. Application for registration of trademarks and service marks.

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

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 21, 2003, at 9 a.m. EST at Secretary of State's Office, 700 Capital Avenue, The Capitol, Suite 152, 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 21, 2003, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Tommy Greenwell, Assistant

Secretary of State, Office of the Secretary of State, Suite 152, State Capitol, 700 Capital Avenue, Frankfort, Kentucky 40601, phone (502) 564-3490, fax (502) 564-5687.

(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 from the Secretary of State 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 regulation of trademarks and service marks is KRS 365.571(1) and 365.573(5).

(b) The administrative regulation that the Secretary of State intends to promulgate will amend 30 KAR 3:010. It will incorporate by reference a revised form, clarify the concept of specimens, and delete obsolete and inaccurate language concerning conversion from a former classification system.

(c) The necessity, function, and conformity of the proposed administrative regulation is as follows: It will incorporate by reference a revised form and clarify language concerning specimens and conversion from the old classification system.

(d) The benefits expected from the proposed administrative regulation are: Assist filers who are registering trademarks or service marks.

(e) The administrative regulation will be implemented as follows: The Secretary of State and filers will utilize the revised form.

February 10, 2003

(1) **30 KAR 3:020**. Application for renewal of registration.

(2) The Secretary of State 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 21, 2003, at 9 a.m. EST at Office of the Secretary of State, Suite 152, State Capitol, 700 Capital Avenue, 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 21, 2003, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Tommy Greenwell, Assistant Secretary of State, Office of the Secretary of State, Suite 152, State Capitol, 700 Capital Avenue, Frankfort, Kentucky 40601, phone (502) 564-3490, fax (502) 564-5687.

(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 from the Secretary of State 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 renewal of registration of trademarks and service marks is KRS 365.581(1).

(b) The administrative regulation that the Secretary of State intends to promulgate will amend 30 KAR 3:020. It will incorporate by reference a new form and will clarify the administrative regulation.

(c) The necessity, function, and conformity of the proposed administrative regulation is as follows: It willincorporate by reference a revised form and will clarify the administrative regulation.

(d) The benefits expected from the proposed administrative regulation are: The revised form includes new classifications. The revised language of the administrative regulation clarifies the renewal process.

(e) The administrative regulation will be implemented as follows: The Secretary of State and filers will utilize the revised form.

February 10, 2003

(1) **30 KAR 3:030**. Classification of goods and services for registration of trademarks and service marks.

(2) The Secretary of State 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 21, 2003, at 9 a.m. EST at Office of the Secretary of State, Suite 152, State Capitol, 700 Capital Avenue, 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 21, 2003, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Tommy Greenwell, Assistant Secretary of State, Office of the Secretary of State, Suite 152, State Capitol, 700 Capital Avenue, Frankfort, Kentucky 40601, phone (502) 564-3490, fax (502) 564-5687.

(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 from the Secretary of State 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 regulation of the classification of goods and services for registration of trademarks and service marks is KRS 365.593.

(b) The administrative regulation that the Secretary of State intends to promulgate will amend 30 KAR 3:030. It will revise class 42 and add three new service classes.

(c) The necessity, function, and conformity of the proposed administrative regulation is as follows: The U.S. Patent and Trademark Office

adopted the revisions to class 42 and the new service classes. KRS 365.593 requires the classification of goods and services of Kentucky to conform to the classification adopted by the U.S. Patent and Trademark Office.

(d) The benefits expected from the proposed administrative regulation are: The classification system will closely follow that used by the U.S. Patent and Trademark Office.

(e) The administrative regulation will be implemented as follows: Trademark and service mark applications filed after the effective date of the regulation will utilize the new classifications.

KENTUCKY REVENUE CABINET
Department of Tax Administration

February 10, 2003

(1) **103 KAR 18:050**. Withholding statements; Form K-2.

(2) The Kentucky Revenue Cabinet, Department of Tax Administration 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 26, 2003, at 9 a.m., at 200 Fair Oaks 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 26, 2003, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should send their written requests to the following address: Jennifer C. Hays, Director, Kentucky Revenue Cabinet, 200 Fair Oaks Lane, Frankfort, Kentucky 40601, phone (502) 564-5495, fax (502) 564-2906.

(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 Revenue 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 subject matter of this administrative regulation is KRS 131.130(1), 141.330(1), and 141.335(2).

(b) The administrative regulation that the Kentucky Revenue Cabinet intends to promulgate will amend 103 KAR 18:050. It will establish the form to be filed by employers provided by KRS 141.335, the required contents of the form, the rules related to incorrect and duplicate statements, and which employers are required to utilize a type of magnetic media filing.

(c) The necessity, function, and conformity of the proposed administration is as follows: This administrative regulation is necessary to provide guidance to employers while preparing and submitting withholding statements in order to comply with KRS 141.335. The administrative regulation requires that certain employers submit that information to the Kentucky Revenue Cabinet by utilizing an acceptable form of magnetic media filing.

(d) The benefits expected from this administrative regulation are: Improved education for employers throughout Kentucky, fewer mistakes made by employers when submitting withholding statements, fewer adjustments made by the Kentucky Revenue Cabinet related to the information submitted by employers, and more efficient processing of that information by the Kentucky Revenue Cabinet.

(e) The administrative regulation will be implemented as follows: The provisions of this administrative regulation will be incorporated into the instructions for the 2003 withholding statements and the withholding tax handbook for employers.

FINANCE AND ADMINISTRATION CABINET
Office of the Secretary

February 15, 2003

(1) **200 KAR 5:015**. Legal documents.

(2) The Finance and Administration Cabinet intends to promulgate an amendment to 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 25, 2003 at 9:30 a.m. in Room 386, Capitol Annex, 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 calendar days prior to the hearing date, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Angela C. Robinson, Assistant General Counsel, Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(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 the request may obtain a request form from the secretary at the following address: Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to requirements for standard legal forms for transactions under the Finance and Administration Cabinet's jurisdiction is KRS 45A.035.

(b) The proposed administrative regulation will amend 200 KAR 5:015 to require that an agency, without exception, reserve the right to terminate a contract upon 90 days or less notice to the other party. The amendment corrects the administrative regulation to conform to KRS Chapter 13A.

(c) The necessity and function of the proposed administrative regulation is as follows: To assure uniformity among state agencies using legal documents in transactions over which the Finance and Administration Cabinet, by law, exercises administrative supervision or jurisdiction, the Finance and Administration Cabinet may prescribe standard forms to be used by agencies containing provisions considered by the secretary to be in the best interest of the Commonwealth.

(d) The benefit expected from this proposed administrative regulation is as follows: To allow the Finance and Administration Cabinet to approve legal forms used by state agencies to ensure that the forms are adequate to protect the interest of the Commonwealth in leases, land contracts, personal service contracts, and other transactions that the cabinet administers or over which it has jurisdiction.

(e) This administrative regulation will be implemented by notifying state agencies of the updated administrative regulation.

February 15, 2003

(1) **200 KAR 5:021**. Finance and Administration Cabinet Manual of Policies and Procedures.

(2) The Finance and Administration Cabinet intends to promulgate an amendment to 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 25, 2003, at 9:30 a.m. in Room 386, Capitol Annex, 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 calendar days prior to the hearing date, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Angela C. Robinson, Assistant General Counsel, Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(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 the request may obtain a request form from the secretary at the following address: Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to promulgation of the Finance and Administration Cabinet Manual of Policies and Procedures is KRS 45A.045(2).

(b) The proposed administrative regulation will amend 200 KAR 5:021 to add the Finance and Administration Cabinet's website as a location for accessing the Finance and Administration Cabinet Manual of Policies and Procedures and to update policies to reflect changes required by implementation of the Management and Administrative Reporting System (MARS).

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 45A.045(2) requires the Finance and Administration Cabinet to publish a manual of policies and procedures, which is to be incorporated by reference as an administrative regulation pursuant to KRS Chapter 13A. This administrative regulation incorporates the Finance and Administration Cabinet Manual of Policies and Procedures.

(d) The benefit expected from this proposed administrative regulation is as follows: To allow the Finance and Administration Cabinet Manual of Policies and Procedures to accurately reflect language and procedures relating to MARS and conform to Kentucky Revised Statutes, Kentucky Administrative Regulations, and preferred Finance and Administration Cabinet processes.

(e) This administrative regulation will be implemented by notifying state agencies of the updated manual and by updating the online version of the manual.

February 15, 2003

(1) **200 KAR 5:051**. Repeal of 200 KAR 5:025, 200 KAR 5:050 and 200 KAR 5:304.

(2) The Finance and Administration Cabinet 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 25, 2003, at 9:30 a.m. in Room 386, Capitol Annex, 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 calendar days prior to the hearing date, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Angela C. Robinson, Assistant General Counsel, Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(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 the request may obtain a request form from the secretary at the following address: Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the repeal of an administrative regulation relating to the Model Procurement Code (KRS Chapter 45A) is KRS 45A.035.

(b) The proposed administrative regulation will repeal 200 KAR 5:025, 200 KAR 5:050 and 200 KAR 5:304.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 45A.035 authorizes the secretary of the Finance and Administration Cabinet to promulgate administrative regulations necessary and advisable for carrying out the purposes of the Kentucky Model Procurement Code (KRS Chapter 45A).

(d) The benefit expected from this proposed administrative regulation is as follows: To repeal those administrative regulations that the secretary of the Finance and Administration Cabinet has determined are not necessary.

(e) This administrative regulation will be implemented by notifying state agencies of the repealed administrative regulations.

February 15, 2003

(1) **200 KAR 5:076**. Small and small minority business set asides.

(2) The Finance and Administration Cabinet intends to promulgate an amendment to 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 25, 2003, at 9:30 a.m. in Room 386, Capitol Annex, 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 calendar days prior to the hearing date, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Angela C. Robinson, Assistant General Counsel, Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(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 the request may obtain a request form from the secretary at the following address: Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to small and small minority business set asides is KRS 45A.670.

(b) The proposed administrative regulation will amend 200 KAR 5:076 to bring the administrative regulation into compliance with 13 CFR 121 and KRS Chapter 13A.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 45A.670 provides for the Finance and Administration Cabinet to promulgate administrative regulations defining standards regarding the classifications and definitions for small and small minority businesses as they relate to KRS 45A.665 to 45A.685.

(d) The benefit expected from this proposed administrative regulation is as follows: To allow the Finance and Administration Cabinet to ensure proper classification of small and small minority businesses.

(e) This administrative regulation will be implemented by notifying state agencies of the updated administrative regulation.

February 15, 2003

(1) **200 KAR 5:302**. Delegation of authority.

(2) The Finance and Administration Cabinet intends to promulgate an amendment to 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 25, 2003, at 9:30 a.m. in Room 386, Capitol Annex, 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 calendar days prior to the hearing date, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Angela C. Robinson, Assistant General Counsel, Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(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 the request may obtain a request form from the secretary at the following address: Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to delegation of authority by the Finance and Administration Cabinet is KRS 45A.035.

(b) The proposed administrative regulation will amend 200 KAR 5:302 to correct clerical or typographical errors; change references to the Division of Purchases to the Division of Material and Procurement Services, based on the reorganization of the Finance and Administration Cabinet; and authorize the Division of Administrative Policy and Audit to perform periodic procurement audits of any state agency holding a small purchase delegation.

(c) The necessity and function of the proposed administrative regulation is as follows: This administrative regulation provides uniformity for all delegations of authority by the Finance and Administration Cabinet and helps to ensure the competency of the agency receiving the delegated authority in the proposed delegated area of purchasing. In addition, this administrative regulation sets out the requirements for the secretary of the Finance and Administration Cabinet to waive the small purchase authority limitations pursuant to KRS 45A.100.

(d) The benefit expected from this proposed administrative regulation is as follows: To allow the secretary of the Finance and Administration Cabinet to permit an agency to purchase specific goods or services costing up to a specific limit, but more than $1,000, without the prior

approval from the Finance and Administration Cabinet.

(e) This administrative regulation will be implemented by notifying state agencies of the updated administrative regulation.

February 15, 2003

(1) **200 KAR 5:305**. Performance bonds.

(2) The Finance and Administration Cabinet intends to promulgate an amendment to 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 25, 2003, at 9:30 a.m. in Room 386, Capitol Annex, 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 calendar days prior to the hearing date, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Angela C. Robinson, Assistant General Counsel, Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(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 the request may obtain a request form from the secretary at the following address: Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to performance bonds is KRS 45A.035.

(b) The proposed administrative regulation will amend 200 KAR 5:305 to revise the reference to 200 KAR 5:020 to the correct citation, 200 KAR 5:021, for the Finance and Administration Cabinet Manual of Policies and Procedures, change the term "invitation for bids" to "solicitation" and add the current terminology and procedures used by the Management and Administrative Reporting System (MARS). The amendment will also delete the requirement that vendors use a bond form published in the Finance and Administration Cabinet Manual of Policies and Procedures.

(c) The necessity and function of the proposed administrative regulation is as follows: This administrative regulation implements the provisions of KRS 45A.190 and 45A.195.

(d) The benefit expected from this proposed administrative regulation is as follows: To reference the correct administrative regulation and terminology. It also permits agencies to accept performance bond documents from bidders and contractors on the form provided by a surety company.

(e) This administrative regulation will be implemented by notifying state agencies of the updated administrative regulation and noting any pertinent changes in solicitations.

February 15, 2003

(1) **200 KAR 5:306**. Competitive sealed bidding.

(2) The Finance and Administration Cabinet intends to promulgate an amendment to 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 25, 2003, at 9:30 a.m. in Room 386, Capitol Annex, 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 calendar days prior to the hearing date, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Angela C. Robinson, Assistant General Counsel, Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(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 the request may obtain a request form from the secretary at the following address: Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to competitive sealed bidding is KRS 45A.035.

(b) The proposed administrative regulation will amend 200 KAR 5:306 to update the terminology and procedures resulting from implementation of the Management and Administrative Reporting System (MARS), and change references to the Division of Purchases to the Division of Material and Procurement Services, based on the reorganization of the Finance and Administration Cabinet. In addition, this amendment will allow solicitations to be posted to the eProcurement website to satisfy the public notice requirement and correct language to conform to KRS Chapter 13A.

(c) The necessity and function of the proposed administrative regulation is as follows: This administrative regulation implements KRS 45A.080.

(d) The benefit expected from this proposed administrative regulation is as follows: This amendment will encourage competition by requiring agencies to post solicitations to the eProcurement website, rather than sending emails to 10 vendors. It will also allow online bidding, if permitted in the solicitation.

(e) This administrative regulation will be implemented by notifying state agencies of the updated administrative regulation.

February 15, 2003

(1) **200 KAR 5:307**. Competitively negotiated contracts.

(2) The Finance and Administration Cabinet intends to promulgate an amendment to 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 25, 2003, at 9:30 a.m. in Room 386, Capitol Annex, 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 calendar days prior to the hearing date, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Angela C. Robinson, Assistant General Counsel, Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(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 the request may obtain a request form from the secretary at the following address: Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to competitive negotiations is KRS 45A.035.

(b) The proposed administrative regulation will amend 200 KAR 5:307 to change the reference to the Division of Purchases to the Division of Material and Procurement Services, based on the reorganization of the Finance and Administration Cabinet, and correct clerical or typographical errors. The amendment will also change outdated terminology and procedures to the current terminology and procedures used by the Management and Administrative Recording System (MARS) and change the administrative regulation to conform to KRS Chapter 13A.

(c) The necessity and function of the proposed administrative regulation is as follows: This administrative regulation implements KRS 45A.085 and 45A.090.

(d) The benefit expected from this proposed administrative regulation is as follows: To clarify when an agency may award a contract based on best value to the Commonwealth determined through competitive negotiations.

(e) This administrative regulation will be implemented by notifying state agencies of the updated administrative regulation.

February 15, 2003

(1) **200 KAR 5:309**. Noncompetitive negotiations.

(2) The Finance and Administration Cabinet intends to promulgate an amendment to 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 25, 2003, at 9:30 a.m. in Room 386, Capitol Annex, 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 calendar days prior to the hearing date, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Angela C. Robinson, Assistant General Counsel, Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(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 the request may obtain a request form from the secretary at the following address: Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to noncompetitive negotiations is KRS 45A.035.

(b) The proposed administrative regulation will amend 200 KAR 5:309 to change references to the Division of Purchases tothe Division of Material and Procurement Services, based on the reorganization of the Finance and Administration Cabinet. It will change the term "single source" to "sole source" and delete reference to a repealed statute. It will eliminate nonprofit organizations from the types of vendors that agencies may contract with through noncompetitive negotiations, delete a typographical error, and change the administrative regulation to conform to KRS Chapter 13A.

(c) The necessity and function of the proposed administrative regulation is as follows: This administrative regulation implements KRS 45A.095.

(d) The benefit expected from this proposed administrative regulation is as follows: To clarify when an agency may award a contract based on best value to the Commonwealth determined through noncompetitive negotiations.

(e) This administrative regulation will be implemented by notifying state agencies of the updated administrative regulation.

February 15, 2003

(1) **200 KAR 5:310**. Multiple contracts.

(2) The Finance and Administration Cabinet intends to promulgate an amendment to 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 25, 2003, at 9:30 a.m. in Room 386, Capitol Annex, 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 calendar days prior to the hearing date, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Angela C. Robinson, Assistant General Counsel, Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(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 the request may obtain a request form from the secretary at the following address: Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to multiple contracts is KRS 45A.035.

(b) The proposed administrative regulation will amend 200 KAR 5:310 to change the term "invitation for bid" to "solicitation" and update other terms and procedures to conform with those used in the Management and Administrative Reporting System (MARS). The amendment will also delete typographical errors and change language in the administrative regulation to conform to KRS Chapter 13A.

(c) The necessity and function of the proposed administrative regulation is as follows: This administrative regulation implements KRS 45A.035(2)(f) and (h).

(d) The benefit expected from this proposed administrative regulation is as follows: To clarify when an agency may award multiple contracts to vendors from bid responses to one solicitation.

(e) This administrative regulation will be implemented by notifying state agencies of the updated administrative regulation.

February 15, 2003

(1) **200 KAR 5:311**. Contract modifications.

(2) The Finance and Administration Cabinet intends to promulgate an amendment to 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 25, 2003, at 9:30 a.m. in Room 386, Capitol Annex, 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 calendar days prior to the hearing date, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Angela C. Robinson, Assistant General Counsel, Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(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 the request may obtain a request form from the secretary at the following address: Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to contract modifications is KRS 45A.210(1).

(b) The proposed administrative regulation will amend 200 KAR 5:311 to change the term "advice of change in order" to "modification" and update other terms and procedures to conform with those used in the Management and Administrative Reporting System (MARS). The amendment will also delete typographical errors and change language in the administrative regulation to conform to KRS Chapter 13A.

(c) The necessity and function of the proposed administrative regulation is as follows: This administrative regulation requires agencies to include in procurement contracts clauses enabling the Commonwealth to effect changes, if changes will be permitted, and it requires that an agency create a modification to change a contract.

(d) The benefit expected from this proposed administrative regulation is as follows: To clarify when and how an agency may modify a contract.

(e) This administrative regulation will be implemented by notifying state agencies of the updated administrative regulation.

February 15, 2003

(1) **200 KAR 5:312**. Termination of contracts.

(2) The Finance and Administration Cabinet intends to promulgate an amendment to 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 25, 2003, at 9:30 a.m. in Room 386, Capitol Annex, 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 calendar days prior to the hearing date, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Angela C. Robinson, Assistant General Counsel, Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(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 the request may obtain a request form from the secretary at the following address: Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to contract modifications is KRS 45A.210.

(b) The proposed administrative regulation will amend 200 KAR 5:312 to change the procedures by which a contract may be terminated by the Commonwealth. The amendment will also delete typographical errors and change language in the administrative regulation to conform to KRS Chapter 13A.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 45A.210 authorizes the secretary of the Finance and Administration Cabinet to promulgate administrative regulations concerning the termination of contracts by the Commonwealth.

(d) The benefit expected from this proposed administrative regulation is as follows: To clarify when and how an agency may terminate a contract.

(e) This administrative regulation will be implemented by notifying state agencies of the updated administrative regulation.

February 15, 2003

(1) **200 KAR 5:313**. General and special conditions for bidding.

(2) The Finance and Administration Cabinet intends to promulgate an amendment to 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 25, 2003, at 9:30 a.m. in Room 386, Capitol Annex, 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 calendar days prior to the hearing date, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Angela C. Robinson, Assistant General Counsel, Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(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 the request may obtain a request form from the secretary at the following address: Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to general and special conditions for bidding is KRS 45A.035.

(b) The proposed administrative regulation will amend 200 KAR 5:313 to change the term "invitation for bids" to "solicitation" and update other terms and procedures to conform with those used in the Management and Administrative Reporting System (MARS). It will change references to the Division of Purchases to the Division of Material and Procurement Services, based on the reorganization of the Finance and Administration Cabinet, and delete the section pertaining to competitive negotiations. The amendment will also correct typographical errors and change language in the administrative regulation to conform to KRS Chapter 13A.

(c) The necessity and function of the proposed administrative regulation is as follows: This administrative regulation implements the provisions of KRS 45A.035(2)(e).

(d) The benefit expected from this proposed administrative regulation is as follows: To set out the requirements for the Finance and Administration Cabinet to include in its Manual of Policies and Procedures general and special conditions that must be included in solicitations when issued by the Finance and Administration Cabinet or any state agency with delegated purchasing authority.

(e) This administrative regulation will be implemented by notifying state agencies of the updated administrative regulation.

February 15, 2003

(1) **200 KAR 5:314**. Disclosure of contractor's financial records and information to certain governmental entities.

(2) The Finance and Administration Cabinet intends to promulgate an amendment to 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 25, 2003, at 9:30 a.m. in Room 386, Capitol Annex, 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 calendar days prior to the hearing date, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Angela C. Robinson, Assistant General Counsel, Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(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 the request may obtain a request form from the secretary at the following address: Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to disclosure of contractor's financial records and information to certain governmental entities is KRS 45A.035(2)(g).

(b) The proposed administrative regulation will amend 200 KAR 5:314 to correct typographical errors and change language in the administrative regulation to conform to KRS Chapter 13A.

(c) The necessity and function of the proposed administrative regulation is as follows: This administrative regulation allows governmental oversight agencies to obtain access to financial data of state contractors.

(d) The benefit expected from this proposed administrative regulation is as follows: To require, in all state contracts, language that will allow specific state agencies to have access to contractors' financial information and release the information to the public.

(e) This administrative regulation will be implemented by notifying state agencies of the updated administrative regulation.

February 15, 2003

(1) **200 KAR 5:315.** Disciplinary action for failure to perform.

(2) The Finance and Administration Cabinet intends to promulgate an amendment to 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 25, 2003, at 9:30 a.m. in Room 386, Capitol Annex, 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 calendar days prior to the hearing date, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Angela C. Robinson, Assistant General Counsel, Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(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 the request may obtain a request form from the secretary at the following address: Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to disciplinary action for failure to perform is KRS 45A.035.

(b) The proposed administrative regulation will amend 200 KAR 5:315 to correct typographical errors, update terms and procedures to reflect those used by the Management and Administrative Reporting System (MARS), and delete references to the source list that is no longer maintained. It will provide the Finance and Administration Cabinet discretion when determining if disciplinary action, probation or suspension is warranted for a bidder or contractor, and change language in the administrative regulation to conform to KRS Chapter 13A.

(c) The necessity and function of the proposed administrative regulation is as follows: This administrative regulation implements the provisions of KRS 45A.035(2)(b).

(d) The benefit expected from this proposed administrative regulation is as follows: To state what actions by a bidder or contractor may result in disciplinary action by the Finance and Administration Cabinet and provide for appeal by the bidder or contractor.

(e) This administrative regulation will be implemented by notifying state agencies and registered vendors of the updated administrative regulation.

February 15, 2003

(1) **200 KAR 5:317**. Cost principles.

(2) The Finance and Administration Cabinet intends to promulgate an amendment to 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 25, 2003, at 9:30 a.m. in Room 386, Capitol Annex, 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 calendar days prior to the hearing date, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Angela C. Robinson, Assistant General Counsel, Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(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 the request may obtain a request form from the secretary at the following address: Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to cost principles is KRS 45A.215.

(b) The proposed administrative regulation will amend 200 KAR 5:317 to delete references to administrative regulations and the Cabinet for Human Services and add references to OMB circulars. It will change language in the administrative regulation to conform to KRS Chapter 13A.

(c) The necessity and function of the proposed administrative regulation is as follows: This administrative regulation states cost principles to be used as guidelines to determine allowable costs incurred by contractors under cost reimbursement-type contracts.

(d) The benefit expected from this proposed administrative regulation is as follows: To state the guidelines for determining cost reim-

bursement contract cost principles.

(e) This administrative regulation will be implemented by notifying state agencies and registered vendors of the updated administrative regulation.

February 15, 2003

(1) **200 KAR 5:325**. Consideration to be given to use of Kentucky-made wood products.

(2) The Finance and Administration Cabinet intends to promulgate an amendment to 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 25, 2003, at 9:30 a.m. in Room 386, Capitol Annex, 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 calendar days prior to the hearing date, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Angela C. Robinson, Assistant General Counsel, Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(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 the request may obtain a request form from the secretary at the following address: Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to consideration of Kentucky-made wood products is KRS 45A.035 and 45.045(2).

(b) The proposed administrative regulation will amend 200 KAR 5:325 to delete references to terminology, source applications and the Vendor Information Program, which have been replaced by the Management and Administrative Reporting System (MARS). It will require agencies to post solicitations for wood products on the eProcurement website. The amendment also references the Kentucky Wood Products Mall maintained by the Kentucky Wood Products Competitiveness Corporation.

(c) The necessity and function of the proposed administrative regulation is as follows: This administrative regulation provides for consistent consideration of Kentucky-made wood products by state agencies, in accordance with KRS 154.47.

(d) The benefit expected from this proposed administrative regulation is as follows: To direct state agencies to consider Kentucky-made wood products when issuing solicitations for wood products.

(e) This administrative regulation will be implemented by notifying state agencies of the updated administrative regulation.

February 15, 2003

(1) **200 KAR 5:330**. Purchase of goods, supplies, equipment, materials and printing with minimum recycled content.

(2) The Finance and Administration Cabinet intends to promulgate an amendment to 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 25, 2003, at 9:30 a.m. in Room 386, Capitol Annex, 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 calendar days prior to the hearing date, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Angela C. Robinson, Assistant General Counsel, Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(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 the request may obtain a request form from the secretary at the following address: Finance and Administration Cabinet, Office of Legal and Legislative Services, Room 374 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to the purchase of goods, supplies, equipment, materials and printing with minimum recycled content is KRS 45A.520.

(b) The proposed administrative regulation will amend 200 KAR 5:330 to update the minimum recycled content for some products to conform to revised United States Environmental Protection Agency standards. It will correct typographical errors and bring the administrative regulation into compliance with KRS Chapter 13A.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 45A.520 requires the Finance and Administration Cabinet to promulgate administrative regulations to establish the minimum recycled material content of good, supplies, equipment and other material purchased by state agencies.

(d) The benefit expected from this proposed administrative regulation is as follows: To update the minimum recycled content of commodities based on the standards of the United States Environmental Protection Agency.

(e) This administrative regulation will be implemented by notifying state agencies of the updated administrative regulation.

KENTUCKY STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

January 29, 2003

(1) **201 KAR 18:101.** Repeal of 201 KAR 18:102, Electronic stamps, seals, signatures and dates.

(2) The Kentucky State Board of Licensure for Professional Engineers and Land Surveyors 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 26, 2003, at 10 a.m., local time, in the board's conference room at 160 Democrat Drive, 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 26, 2003, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: B. David Cox, Executive Director, Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive, Frankfort, Kentucky 40601, phone (502) 573-2680, fax (502) 573-6687.

(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 executive director 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 322.340 and 322.290.

(b) The board intends to repeal 201 KAR 18:102 and replace it with a new regulation 201 KAR 18:104 governing the use of seals and signatures.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 322.290(13) requires the board to promulgate administrative regulations establishing rules for the use of stamps, seals and signatures in electronic transactions. 201 KAR 18:102 was promulgated as a temporary measure. The board proposes to replace it with a new administrative regulation 201 KAR 18:104.

(d) The benefits expected from this administrative regulation are: It fulfills the legislative requirements.

(e) This administrative regulation will be implemented as follows: By licensees practicing engineering and land surveying under the new administrative regulation.

January 29, 2003

(1) **201 KAR 18:104.** Seals and signatures.

(2) The Kentucky State Board of Licensure for Professional Engineers and Land Surveyors 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 26, 2003, at 10 a.m., local time, in the board's conference room at 160 Democrat Drive, 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 26, 2003, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: B. David Cox, Executive Director, Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive, Frankfort, Kentucky 40601, phone (502) 573-2680, fax (502) 573-6687.

(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 executive director 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 322.340 and 322.290.

(b) The board intends to promulgate this administrative regulation to provide for the use of electronic seals and signatures in the practice of engineering and land surveying. The proposed administrative regulation is intended to replace 201 KAR 18:102, which the board proposes to repeal.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 322.290(13) requires the board to promulgate administrative regulations establishing rules for the use of stamps, seals and signatures in electronic transactions.

(d) The benefits expected from this administrative regulation are: It fulfills the legislative requirements and will facilitate electronic commerce in the fields of engineering and land surveying.

(e) This administrative regulation will be implemented as follows: By licensees adopting the use of electronic seals and signatures.

CABINET FOR ECONOMIC DEVELOPMENT

February 14, 2003

(1) **307 KAR 2:010.** Kentucky Jobs Development Act Program.

(2) The Cabinet for Economic Development intends to promulgate an amendment to this administrative regulation related to the above topic.

(3) A public hearing to receive oral and written comments on the proposed amendment to this administrative regulation has been scheduled for March 25, 2003, at 10 a.m. in the Conference Room, 24th Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

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

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

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

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Catherine C. Staib, Staff Attorney, 24th Floor, 500 Mero Street, Frankfort, Kentucky 40601.

(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 the request may obtain a request form from the Cabinet at the following address: Office of the General Counsel, 24th Floor, 500 Mero Street, Frankfort, Kentucky 40601, phone 502-564-7670, fax 502-564-1535.

(7) Information relating to the proposed amendment to this administrative regulation:

(a) The statutory authority for the promulgation of this administrative regulation is KRS 154.24-040(7).

(b) The proposed amendment to this administrative regulation will conform the regulation to statutory changes and clarify the conditions precedent to activation of a project.

(c) The necessity and function of the proposed amendment to this administrative regulation is as follows: KRS 154.24-040(7) requires regulations for administering this program.

(d) The expected benefit from the proposed amendment to this administrative regulation is as follows: The proposed amendment will bring the regulation into conformity with statutory changes and clarify the conditions precedent to activation of a project.

(e) This proposed administrative regulation will be implemented as follows: By the Cabinet for Economic Development and the Kentucky Economic Development Finance Authority in accordance with KRS Chapter 13A.

(8) Any person with a disability for which Cabinet for Economic Development needs to make an accommodation in order for the person to participate in the public comment hearing should notify Catherine Staib at the above-mentioned address no later than 10 days prior to the scheduled hearing date.

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

February 14, 2003

(1) **401 KAR 52:080**. Regulatory limit on potential to emit. The subject matter of the regulation is the exemption from Clean Air Act Title V permitting requirements for sources that commenced construction on or before December 14, 1995, and meet certain emissions limitations.

(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 to the administrative regulation has been scheduled for March 28, 2003, at 10:30 a.m. (Eastern Time), in the Conference Room of the Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky.

(4)(a) The public hearing will be held if it is requested at least 10 calendar days prior to March 28, 2003, in writing, by 5 persons, or by an administrative body, or by an association having at least 5 members, provided that a minimum of 5 persons, or 1 person representing an administrative body or association, agree 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 calendar days prior to March 28, 2003, the public hearing will be canceled.

(c) Consideration will be given to all comments received or made prior to the adjournment of the public hearing, or prior to the cancellation of the public hearing. Written comments may be submitted to the address listed in (5)(a) below.

(d) The hearing facility is accessible to persons with disabilities. Requests for reasonable accommodations, including auxiliary aids and services necessary to participate in the public hearing, should be made to the contact person listed in (5)(a) below at least 10 calendar days prior to the public hearing.

(5)(a) Persons wishing to request a public hearing should mail or fax this information to Carl Millanti, Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky 40601, phone (502) 573-3382, ext. 343, fax (502) 573-3787.

(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 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 the proposed administrative regulation is KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, and 42 USC 7661a to 7661f.

(b) The amendment to the administrative regulation that the Division for Air Quality intends to promulgate will update an existing regulation.

(c) The necessity and function of the proposed amendments to this administrative regulation is as follows: KRS 224.10-100 requires the Natural Resources and Environmental Protection Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. The administrative regulation that the cabinet is proposing to amend, 401 KAR 52:080, provides for Title V permitting exemptions for those sources meeting certain listed criteria. This regulation has been in effect since 2001 and it is part of Kentucky's federal State Implementation Plan (SIP). The U.S. Environmental Protection Agency (EPA) has conditionally approved the regulation as part of Kentucky's SIP. The amendment will enable Kentucky to obtain full SIP approval for its Title V air permitting program.

(d) The expected benefit from the proposed amendment to this administrative regulation: Is that the cabinet will receive full SIP approval from EPA and avoid the threat of federal sanctions. In the conditional approval that was published in the Federal Register, 67 FR 53312 (August 15, 2002) Kentucky was given till October 15, 2003 to amend this regulation to conform to federal requirements.

(e) The proposed administrative regulation will be implemented as follows: On and after the effective date of this administrative regulation, the amendment will be implemented as part of the state regulatory program.

February 14, 2003

(1) **401 KAR 57:002.** 40 CFR 61 National emission standards for hazardous air pollutants. The subject matter of this administrative regulation is the incorporation by reference of the federal rule, 40 CFR 61, National Emission Standards for Hazardous Air Pollutants (NESHAP).

(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 to the administrative regulation has been scheduled for March 28, 2003, at 10 a.m. (Eastern Time), in the Conference Room of the Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky.

(4)(a) The public hearing will be held if it is requested at least 10 calendar days prior to March 28, 2003, in writing, by 5 persons, or by an administrative body, or by an association having at least 5 members, provided that a minimum of 5 persons, or 1 person representing an administrative body or association, agree 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 calendar days prior to March 28,-2003, the public hearing will be canceled.

(c) Consideration will be given to all comments received or made prior to the adjournment of the public hearing, or prior to the cancellation of the public hearing. Written comments may be submitted to the address listed in (5)(a) below.

(d) The hearing facility is accessible to persons with disabilities. Requests for reasonable accommodations, including auxiliary aidsand services necessary to participate in the public hearing, should be made to the contact person listed in (5)(a) below at least 10 calendar days prior to the public hearing.

(5)(a) Persons wishing to request a public hearing should mail or fax this information to Gerry Ennis, Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky 40601, phone (502) 573-3382, ext. 333, fax (502) 573-3787.

(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 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, 224.20-110, 224.20-120, 42 USC 7412, 7414, 7416.

(b) The amendment to the administrative regulation that the Division for Air Quality intends to promulgate will update the material incorporated by reference from the July 1, 2001 edition of the Code of Federal Regulations, 40 CFR 61, to the most recent version of 40 CFR 61.

(c) The necessity and function of the proposed amendment is as follows: 42 USC 7412(d) mandates the U.S. EPA to promulgate federal regulations that establish emission standards for major and area sources of hazardous air pollutants. The current administrative regulation contains the same provisions as the federal regulation as published in the July 1, 2001 edition of the Code of Federal Regulations, 40 CFR 61. The proposed amendment will update the administrative regulation to comply with the most recent version of 40 CFR 61.

(d) The expected benefit from the proposed amendment is that sources subject to the federal Part 61 NESHAP will continue to be able to work with the state rather than the federal government to obtain necessary permits. This amendment will make the most current federal NESHAP more readily available to the general public. Moreover, Kentucky's regulated community will be able to access all the standards in one volume with the knowledge that Kentucky's administrative regulation is no more stringent than the federal standards.

(e) The proposed administrative regulation will be implemented as follows: On and after the effective date of this administrative regulation, sources subject to the standards in 40 CFR 61 shall comply with the provisions of the amended 401 KAR 57:002 as part of the state regulatory program.

February 14, 2003

(1) **401 KAR 60:005.** 40 CFR 60 Standards of performance for new stationary sources. The subject matter of this administrative regulation is the incorporation by reference of the federal rule, 40 CFR 60, Standards of performance for new stationary sources (NSPS).

(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 to the administrative regulation has been scheduled for March 28, 2003, at 10 a.m. (Eastern Time), in the Conference Room of the Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky.

(4)(a) The public hearing will be held if it is requested at least 10 calendar days prior to March 28, 2003, in writing, by 5 persons, or by an administrative body, or by an association having at least 5 members, provided that a minimum of 5 persons, or 1 person representing an administrative body or association, agree 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 calendar days prior to March 28, 2003, the public hearing will be canceled.

(c) Consideration will be given to all comments received or made prior to the adjournment of the public hearing, or prior to the cancellation of the public hearing. Written comments may be submitted to the address listed in (5)(a) below.

(d) The hearing facility is accessible to persons with disabilities. Requests for reasonable accommodations, including auxiliary aids and services necessary to participate in the public hearing, should be made to the contact person listed in (5)(a) below at least 10 calendar days prior to the public hearing.

(5)(a) Persons wishing to request a public hearing should mail or fax this information to Gerry Ennis, Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky 40601, phone (502) 573-3382, ext. 333, fax (502) 573-3787.

(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 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, 224.20-110, 224.20-120, 42 USC 7411.

(b) The amendment to the administrative regulation that the Division for Air Quality intends to promulgate will update the material incorpo-

rated by reference from the July 1, 2001 edition of the Code of Federal Regulations, 40 CFR 60, to the most recent version of 40 CFR 60.

(c) The necessity and function of the proposed amendment is as follows: 42 USC 7411 mandates the U.S. EPA to promulgate federal regulations that establish standards of performance for new sources. The current administrative regulation contains the same provisions as the federal regulation as published in the July 1, 2001 edition of the Code of Federal Regulations, 40 CFR 60. The proposed amendment will update the administrative regulation to comply with the most recent version of 40 CFR 60.

(d) The expected benefit from the proposed amendment is that sources subject to the federal Part 60 NSPS will continue to be able to work with the state rather than the federal government to obtain necessary permits. This amendment will make the most current federal NSPS more readily available to the general public. Moreover, Kentucky's regulated community will be able to access all the standards in one volume with the knowledge that Kentucky's administrative regulation is no more stringent than the federal standards.

(e) The proposed administrative regulation will be implemented as follows: On and after the effective date of this administrative regulation, sources subject to the standards in 40 CFR 60 shall comply with the provisions of the amended 401 KAR 60:005 as part of the state regulatory program.

February 14, 2003

(1) **401 KAR 63:002.** 40 CFR 63 National emission standards for hazardous air pollutants. The subject matter of this administrative regulation is the incorporation by reference of the federal rule, 40 CFR 63, National Emission Standards for Hazardous Air Pollutants (NESHAP).

(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 to the administrative regulation has been scheduled for March 28, 2003, at 10 a.m. (Eastern Time), in the Conference Room of the Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky.

(4)(a) The public hearing will be held if it is requested at least 10 calendar days prior to March 28, 2003, in writing, by 5 persons, or by an administrative body, or by an association having at least 5 members, provided that a minimum of 5 persons, or 1 person representing an administrative body or association, agree 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 calendar days prior to March 28, 2003, the public hearing will be canceled.

(c) Consideration will be given to all comments received or made prior to the adjournment of the public hearing, or prior to the cancellation of the public hearing. Written comments may be submitted to the address listed in (5)(a) below.

(d) The hearing facility is accessible to persons with disabilities. Requests for reasonable accommodations, including auxiliary aids and services necessary to participate in the public hearing, should be made to the contact person listed in (5)(a) below at least 10 calendar days prior to the public hearing.

(5)(a) Persons wishing to request a public hearing should mail or fax this information to Gerry Ennis, Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky 40601, phone (502) 573-3382, ext. 333, fax (502) 573-3787.

(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 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, 224.20-110, 224.20-120, 42 USC 7412, 7414, 7416.

(b) The amendment to the administrative regulation that the Division for Air Quality intends to promulgate will update the material incorporated by reference from the July 1, 2001 edition of the Code of Federal Regulations, 40 CFR 63, to the most recent version of 40 CFR 63.

(c) The necessity and function of the proposed amendment is as follows: 42 USC 7412(d) mandates the U.S. EPA to promulgate federal regulations that establish emission standards for major and area sources of hazardous air pollutants as listed in the 1990 amendments to the federal Clean Air Act. The current administrative regulation contains the same provisions as the federal regulation as published in the July 1, 2001 edition of the Code of Federal Regulations, 40 CFR 63. The proposed amendment will update the administrative regulation to comply with the most recent version of 40 CFR 63.

(d) The expected benefit from the proposed amendment is that sources subject to the federal Part 63 NESHAP will continue to be able to work with the state rather than the federal government to obtain necessary permits. This amendment will make the most current federal NESHAP more readily available to the general public. Moreover, Kentucky's regulated community will be able to access all the standards in one volume with the knowledge that Kentucky's administrative regulation is no more stringent than the federal standards.

(e) The proposed administrative regulation will be implemented as follows: On and after the effective date of this administrative regulation, sources subject to the standards in 40 CFR 63 shall comply with the provisions of the amended 401 KAR 63:002 as part of the state regulatory program.

JUSTICE CABINET
Department of Juvenile Justice

February 12, 2003

(1) **505 KAR 1:110.** Department of Juvenile Justice Policies and Procedures Manual: Program Services.

(2) The Department of Juvenile Justice 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 24, 2003, at 10 a.m. in the conference room at the Department of Juvenile Justice, 1025 Capital Center Drive, Third Floor, 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, 2003, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following: Keith Horn, Department of Juvenile Justice, Office of General Counsel, 1025 Capital Center Drive, Third Floor, Frankfort, Kentucky 40601, phone (502) 573-2738, fax (502) 573-0836.

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

(7)(a) The statutory authority for the promulgation of an administrative regulation relating to 505 KAR 1:110, Department of Juvenile Justice Policies and Procedures Manual: Program Services, is KRS 15A.065, 15A.160, 15A.210, 605.150, 635 et seq., 640.120 and 645.250.

(b) The administrative regulation that the Department of Juvenile Justice intends to promulgate will amend 505 KAR 1:110. It will amend existing policies and procedures of the Department of Juvenile Justice as well as implement new policies and procedures to improve conditions and services for youth housed in residential treatment facilities and served by the Department of Juvenile Justice.

(c) The necessity and function of the proposed administrative regulation is as follows: This administrative regulation is promulgated to incorporate into regulatory form, by reference, and update materials used by the department in the implementation of a statewide social service program for the treatment of juvenile delinquency.

(d) The benefits expected from the administrative regulation are: The department will have continued to establish regulatory authority for the current policies and procedures relating to the services offered to youths adjudicated as delinquent in district court, and will have continued to improve conditions for youth housed in residential treatment facilities.

(e) The administrative regulation will be implemented as follows: Staff will comply with the policies and procedures established or amended by this regulation.

February 12, 2003

(1) **505 KAR 1:120.** Department of Juvenile Justice Policies and Procedures Manual: Health and Safety Services.

(2) The Department of Juvenile Justice 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 24, 2003, at 10 a.m. in the conference room at the Department of Juvenile Justice, 1025 Capital Center Drive, Third Floor, 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, 2003, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following: Keith Horn, Department of Juvenile Justice, Office of General Counsel, 1025 Capital Center Drive, Third Floor, Frankfort, Kentucky 40601, phone (502) 573-2738, fax (502) 573-0836.

(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 form from the Department of Juvenile Justice at the address listed above.

(7)(a) The statutory authority for the promulgation of an administrative regulation relating to 505 KAR 1:120, Department of Juvenile Justice Policies and Procedures Manual: Health and Safety Services, is KRS 15A.065, 15A.160, 15A.210, 605.150, 635 et seq., 640.120 and 645.250.

(b) The administrative regulation that the Department of Juvenile Justice intends to promulgate will amend 505 KAR 1:120. It will amend existing policies and procedures of the Department of Juvenile Justice as well as implement new policies and procedures to improve conditions and services for youth housed in residential treatment facilities and served by the Department of Juvenile Justice.

(c) The necessity and function of the proposed administrative regulation is as follows: This administrative regulation is promulgated to incorporate into regulatory form, by reference, and update materials used by the department in the implementation of a statewide social service program for the treatment of juvenile delinquency.

(d) The benefits expected from the administrative regulation are: The department will have continued to establish regulatory authority for the current policies and procedures relating to the services offered to youths adjudicated as delinquent in district court, and will have continued to improve conditions for youth housed in residential treatment facilities.

(e) The administrative regulation will be implemented as follows: Staff will comply with the policies and procedures established or amended by this regulation.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance
Division of Health Insurance Policy and Managed Care

February 14, 2003

(1) **806 KAR 17:460.** Requirements for autism benefits for children.

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

(3) A public hearing to receive written and oral comments on the proposed administrative regulation has been scheduled for March 24, 2003, at 10 a.m. (ET), at the Kentucky Department of Insurance, 215 West Main 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 a public hearing.

(b) If requests 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, 2003, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written requests to the following address: Melea Kelch, Kentucky Department of Insurance, PO Box 517, Frankfort, Kentucky 40602, phone (502) 564-6032, fax (502) 564-1456.

(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 form from the Department of Insurance 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 this administrative regulation is KRS 304.2-110(1).

(b) The administrative regulation that the department intends to promulgate will not amend an existing regulation. It will define respite care and address cost sharing and other payment issues.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 304.2-110(1) authorizes the Commissioner of Insurance to promulgate administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code as defined in KRS 304.1-010. This administrative regulation will define respite care and address cost sharing and other payment issues.

(d) The benefits expected from the administrative regulation are as follows: This administrative regulation will assist health plans and covered persons in the treatment of autism in children.

(e) The administrative regulation will be implemented as follows: The Department of Insurance is promulgating this administrative regulation to establish requirements for health benefit plans in providing coverage for the treatment of autism in children.

CABINET FOR HEALTH SERVICES
Department for Public Health

February 14, 2003

(1) **902 KAR 20:014.** Effect of previous denial or revocation on applications for a license to operate a health facility or service.

(2) The Office of Inspector General 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 31, 2003, at 9 a.m. in the Cabinet 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, 2002, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Jill Brown, Cabinet Regulation Coordinator, Cabinet for Health Services, Office of the General Counsel, 275 East Main Street, 5W-B, Frankfort, Kentucky 40621, phone (502) 564-7905, 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: Administrative Regulation Coordinator, Office of Inspector General, 275 East Main Street, 5E-A, 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 administrative regulations relating to health facilities and health services is KRS 216B.042(1).

(b) The cabinet intends to promulgate 902 KAR 20:014 to establish a prohibition on the licensing of health facilities or services that are owned, all or in part, by business entities that have held a significant financial interest in a health facility or service that has had its license to operate revoked or denied within the previous 5 years.

(c) The necessity, function, and conformity of the proposed administrative regulation is as follows: KRS 216B.042(1) requires that the Kentucky Cabinet for Health Services regulate health facilities. This administrative regulation establishes a prohibition on the licensing of health facilities that are owned, all or in part, by entities that have held a significant financial interest in a health facility that has had its license to operate revoked or denied within the previous 5 years.

(d) The benefits expected from this proposed regulation: This administrative regulation will help ensure that health care facilities health services are not owned by business entities that have a history of noncompliance with minimum requirements established to ensure patient health and safety.

(e) The administrative regulation will be implemented as follows: By the Office of Inspector General, Cabinet for Health Services.

Department for Medicaid Services

February 1, 2003

(1) **907 KAR 1:006.** Coverage of and payment for services for persons eligible for benefits under Title XVIII.

(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, 2003, at 9 a.m. Eastern Standard Time in the Cabinet 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, 2003, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Jill Brown, Cabinet Regulation Coordinator, Cabinet for Health Services, Office of the Counsel, 275 East Main Street - 5W-B, Frankfort, Kentucky 40621, phone (502) 564-

7905, 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 Medicaid Services, Division of Financial Management, 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 Medicaid coverage of and payment for services for persons eligible for benefits under Title XVIII are KRS 194A.030(3), 194A.050(1), 205.520(3).

(b) The administrative regulation that the Department for Medicaid Services intends to promulgate will amend 907 KAR 1:006, Coverage of and payment for services for persons eligible for benefits under Title XVIII, to clarify that Medicaid's responsibility for cost sharing for a Medicare Part A covered service and certain designated Medicare Part B covered services shall not exceed the Medicaid-allowed amount for the service and to make drafting and formatting changes required by KRS Chapter 13A.

(c) The necessity, function and conformity of the proposed administrative regulation is as follows: This administrative regulation establishes the provisions for coverage of and payment for services for categorically needy and medically needy individuals eligible for benefits under both Title XIX and XVIII.

(d) The benefits expected from this administrative regulation are:

1. Clearer policy regarding Medicaid's responsibility for cost sharing for a Medicare covered service; and

2. A saving of funds from limiting Medicaid's responsibility for cost sharing for a Medicare Part A covered service and certain designated Medicare Part B covered services to the Medicaid allowed amount for the service.

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

February 15, 2003

(1) **907 KAR 1:015.** Payments for hospital outpatient services.

(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, 2003 at 9 a.m., in the Cabinet 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, 2003, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Jill Brown, Cabinet Regulation Coordinator, Cabinet for Health Services, Office of the Counsel, 275 East Main Street - 5W-B, Frankfort, Kentucky 40621, phone (502) 564-7905, 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 Medicaid Services, Division of Financial Management, 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 hospital outpatient services are KRS 194A.030(3), 194A.050(1), 205.520(3), 205.560, 205.637, and 42 USC 1396(a), (b), and (d).

(b) The administrative regulation that the Department for Medicaid Services intends to promulgate will amend 907 KAR 1:015 to establish that a hospital shall submit an estimated settlement payment, if a cost report indicates such payment is due, along with the cost report or the Department for Medicaid Services shall accordingly reduce or suspend future payment to the hospital.

(c) The necessity, function and conformity of the proposed administrative regulation is as follows: This administrative regulation is necessary to establish the provisions for reimbursement for hospital outpatient services. The amendment to this administrative regulation is necessary to establish that a hospital shall submit an estimated settlement payment, if a cost report indicates such payment is due, along with the cost report or the Department for Medicaid Services shall accordingly reduce or suspend future payment to the hospital in order to help maintain the viability of the Medicaid Program.

(d) The benefits expected from this administrative regulation are: To help maintain the viability of the Medicaid Program.

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

January 17, 2003

(1) **907 KAR 1:155.** Payments for Supports for Community Living (SCL) services for an individual with mental retardation or a developmental disability.

(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,

2003 at 9 a.m., in the Cabinet 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, 2003, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Jill Brown, Cabinet Regulation Coordinator, Cabinet for Health Services, Office of the Counsel, 275 East Main Street - 5W-B, Frankfort, Kentucky 40621, phone (502) 564-7905, 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 Medicaid Services, Division of Financial Management, 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 supports for community living services for an individual with mental retardation or a developmental disability are KRS 194A.030(3), 194A.050(1), 205.520(3), and 205.6317.

(b) The administrative regulation that the Department for Medicaid Services intends to promulgate will amend 907 KAR 1:155, Payments for Supports for Community Living (SCL) services for an individual with mental retardation or a developmental disability, to:

1. Establish a group respite rate;

2. Establish a base payment rate set at the weighted median rate for a new provider or a provider offering a new SCL service;

3. Implement an interim reimbursement methodology effective July 1, 2002 for state fiscal year (SFY) 2003. The interim reimbursement methodology will establish the SFY 2003 SCL service payment rate to be the same as the rate in effect on June 30, 2002, in order to ensure that necessary funds will be available for the continued operation of the Medicaid Program; and

4. Make necessary corrections to comply with KRS Chapter 13A requirements.

(c) The necessity, function and conformity of the proposed administrative regulation is as follows: This administrative regulation is necessary to establish a base payment rate set at the weighted median rate for a new provider or a provider offering a new SCL service and implement an interim reimbursement methodology effective July 2, 2002 for state fiscal year SFY 2003. Additionally, this amendment will establish a group respite rate. These amendments are necessary in order to ensure that necessary funds will be available for the continued operation of the Medicaid Program.

(d) The benefits expected from this administrative regulation are: The expected benefit from this administrative regulation is the establishment of the SCL service reimbursement methodology. The expected benefit from the amendments to this administrative regulation is that the Department for Medicaid Services will be able to maintain the funding necessary to enable it to continue operating the Medicaid Program.

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

January 31, 2003

(1) **907 KAR 3:110.** Community mental health center substance abuse services.

(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, 2003, at 9 a.m., in the Cabinet 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, 2003, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Jill Brown, Cabinet Regulation Coordinator, Cabinet for Health Services, Office of the Counsel, 275 East Main Street - 5W-B, Frankfort, Kentucky 40621, phone (502) 564-7905, 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 Medicaid Services, Division of Financial Management, 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 community mental health center substance abuse services are KRS 194A.030(3), 194A.050(1), 42 CFR 440.130, 440.210, 440.250, 447.325, and 42 USC 1396a-d.

(b) The administrative regulation that the Department for Medicaid Services intends to promulgate will amend 907 KAR 3:110, Payments for community mental health center substance abuse services, to: 1. Implement a reimbursement methodology effective July 1, 2002 for state fiscal year (SFY) 2003. The reimbursement methodology will establish the SFY 2003 community mental health center substance abuse services payment rate to be the same as the rate in effect on June 30, 2002, in order to ensure that necessary funds will be available for the con-

tinued operation of the Medicaid Program; 2. Clarify provider participation requirements; 3. Insert an appeals section; 4. Clarify prevention services for universal, selective and indicated populations; 5. Amend staff qualifications to comply with professional certification requirements; and 6. Make necessary revisions to comply with KRS Chapter 13A requirements.

(c) The necessity, function and conformity of the proposed administrative regulation is as follows: This administrative regulation is necessary to establish the community mental health substance abuse services reimbursement methodology. The amendments to this administrative regulation are necessary to implement a reimbursement methodology, effective July 1, 2002, for community mental health center substance abuse services for SFY 2003 in order to ensure that necessary funds will be available for the continued operation of the Medicaid Program.

(d) The benefits expected from this administrative regulation are: The expected benefit from this administrative regulation is the establishment of the community mental health center substance abuse services reimbursement methodology. The expected benefits from the amendments to this administrative regulation are that by implementing this SFY 2003 reimbursement methodology the Department for Medicaid Services will be able to maintain the funding necessary to enable it to continue operating the Medicaid Program.

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

Traumatic Brain Injury Trust Fund Board

February 3, 2003

(1) **908 KAR 4:030.** Traumatic Brain Injury Trust Fund operations.

(2) The Traumatic Brain Injury Trust Fund Board 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 administrative regulation has been scheduled for March 31, 2002 at 9 a.m. in the Department for Public Health Auditorium, Health Services Building, first floor 275 East Main Street, Frankfort, Kentucky.

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

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

(b) If a request for a public hearing and agreement to attend the public hearing are not received from the required number of people at least 10 days prior to March 31, 2002, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Jill Brown, Cabinet Regulation Coordinator, Cabinet for Health Services, 275 East Main Street, 5W-B, Frankfort, Kentucky 40621, phone (502) 564-7905, 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 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/Mental Retardation Services, Division of Administration and Financial Management, 100 Fair Oaks Dr. (4th Floor), 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 with 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 related to the Brain Injury Trust Fund is: KRS 211.474

(b) The administrative regulation that the Department for Mental Health/Mental Retardation Services intends to promulgate will establish procedures for the establishment and management of a waiting list for benefits from the TBI Trust Fund.

(c) The necessity and function of this administrative regulation is as follows: This amendment to the existing regulation will codify waiting list policies and procedures for applicants, recipients, and program administrators.

(d) The benefits expected from the amendments to this administrative regulation are: The operator of the trust fund will be better able to manage its fiscal responsibilities, and persons applying for a benefit from the trust fund will be informed of waiting list policies and procedures.

(e) The administrative regulation will be implemented as follows: The operator of the Traumatic Brain Injury Trust Fund, under contract with the Department for Mental Health and Mental Retardation Services, will implement the regulations under the oversight of the Traumatic Brain Injury Trust Fund Board of Directors and the department.

State Interagency Council for Services to Children with an Emotional Disability

February 15, 2003

(1) **908 KAR 5:010.** Disclosure of confidential client information for state and regional interagency councils.

(2) The State Interagency Council for Services to Children with an Emotional Disability intends to promulgate an administrative regulation to create a uniform process of confidentiality for the Kentucky IMPACT Program.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 31, 2003 at 9 a.m. in the Department for Public Health 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 prior to March 21, 2003 the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Jill Brown, Cabinet Regulation Coordinator, Cabinet for Health Services, 275 East Main Street, 5W-B, Frankfort, Kentucky 40621, phone (502) 564-7905, 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 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, 100 Fair Oaks Drive (4th Floor), 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 American With Disabilities Act. Persons requesting assistance with Cabinet for Health Services' regulations may call toll free 1-800-372-2973 (V/TDD).

(7) Information relating to the proposed administrative regulation:

(a) KRS 200.505(3) authorizes the State Interagency Council for Services to Children with an Emotional Disability to promulgate administrative regulations necessary to comply with the requirements of KRS 200.501 to 200.509. This administrative regulation provides forms to facilitate the coordination of services, and to protect the confidentiality of information about a child.

(b) The administrative regulation that the State Interagency Council intends to promulgate will implement the requirement of KRS 200.505(2)(c) to develop a form to be signed by the parent or other legal guardian of a child referred for services to a state interagency council and regional interagency council for children with an emotional disability.

(c) The necessity and function of the administrative regulation is as follows: To create a uniform standard to assure coordination of services to children participating in the IMPACT program, and to protect the rights of the child, by requiring the use of standardized forms for authorization to disclose information about the child and his or her family.

(d) The benefits expected from this administrative regulation are: Required use of prescribed forms will assure that information about participants in the IMPACT Program is used appropriately, and that services to eligible children will be coordinated among the various agencies that provide care.

(e) The administrative regulation will be implemented as follows: By the Department for Mental Health and Mental Retardation Service, Cabinet for Health Services.

Cabinet for Families and Children
Department for Community Based Services
Division of Policy Development

February 14, 2003

(1) **921 KAR 2:046.** Adverse actions; conditions.

(2) Cabinet for Families and Children, Department for Community Based 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, 2003, 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 1 person representing 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 calendar days prior to March 31, 2003, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Kellie Peace, Regulation Coordinator, Cabinet for Families and Children, Office of the General Counsel, 275 East Main Street, 4th West, Frankfort, Kentucky 40621, phone (502) 564-7900, fax (502) 564-9126.

(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 Community Based Services, Division of Policy 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 regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to 921 KAR 2:046 is KRS 194B.050(1) and 205.200.

(b) The administrative regulation that the Department for Community Based Services intends to promulgate will amend 921 KAR 2:046. It will:

1. Amend notification forms for the Kentucky Transitional Assistance Program, the State Supplementation Program, and the Kinship Care Program.

2. Add information regarding notification requirements for applicants and recipients of Kinship Care Program assistance payments.

3. Make necessary corrections to comply with KRS Chapter 13A.

(c) The necessity, function, and conformity of the proposed administrative regulation is as follows: KRS Chapter 205 requires the Cabinet for Families and Children to administer the public assistance programs. KRS 205.200 requires the cabinet to prescribe, by administrative regulation, the conditions of eligibility for public assistance, in conformity with the Social Security Act, 42 USC 601-619 and federal regulations. This administrative regulation establishes the notification requirements for the Kentucky Transitional Assistance Program, the State Supplementation Program, and the Kinship Care Program.

(d) The benefits expected from this administrative regulation are: The notification forms sent to applicants and recipients of public assistance programs will be simplified.

(e) The administrative regulation will be implemented as follows: This administrative regulation will be administered by the Department for Community Based Services, Division of Policy Development.

EMERGENCY ADMINISTRATIVE REGULATIONS FILED AS OF NOON, FEBRUARY 14, 2003

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

STATEMENT OF EMERGENCY
16 KAR 1:040E

This emergency administrative regulation establishes the eligibility requirements and application procedures for administration of the Teachers' National Certification Incentive Trust Fund established in KRS 161.131-134 and funded in the Governor's Fiscal Year 2003 Spending Plan (EO 2002-727). In accordance with limited fund availability, this emergency administrative regulation via its proposed amendment establishes a policy for encumbering funds and limiting candidate participation in the incentive program as well as a "request for proposals" (RFP) format for receiving and considering mentoring program proposals on a competitive basis. An ordinary administrative regulation is not sufficient because the funding for the trust fund is available under the Governor's Fiscal Year 2003 Spending Plan and the teachers eligible for receiving benefits under this fund have registered with the National Board of Professional Teaching Standards for its 2002-2003 certification cycle. The Education Professional Standards Board has deemed it necessary to promulgate this emergency administrative regulation immediately to maintain the incentive program within the budgetary constraints established by EO 2002-727. This emergency administrative regulation differs from the emergency administrative regulation on the same subject matter that was filed on July 15, 2002 as follows: The emergency administrative regulation has been amended to comply with the Governor's Fiscal Year 2003 Spending Plan; the amendment further establishes provisions related to candidates, the assessment, and documentation required for participation. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The Notice of Intent for the ordinary administrative regulation was filed with the Regulations Compiler on January 21, 2003.

PAUL E. PATTON, Governor
LYDIA COFFEY, Chair

EDUCATION PROFESSIONAL STANDARDS BOARD
(Emergency Amendment)

16 KAR 1:040E. Teachers' National Certification Incentive Trust Fund.

RELATES TO: KRS 157.395, 161.131, 161.132, 161.133, 161.134
STATUTORY AUTHORITY: KRS 161.133(3), 161.134(3)
EFFECTIVE: January 21, 2003
NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.133 establishes the Teachers' National Certification Incentive Trust Fund. KRS 161.133(3) requires the Education Professional Standards Board to promulgate an administrative regulation to establish procedures for the administration of the fund and the requirements for participating teachers and local boards of education. KRS 161.134(3) requires the Education Professional Standards Board to promulgate an administrative regulation to establish the parameters for mentoring programs utilizing national board certified teachers. EO 2002-727 establishes a maximum appropriation for this program. This administrative regulation establishes participation requirements and payment procedures relating to this fund.

Section 1. Definitions. (1) "Assessment" means the certification requirements established by the National Board for Professional Teaching Standards; and

(2) "Candidate" means a teacher who has successfully registered with the National Board for Professional Teaching Standards to complete the certification requirements in a given application period.

Section 2. (1) The Education Professional Standards Board shall encumber funds and limit candidate participation in the trust fund on a "first-come, first-served" basis.

(2)(a) Candidate participation and fund encumbering shall be established based on the candidate's registration date with the National Board for Professional Teaching Standards.

(b) The Education Professional Standards Board shall collaborate with the National Board for Professional Teaching Standards to electronically receive notification of Kentucky teachers who have successfully completed the registration process.

(3) All encumbered funds that are not expended in the current fiscal year shall carry forward for use by candidates in the succeeding fiscal year.

Section 3. (1) The Education Professional Standards Board shall mail the "Statement of Intent Form" to a teacher who:

(a) Has successfully completed the registration process with the National Board for Professional Teaching Standards; and

(b) Is eligible to receive funds under the limits established in Section 1 of this administrative regulation.

(2)(a) The teacher shall return the completed "Statement of Intent Form" to the Education Professional Standards Board within thirty (30) calendar days.

(b) The Education Professional Standards Board shall indicate the return due date for each "Statement of Intent Form" mailed to a teacher.

(3) The Education Professional Standards Board shall mail the "Statement of Intent Forms" on a rolling basis until the funds encumbered per candidate reach the limit of the available funds from the trust fund.

(4) [~~(1) To apply to receive payments from the trust fund, a Kentucky teacher shall:~~

~~(a) Submit a letter of intent to the Education Professional Standards Board including the name of the public school and district in which the teacher is employed; and~~

~~(b) Submit documentation to the Education Professional Standards Board from the National Board for Professional Teaching Standards verifying registration as a candidate for national board certification.~~

~~(2) A teacher shall submit these materials by December 31 in each of the two (2) years in which the teacher is eligible for payments under this fund.~~

~~(3)~~] Upon receipt of the "Statement of Intent Form" [~~materials required under this section~~], the Education Professional Standards Board shall notify the school district where the teacher pursuing national board certification is employed that the teacher is participating in the incentive program.

(5) A candidate who fails to return the completed "Statement of Intent Form" by the indicated due date shall not be eligible for incentive funds in the current fiscal year.

Section 4. [~~2.~~] (1) A teacher enrolled for participation in the incentive program under Section 2 [~~1~~] of this administrative regulation shall submit written documentation verifying that the teacher has submitted the portfolio portion of the certification process to the National Board for Professional Teaching Standards. The teacher shall present to the Education Professional Standards Board a copy of the verification document received from the National Board for Professional Teaching Standards following portfolio submission.

(2) Upon receipt of the documentation established in subsection (1) of this section, the Education Professional Standards Board shall:

(a) Mail Form NBC-2 to the employing school district for reimbursement for compensation of substitute teachers employed to allow five (5) days of released time for the candidate pursuing national board certification; and

(b) Disburse the stipend of $200 per day for two (2) days beyond

LYDIA COFFEY, Chair
APPROVED BY AGENCY: January 16, 2003
FILED WITH LRC: January 21, 2003 at 1 p.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Mary Ellen W. Horner

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes the participation requirements and payment procedures for the Teachers' National Certification Incentive Trust Fund.

(b) The necessity of this administrative regulation: KRS 161.133 establishes the Teachers' National Certification Incentive Trust Fund. KRS 161.133(3) requires the Education Professional Standards Board (EPSB) to promulgate an administrative regulation to establish procedures for the administration of the fund and the requirements for participating teachers and local boards of education. KRS 161.134(3) requires the EPSB to promulgate an administrative regulation to establish the parameters for mentoring programs utilizing teachers certified by the National Board for Professional Teaching Standards (NBPTS).

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes the process and procedures for teachers who are pursuing NBPTS certification to receive the benefits established in KRS 161.133. Additionally, this administrative regulation establishes the process and procedures for NBPTS-certified teachers serving as mentors to receive compensation under KRS 161.134.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the process for NBPTS certification candidates to apply to receive monies from the fund established in KRS 161.133, and this administrative regulation establishes the process for local school districts to apply to receive monies from this fund for mentoring programs established in KRS 161.134.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment will limit candidate participation and encumber funds per candidate on a "first-come, first-served" basis, alter the candidate registration process, restrict incentive availability to second-year candidates, delay disbursement of incentive funds until candidates have submitted the portfolio portion of the certification assessment, require candidates to identify "third-party payments" made on their behalf towards the certification fee, and create a new "request for proposals" format for solicitation, receipt, and consideration of mentoring program proposals.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to conform with the budgetary constraints contained in the Governor's Fiscal Year 2003 Spending Plan (EO 2002-727). This incentive program did not receive an additional appropriation despite its continued growth and popularity with teachers; hence, the EPSB must adopt cost-saving measures and fund encumbering procedures to maintain a viable incentive for candidates to participate in the NBPTS certification process while limiting fund availability to support the maximum number of candidates.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment establishes the procedures for administration of funds and the requirements of participating teachers and local boards of education under KRS 161.133(3). Additionally, this amendment conforms with the requirements of KRS 161.134(3), which requires the EPSB via administrative regulation to specify the conditions for a mentoring program as well as the amount of the stipend provided to a teacher serving as a mentor.

(d) How the amendment will assist in the effective administration of the statutes: This amendment establishes eligibility requirements and application procedures for participating teachers and local board of education to receive funds under KRS 161.133(3). This amendment establishes the conditions for a mentoring program and the stipend amount for a mentor teacher pursuant to KRS 161.134(3).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Kentucky had 486 candidates pursue NBPTS certification during the 2001-2002 school year and a growing number have registered certification during the 2002-2003 school year (357 as of the filing of this administrative regulation). Kentucky currently has 358 NBPTS-certified teachers. Dozens of the 176 public school districts have chosen to offer or participate in mentoring programs over the last 2 school years.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: The amendment will affect all candidates pursuing NBPTS certification in the 2002-2003 school year; candidate participation will be limited based on available funding and awarded on a "first-come, first-served" basis. (The EPSB estimates that we may only be able to serve approximately half of the NBPTS candidates pursuing certification statewide). The amendment will affect all NBPTS-certified teachers (of the 358) who choose to be mentors under a mentoring program established under this administrative regulation; the amendment will limit their compensation for mentoring to $500 per candidate mentored with a limit of 6 candidates per mentor (total compensation maximum = $3,000 per year for mentoring). The amendment will also affect all school districts that choose to operate a mentoring program; the amendment creates a competitive RFP format for submission of mentoring program proposals, and the EPSB will likely not be able to fund all proposals at the level requested due to the limited general fund appropriation.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No additional agency funds allocated or necessary for implementation of administrative regulation (the amendment actually employs cost-saving procedures to meet the current budgetary constraints). The Governor's Fiscal Year 2003 Spending Plan allocates $800,000 to cover costs for candidate incentives and mentoring.

(b) On a continuing basis: No additional agency funds allocated for continuing implementation of administrative regulation for this biennium. Any future budget or spending plans enacted or adopted will need to increase the general fund appropriation for this incentive program supporting NBPTS certification. A continued "flat-lining" of this budget line item cannot match the exponential growth of the interest in the NBPTS certification. The EPSB will have to continue to implement cost-cutting procedures and limit candidate participation via amendment to this administrative regulation if this appropriation is not increased in subsequent budget cycles.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: State General Fund and Teachers' National Certification Incentive Trust Fund (Trust Fund consists of any general fund dollars not used in a previous fiscal year which have been "rolled over" into the trust fund for use as incentives in subsequent fiscal years.)

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees necessary for implementation. (See statement above in (5)(b) regarding necessary funding.)

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does NOT establish fees nor does it directly or indirectly increase fees.

(9) TIERING: Is tiering applied? No. All NBPTS candidates, NBPTS mentors, and local boards of education must adhere to the same requirements established in this administrative regulation. All NBPTS candidates will be enrolled equally based on a "first-come, first-served" basis. All NBPTS mentors will be compensated similarly. All local boards of education must adhere to the same requirements in application for a mentoring program.

STATEMENT OF EMERGENCY
902 KAR 20:014E

This emergency administrative regulation establishes a prohibition on the licensing of health facilities or services that are owned, all or in part, by business entities that have held a significant financial interest in a health facility or service that has had its license to oper-

ate revoked or denied within the previous five (5) years. This administrative regulation must be enacted on an emergency basis in order to protect patients and residents of licensed health care facilities from the imminent threat to health, safety and welfare posed by those licensed facilities that are owned by entities that have a history of noncompliance with minimum requirements established to ensure patient health and safety. The emergency administrative regulation shall be replaced by an ordinary administrative regulation. The Notice of Intent to promulgate an administrative regulation will be filed with the Regulations Compiler at the same time as the emergency administrative regulation is filed.

PAUL E. PATTON, Governor
MARCIA R. MORGAN, Secretary

CABINET FOR HEALTH SERVICES
Office of the Inspector General
(New Emergency Administrative Regulation)

902 KAR 20:014E. Effect of previous denial or revocation on applications for a license to operate a health facility.

RELATES TO: KRS 216.2925, 216B.010, 216B.015, 216B.040, 216B.042, 216B.045, 216B.050, 216B.055, 216B.105, 216B.115, 216B.120, 216B.125
STATUTORY AUTHORITY: KRS 216B.042(1)(a)
EFFECTIVE DATE: February 13, 2003
NECESSITY, FUNCTION, AND CONFORMITY: KRS 216B.042(1)(a) requires the Cabinet for Health Services to regulate health facilities. This administrative regulation establishes a prohibition on the licensing of health facilities that are owned, all or in part, by entities that have held a significant financial interest in a health facility that has had its license to operate revoked or denied within the previous five (5) years.

Section 1. Definitions. (1) "Applicant" means the individual, shareholder, or legal entity who makes application for licensure of a Kentucky health care facility.
(2) "Cabinet" means Cabinet for Health Services.
(3) "Good standing" means a health care facility that is in substantial compliance with applicable administrative regulations and which is otherwise eligible for relicensure.
(4) "Significant financial interest" means lawful ownership of a health care facility, whether by share, contribution, or otherwise, in an amount equal to or greater than twenty-five (25) percent of total ownership of the health care facility, and includes the licensed entity and any other entity that controls or directs the operation of a health care facility.

Section 2. Requirement to Disclose Ownership of a Health Facility. (1) Each applicant for a license or relicensure shall disclose the name, address, and telephone number of each individual, shareholder, or legal entity, including but not limited to corporation, limited liability company, limited partnership, or partnership having a significant financial interest in a licensed health care facility.
(2) The licensee of a Kentucky health care facility shall immediately inform the Cabinet for Health Services, in writing, of the name, address, and telephone number of any individual, shareholder, or legal entity, including but not limited to corporation, limited liability company, limited partnership, or partnership that acquires a significant financial interest in the health care facility.

Section 3. Effect of Previous License Revocation or Denial on the Issuance of a License to Operate a Health Facility. (1) The Cabinet for Health Services shall not issue a new health facility license to any individual, partnership, corporation, or legal entity, however named, that holds or previously held a significant financial interest in a Kentucky licensed health care facility that had its license denied or revoked within the five (5) year period preceding the filing of the application. This section shall not prohibit annual relicensure of any other existing facility owned or operated by the individual, partnership, corporation, or legal entity that was in operation and in good standing on the date of the final administrative order denying or revoking the license.

(2) No individual, shareholder, or legal entity shall acquire a significant financial interest in any licensed health care facility if that individual, shareholder, or legal entity previously held a significant financial interest in a Kentucky licensed health care facility that had its license denied or revoked within the preceding five (5) year period.

(3) Failure of the facility or any individual or legal entity operating the facility to comply with any provision in this section or Section 1 or 2 of this administrative regulation may result in denial or revocation of existing Kentucky health facility licenses owned or operated by the individual or legal entity.

Section 4. Hearings. A health care facility or applicant dissatisfied with a decision to deny or revoke a license under Section 3 of this administrative regulation may file a written request for a hearing with the Secretary of the Cabinet for Health Services. The request shall be received by the secretary of the cabinet within twenty (20) days of the date the health care facility or applicant receives notice of the decision to deny or revoke the license. Hearings under this section shall be conducted in accordance with KRS 216B.040 and 900 KAR 6:040.

PAMELA J. MURPHY, Inspector General
MARCIA R. MORGAN, Secretary
APPROVED BY AGENCY: February 11, 2003
FILED WITH LRC: February 13, 2003 at 4 p.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Alex Reese
(1) Provide a brief summary of:
(a) What this administrative regulation does: This emergency administrative regulation establishes a prohibition on the licensing of health facilities that are owned, all or in part, by entities that have held a significant financial interest in a health facility that has had its license to operate revoked or denied within the previous 5 years.
(b) The necessity of this administrative regulation: This emergency administrative regulation is necessary to ensure that licensed health care facilities are not owned by business entities that have a history of noncompliance with minimum requirements established to ensure patient health and safety.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 216B.042(1) requires the Kentucky Cabinet for Health Services to regulate health facilities. This emergency administrative regulation establishes a prohibition on the licensing of health facilities that are owned, all or in part, by entities that have held a significant financial interest in a health facility that has had its license to operate revoked or denied within the previous 5 years.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This emergency administrative regulation will allow the Office of the Inspector General the ability to ensure that licensed health facilities are not owned by business entities that have a history of noncompliance with minimum requirements established to ensure patient health and safety.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation, provide a brief summary of:
(b) The necessity of the amendment to this administrative regulation:
(c) How the amendment conforms to the content of the authorizing statutes:
(d) How the amendment will assist in the effective administration of the statutes:
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Currently, there are 2,596 licensed health facilities. This emergency administrative regulation has the potential to affect all of these facilities.
(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: This emergency administrative regulation will require a health facility,

applying for a license to operate, to ensure that no entity owning at least a 25% share of the facility held a significant financial interest in another health facility that had its license to operate denied or revoked by the Cabinet for Health Services.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: The emergency administrative regulation will not generate any additional costs to the agency initially.

(b) On a continuing basis: This emergency administrative regulation will not generate any additional costs to the agency on an ongoing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: General funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This emergency administrative regulation will not require an increase in any fee nor will it require increased funding.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This emergency administrative regulation does not directly or indirectly establish any fees.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions 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.

STATEMENT OF EMERGENCY
907 KAR 1:006E

This emergency administrative regulation is being promulgated to limit Medicaid's responsibility for cost sharing for a Medicare Part A covered service and certain Medicare Part B covered services to the Medicaid-allowed amount for the service. Pursuant to 42 USC 1396a(n), states have the option to limit the payments made for Medicare deductibles and coinsurance for recipients eligible for both Medicare and Medicaid. This administrative regulation exercises such option and, as higher payments are being paid for Medicaid recipients who are dually eligible for Medicare, this administrative regulation will equalize payments for all Medicaid recipients. This action must be taken on an emergency basis to address the current budget issues and growth of Medicaid spending. Failure to enact this administrative regulation on an emergency basis would pose an imminent threat to the public health, safety or welfare of Medicaid recipients whose receipt of services may be jeopardized due to a lack of funding. This emergency administrative regulation differs from the emergency administrative regulation filed on the same subject on August 30, 2002, as follows: this emergency administrative regulation designates certain Medicare Part B covered services for which Medicaid will limit its responsibility for cost sharing to the Medicaid-allowed amount for the service. This emergency administrative regulation shall be replaced by an ordinary administrative regulation filed with the Regulations Compiler. The Notice of Intent for the ordinary administrative regulation shall be filed with the Regulations Compiler concurrently with this emergency administrative regulation.

PAUL E. PATTON, Governor
MARCIA R. MORGAN, Secretary

CABINET FOR HEALTH SERVICES
Department for Medicaid Services
Division of Financial Management
(Emergency Amendment)

907 KAR 1:006E. Coverage of and payment for services for persons eligible for benefits under both Title XIX and Title XVIII [~~benefits~~].

RELATES TO: KRS 205.520, 42 USC 1396a, 1396a(n) [~~PL 105-33~~]

STATUTORY AUTHORITY: KRS 194A.030(3), 194A.050(1) [~~194.050~~], 205.520(3)[~~, 1998 Ky. Acts ch. 426, sec. 4(3)~~]

EFFECTIVE: January 30, 2003

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health Services, Department for Medicaid Services has responsibility to administer the Medicaid Program in accordance with Title XIX of the Social Security Act. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This administrative regulation establishes the provisions for [~~special~~] coverage of and payment for services for [~~factors applicable to both~~] categorically-needy and medically-needy individuals eligible for benefits under both Title XIX (42 USC 1396 to 1396v) and Title XVIII (42 USC 1395 to 1395ggg). [~~, Part A, Hospital Insurance Benefits (HIB); Title XVIII, Part B, Supplementary Medical Insurance (SMI); Title XVIII Qualified Medicare Beneficiaries (QMB); Title XVIII Qualified Disabled Working Individuals (QDWI); Title XVIII, Specified Low-Income Medicare Beneficiaries (SLMB); and Title XVIII, Qualified Individuals (QI).~~]

Section 1. Definitions. (1) "Coinsurance" means that portion of each bill a Medicare-eligible person pays for a covered benefit, including copayments.

(2) "Deductible" means an amount paid by a Medicare-eligible person before Medicare begins paying its portion of a medical bill.

(3) "Department" means the Department for Medicaid Services or its designee.

(4) "Medicare Part A" means federal health insurance that covers:

(a) Inpatient hospital or skilled nursing facility services, including blood;

(b) Hospice services; and

(c) Home health services.

(5) "Medicare Part B" means federal health insurance that covers:

(a) Physician services;

(b) Outpatient hospital services;

(c) Durable medical equipment; and

(d) Other services not covered under Medicare Part A.

(6) "Premium" means a monthly amount paid for coverage of Medicare Part A or Part B.

(7) "Qualified Medicare beneficiary" or "QMB" means an individual who meets the requirements in 42 USC 1396d(p)(1).

(8) "Qualified disabled and working individual" or "QDWI" means an individual who meets the requirements in 42 USC 1396d(s).

(9) "Qualified individual one (1)" or "QI-1" means an individual who meets the requirements in 42 USC 1396a(a)(10)(E)(iv)(II).

(10) "Specified low-income Medicare beneficiary" or "SLMB" means an individual who meets the requirements in 42 USC 1396a(a)(10)(E)(iii).

Section 2. Medicare Buy-in. The department shall purchase through the Social Security Administration:

(1) Medicare Part B for a recipient eligible for Medicare who is receiving a money payment under the state program of optional or mandatory supplementation;

(2) Medicare Part A and Medicare Part B for a recipient determined eligible as a QMB;

(3) Medicare Part B for a recipient determined eligible as a SLMB;

(4) Medicare Part A for a recipient determined eligible as a QDWI; and

(5) Medicare Part B for a recipient determined eligible as a QI-1.

Section 3. Payment of Deductibles and Coinsurance. (1) The department shall pay the deductible and coinsurance for a benefit covered under Medicare Part A or Medicare Part B for an individual eligible for:

(a) QMB coverage; or

(b) Both Title XVIII and Title XIX benefits.

(2) The amount of deductible and coinsurance paid by the department to a provider for a benefit covered under Medicare Part A shall be the lesser of:

(a) The Medicaid-allowed amount minus the Medicare payment; or

(b) The Medicare coinsurance and deductible, up to the Medicaid-allowed amount.

(3) With the exception of services identified in subsection (4)(a) through (h) of this section, the amount of coinsurance and deductible paid by the department to a provider for a benefit covered under Medicare Part B shall be the full amount of the deductible and coinsurance.

(4) The amount of deductible and coinsurance paid by the department for a service provided in accordance with one (1) of the following administrative regulations and covered under Medicare Part B shall be the lesser of the Medicaid-allowed amount minus the Medicare payment or the Medicare coinsurance and deductible up to the Medicaid-allowed amount:

(a) 907 KAR 1:044, Mental health center services;

(b) 907 KAR 3:005, Physicians' services;

(c) 907 KAR 1:102, Advanced registered nurse practitioner services;

(d) 907 KAR 1:270, Podiatry program services;

(e) 907 KAR 3:125, Chiropractic services and reimbursement;

(f) 907 KAR 1:026, Dental services;

(g) 907 KAR 1:038, Hearing and vision program services; or

(h) 907 KAR 1:028, Other laboratory and x-ray services.

(5) A payment made by the department under this section of this administrative regulation shall be considered as payment in full for a benefit provided under Medicare Part A or B.

Section 4. Obligation for a QMB Enrolled in a Medicare Managed Care Organization. (1) The department shall be responsible for payment of Part A and Part B premiums, deductibles and coinsurance, copayments, and enrollment premiums for a QMB recipient enrolled in a Medicare managed care organization.

(2) The department shall reimburse deductibles and coinsurance in accordance with Section 3 of this administrative regulation.

Section 5. Special Provisions. An individual determined eligible as a QI-1, shall:

(1) Be limited by a block grant with eligibility established on a first-come, first-served basis;

(2) In calendar years following the year of initial approval, be given preference over another individual who may apply who was not eligible the previous year; and

(3) Have eligibility terminated as of March 31, 2003, unless the United States Congress intervenes to continue the block grant.

Section 6. Effective Date. The provisions of this administrative regulation shall be effective on and after February 1, 2003. [~~Purchase of Coverage under SMI. The cabinet shall pay the SMI premium for a recipient eligible for SMI coverage who is receiving a money payment under either the Supplemental Security Income program or the state program of optional or mandatory supplementation.~~

~~Section 2. Deductibles and Coinsurance. The cabinet shall pay the deductible or coinsurance amount for a medical service covered under HIB or SMI to an individual eligible for HIB or SMI coverage. The actual amount paid for coinsurance shall be the uncovered percentage of the total permissible cost for the service established in 907 KAR Chapters 1 and 3.~~

~~Section 3. Limitations Applicable to Nonmoney Payment Recipients. An HIB or SMI eligible categorically needy or medically needy individual, for whom the cabinet does not purchase SMI coverage, shall retain HIB or SMI coverage, with premium payments considered as an income deduction. Failure to retain this coverage shall not obligate the cabinet for payment in excess of the deductible and coinsurance amounts.~~

~~Section 4. Coverage for Qualified Medicare Beneficiaries. (1) A qualified Medicare beneficiary as defined in 907 KAR 1:011 shall be entitled to the following coverage, regardless of whether the medical service is covered under the medical assistance program as a regularly covered service:~~

~~(a) Payment of Part A and Part B Medicare premiums;~~

~~(b) Deductibles; and~~

~~(c) Coinsurance.~~

~~(2)(a) A provider who does not regularly participate in the Medicaid Program shall file an agreement with the Department for Medicaid Services for limited participation in the Medicaid Program.~~

~~(b) If a provider does not file an agreement with the department, the service shall not be considered covered under this section.~~

~~Section 5. Qualified Disabled Working Individuals. In accordance with Section 6408(d) of the Omnibus Budget Reconciliation Act of 1989, the cabinet shall pay the Medicare Part A premium for a recipient who meets the requirements to be a qualified disabled working individual as defined in Sections 1818 or 1905(s) of the Social Security Act.~~

~~Section 6. A specified low-income Medicare beneficiary as defined in 907 KAR 1:011 shall be entitled to payment of the Part B Medicare premium.~~

~~Section 7. Qualified Individuals (QI). (1) A qualified individual (QI) as defined in 907 KAR 1:011 shall be entitled to payment of the Part B Medicare premium for Group I and the payment of that portion of the Medicare Part B premium attributable to home health costs for Group II.~~

~~(2) The number of individuals eligible in this group shall be limited by a block grant and eligibility shall be established on a first-come first-serve basis.~~

~~(3) In calendar years following the year of initial approval, preference shall be given to the individuals who qualified the previous year.~~

~~(4) Coverage pursuant to this section shall terminate on January 1, 2003.~~]

MIKE ROBINSON, Commissioner
MARCIA R. MORGAN, Secretary
APPROVED BY AGENCY: January 17, 2003
FILED WITH LRC: January 30, 2003 at 10 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Teresa Goodrich or Stuart Owen (564-6204)

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the provisions for coverage of and payment for services for categorically-needy and medically-needy individuals eligible for benefits under both Titles XVIII and XIX.

(b) The necessity of this administrative regulation: KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the authorizing statute by establishing the coverage and payment for services provided to individuals eligible for both Titles XVIII and XIX benefits.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the administration of the statute by establishing the requirements for coverage of and payment for services provided to individuals eligible for both Titles XVIII and XIX benefits.

(2) If this is an amendment to an existing administrative regula-

tion, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment limits Medicaid's responsibility for cost sharing for a Medicare Part A covered service and certain Medicare Part B covered services to the Medicaid-allowed amount for the service.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to control the growth of Medicaid spending and ensure the health, safety or welfare of Medicaid recipients whose receipt of services may be jeopardized due to a lack of funding.

(c) How the amendment conforms to the content of the authorizing statutes: Pursuant to 42 USC 1396a(n), states have the option to limit the payments made for Medicare deductibles and coinsurance for recipients eligible for both Medicare and Medicaid. This amendment exercises such option and, as higher payments are being paid for Medicaid recipients who are dually eligible for Medicare, this regulation will equalize payments for all Medicaid recipients.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist the department in managing the current critical budget shortfall while continuing to provide for necessary medical services.

(3) List the type and number of individuals, businesses, organizations, or state and local government affected by this administrative regulation: Potentially, a hospital or nursing facility that provides services covered by Medicare Part A and a provider who provides certain designated services covered by Medicare Part B to an individual who is also eligible for Medicaid benefits.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: Medicaid's responsibility for cost sharing for a service covered by Medicare Part A and certain designated services covered by Medicare Part B will be limited to the Medicaid-allowed amount for the service.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: A savings of $23 - 25 million annually.

(b) On a continuing basis: Similar recurring saving.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Sources of revenue to be used for implementation and enforcement of this administrative regulation are federal funds authorized under the Social Security Act, Title XIX, and matching funds of general fund appropriations.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish or increase any fees.

(9) Tiering: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

FISCAL NOTE ON LOCAL GOVERNMENT

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

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. This administrative regulation will affect only a part of some local governments.

3. State the aspect or service of local government to which this administrative regulation relates. Local government owned or operated hospitals or nursing facilities.

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 (+/-):

Expenditures (+/-):

Other Explanation: If a local government-owned or operated hospital or nursing facility has been receiving a payment amount greater than the difference between the Medicare Part A reimbursement and the Medicaid-allowed amount for a service, they could experience a decrease in revenues.

STATEMENT OF EMERGENCY
907 KAR 1:015E

This emergency administrative regulation is being promulgated to establish a flat rate payment for emergency room services provided in acute care hospitals. This action must be taken on an emergency basis to ensure the viability of the Medicaid Program. Failure to enact this administrative regulation on an emergency basis would pose an imminent threat to the public health, safety or welfare of Medicaid recipients whose receipt of services may be jeopardized due to a lack of funding. This emergency administrative regulation shall be replaced by an ordinary administrative regulation filed with the Regulations Compiler.

PAUL E. PATTON, Governor
MARCIA R. MORGAN, Secretary

CABINET FOR HEALTH SERVICES
Department for Medicaid Services
Division of Hospitals and Outpatient Facilities Services
(Emergency Amendment)

907 KAR 1:015E. Payments for hospital outpatient services.

RELATES TO: KRS 205.520, 42 CFR 440.2, 440.20(a)

STATUTORY AUTHORITY: KRS 194A.030(3), 194A.050(1), 205.520(3), 205.560, 205.637, 42 USC 1396(a), (b), (d)

EFFECTIVE: February 11, 2003

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health Services, Department for Medicaid Services, has the responsibility to administer the Medicaid Program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This administrative regulation establishes the method for determining amounts payable by the Medicaid Program for hospital outpatient services.

Section 1. Definitions. (1) [~~Definition.~~] "Department" means the Department for Medicaid Services or its designee.

(2) "Level 1 services" means an emergency department visit for the evaluation and management of a patient. Usually, the presenting problem is self-limited or minor and requires three (3) key components:

(a) A problem-focused history;

(b) A problem-focused examination; and

(c) Straightforward medical decision-making.

(3) "Level 2 services" means an emergency department visit for the evaluation and management of a patient. Usually, the presenting problem is of low to moderate severity and requires three (3) components:

(a) An expanded problem-focused history;

(b) An expanded problem-focused examination; and

(c) Medical decision-making of moderate or low complexity.

(4) "Level 3 services" means an emergency room department visit for the evaluation and management of a patient. Usually, the presenting problem is of high severity and requires an urgent evaluation by the physician and may pose an immediate significant threat to life or physiologic function and requires three (3) components:

(a) A comprehensive history;

(b) A comprehensive examination; and
(c) Medical decision-making of high complexity.
(5) "Triage" means an appropriate medical screening examination and stabilizing treatment to an individual with an emergency medical condition.

Section 2. Outpatient Hospital Services. (1) For services provided on or after March 15, 2001, the Department for Medicaid Services shall reimburse a participating in-state hospital for outpatient services:

(a) On an interim basis by multiplying the hospital's Medicaid-billed outpatient service charges by a ratio determined by dividing its Medicaid-allowable cost of covered outpatient services from its most recently filed and reviewed cost report by the hospital's Medicaid-billed charges for covered outpatient services for the same cost report period; and

(b) With a year-end settlement to the lower of the hospital's Medicaid-allowable cost of covered outpatient services or Medicaid-allowable charges for covered outpatient services.

(2) By March 1, 2002, and continuing annually, out-of-state hospitals providing outpatient services exceeding $100,000 in paid claims for services provided during the preceding year shall provide the department a copy of their most recent Medicare cost report which shall be used to determine a cost-to-charge ratio to set the interim rate effective for the subsequent July 1 rate period.

(a) The $100,000 threshold shall be determined from the amount paid through December 31 for services provided during the immediately preceding state fiscal year ending June 30. Hospitals required to submit a Medicare cost report shall be notified by the department in writing by January 31.

(b) The cost report shall be due before March 1. A thirty (30) day extension for filing the cost report may be granted by the department if Medicare grants an extension or if catastrophic circumstances exist.

(c) Failure to provide the required cost report in the allowed period shall result in a reduction of future payments to the lesser of the cost-to-charge ratio determined from the hospital's most recently submitted cost report, or the Kentucky statewide average rounded to the nearest percentage for in-state hospitals until the cost report is received and reviewed by the department.

(d) The interim rate shall be subject to year-end cost settlement specified in subsection (1)(b) of this section.

(3) A participating out-of-state hospital with $100,000 or less in paid claims for outpatient services provided for the period specified in subsection (2)(a) of this section shall not be required to submit a cost report. Reimbursement shall be the Kentucky statewide average cost-to-charge ratio for in-state hospitals, rounded to the nearest percentage, adjusted annually.

(4) Charges or costs shall not be transferred between a hospital's inpatient and outpatient service units.

(5) An estimated settlement payment shall be submitted by a hospital to the department if a cost report indicates the settlement payment is due.

(6) Failure by a hospital to submit a settlement payment to the department along with a cost report if the cost report indicates the settlement payment is due shall accordingly result in a reduction or suspension of payment to the hospital.

(7) An estimated settlement payment shall not be considered payment-in-full until the year-end cost settlement specified in subsection (1)(b) of this section has been determined.

(8) If it is determined that an additional payment is due after a final audit, the additional payment shall be due sixty (60) days after notification that the additional payment is due.

(9) Failure of a hospital to submit an additional payment in accordance with subsection (8) of this section shall accordingly result in a reduction or suspension of payment to the hospital.

(10)(a) Outpatient hospital laboratory services shall be reimbursed at the Medicare-established rate in accordance with 907 KAR 1:029.

(b) For outpatient hospital laboratory services with no established Medicare rate, reimbursement shall be sixty-five (65) percent of Medicaid-billed charges with no settlement to the lower of cost or charges.

Section 3. Supplemental Payments. (1) In addition to a payment received in accordance with Sections 2 and 4 [~~Section 2~~] of this administrative regulation, a nonstate government hospital, as defined in 42 CFR 447.321(2), whose county has entered into an intergovernmental agreement with the Commonwealth shall receive a quarterly supplemental payment in an amount equal to the difference between the payments made in accordance with Section 2 of this administrative regulation and the maximum amount allowable under 42 CFR 447.321.

(2) A payment made under this section shall:

(a) Not be subject to the cost-settlement provisions established in Section 2 of this administrative regulation; and

(b) Apply to a service provided on or after April 2, 2001.

Section 4. Emergency Room Services. (1) Services provided in an emergency room shall be reimbursed at a flat rate based upon the level of service provided as follows:

(a) The triage service reimbursement rate shall be twenty (20) dollars;

(b) The level 1 services reimbursement rate shall be eighty-two (82) dollars;

(c) The level 2 services reimbursement rate shall be $164; and

(d) The level 3 services reimbursement rate shall be $264.

(2) In addition to the flat rate paid for emergency room services, the following services when provided in an emergency room shall be paid a flat rate as follows:

Service	Reimbursement Rate
Observation	$440
CT Scan with or without Contrast	$460
MRI with or without Contrast	$570
Ultrasound	$170
Lithotripsy	$3,590
Cardiac Catheterization	Left or Right - $1,420 Both - $1,700

(3) Services performed in an emergency room which are included in the flat rate payment and shall not be paid an additional amount shall be:

(a) Except as listed in subsection (5) of this section, pharmacy;
(b) Medical supplies;
(c) Radiology;
(d) Laboratory;
(e) Physical therapy;
(f) Electocardiogram/electroencephalography; or
(g) Respiratory therapy.

(4) A payment for emergency room services shall not exceed the hospital's customary and usual charges.

(5) Thrombolytic agents administered in an emergency room in cases in which the patient is not subsequently admitted shall be reimbursed at the hospital's acquisition cost.

(6) Services provided in the emergency room of a critical access hospital shall be reimbursed in accordance with Section 2 of this administrative regulation.

Section 5. Appeal Rights. A hospital may appeal a department decision involving the application of this administrative regulation [~~to the hospital's reimbursement~~] in accordance with 907 KAR 1:671.

MIKE ROBINSON, Commissioner
MARCIA R. MORGAN, Secretary
APPROVED BY AGENCY: January 28, 2003
FILED WITH LRC: February 11, 2003 at 4 p.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Agency Contact Person: Stuart Owen or Teresa Goodrich
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the reimbursement methodology for hospital outpatient services.
(b) The necessity of this administrative regulation: This adminis-

trative regulation is necessary in order to reimburse hospitals for the provision of outpatient services.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The authorizing statutes of this administrative regulation grant the Department for Medicaid Services (DMS) the authority to reimburse hospitals for the provision of outpatient services.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the reimbursement methodology for hospitals for outpatient services.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to establish that an estimated settlement payment shall accompany a cost report if the cost report indicates a settlement payment is due and that DMS shall accordingly reduce or suspend future payment if the settlement payment is not submitted along with the cost report.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms by establishing that an estimated settlement payment shall accompany a cost report if the cost report indicates a settlement payment is due and that DMS shall accordingly reduce or suspend future payment if the settlement payment is not submitted along with the cost report.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the authorizing statutes by establishing that an estimated settlement payment shall accompany a cost report if the cost report indicates a settlement payment is due and that DMS shall accordingly reduce or suspend future payment if the settlement payment is not submitted along with the cost report.

(3) List the type and number of individuals, businesses, organizations, or state and local government affected by this administrative regulation: All hospitals are affected by this regulation and amendment.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: All hospitals shall include an estimated settlement payment with the cost report if the cost report indicates a settlement payment is due.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: While implementation of the amendment to this administrative regulation could improve cash flow, the fiscal impact is indeterminable.

(b) On a continuing basis: While implementation of the amendment to this administrative regulation could improve cash flow, the fiscal impact is indeterminable.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Sources of funding to be used for the implementation and enforcement of this administrative regulation are federal funds authorized under Title XIX and Title XXI of the Social Security Act and state matching funds of general and agency appropriations.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will not be a need for an increase in funds or funding in order to implement this amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees.

(9) Tiering: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions 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.

STATEMENT OF EMERGENCY
907 KAR 1:155E

This emergency administrative regulation is being promulgated to establish a group respite rate to decrease expenditures to ensure that necessary funds will be available for the continued operation of the Medicaid Program. Failure to enact this administrative regulation on an emergency basis would pose an imminent threat to the public health, safety, or welfare of Medicaid recipients whose receipt of services may be jeopardized due to a lack of funding. This emergency administrative regulation differs from the emergency administrative regulation on the same subject matter that was filed on June 28, 2002, in that it establishes a group respite rate to decrease expenditures to ensure that necessary funds will be available for the continued operation of the Medicaid Program. This emergency administrative regulation shall be replaced by an ordinary administrative regulation filed with the Regulations Compiler.

PAUL PATTON, Governor
MARCIA R. MORGAN, Secretary

CABINET FOR HEALTH SERVICES
Department for Medicaid Services
Division of Medicaid Services for
Mental Health/Mental Retardation
(Emergency Amendment)

907 KAR 1:155E. Payments for supports for community living services for an individual with mental retardation or a developmental disability.

RELATES TO: KRS 205.520, 42 CFR 441, Subpart G, 42 CFR 447.272, 42 USC 1396a, b, d, n

STATUTORY AUTHORITY: KRS 194A.030(3), 194A.050(1), 205.520(3), 205.6317

EFFECTIVE: January 17, 2003

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health Services, Department for Medicaid Services, is required to administer the Medicaid Program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This administrative regulation establishes the reimbursement provisions relating to home and community based waiver services provided to an individual with mental retardation or a developmental disability as an alternative to placement in an intermediate care facility for an individual with mental retardation or a developmental disability.

Section 1. Definitions. (1) "Capital indebtedness" means a long-term debt that is paid in more than one (1) year.

(2) "Cost report" means the Supports for Community Living Cost Report and includes the Financial Information Listing completed by an SCL provider and submitted with the cost report.

(3) "Current indebtedness" means a short-term debt that is paid in less than one (1) year.

(4) "Department" means the Department for Medicaid Services or its designee.

(5) "North Carolina Support Needs Assessment Profile" or "NC-SNAP" means a standardized tool used for the measurement of supportive services needed by an individual with a disability.

(6) "Overall level of eligible support" means the highest of three (3) scores from the daily living domain, health care domain, or behavior domain, as established by the NC-SNAP.

(7) "Supports for community living" or "SCL" means community-based waiver services for an individual with mental retardation or a developmental disability.

(8) "Upper limit" means the aggregate amount reimbursed to SCL providers not to be exceeded in a twelve (12) month waiver period.

Section 2. Coverage. (1) The department shall reimburse a participating SCL provider for a covered service, as provided in subsection (2) of this section, provided to a Medicaid recipient who:

(a) Meets patient status criteria for an intermediate care facility for an individual with mental retardation or a developmental disability as established in 907 KAR 1:022; and

(b) Is authorized for an SCL service by the department.

(2) In order to be covered, a service shall be described, defined, and provided in accordance with the terms and conditions specified in 907 KAR 1:145.

Section 3. SCL Reimbursement. (1) Specialized medical equipment and supplies shall:

(a) Not be available through the Medicaid Durable Medical Equipment, Vision, Hearing, or Dental Programs pursuant to 907 KAR 1:479, 907 KAR 1:038, and 907.KAR 1:026;

(b) Be ordered by a physician;

(c) Be specified in the plan of care;

(d) Be a unit of service in which one (1) unit equals one (1) item as provided in Section 4(1) of this administrative regulation;

(e) Be submitted on form MAP-95;

(f) Be reimbursed:

1. By a reduction of twenty (20) percent of submitted costs for approved dental services; and

2. Based on the submission of three (3) price estimates of which the lowest will determine the amount of reimbursement.

(2) Respite shall be provided in accordance with 907 KAR 1:145 as a group or an individual service and provided as follows:

(a) Group respite shall be provided to two (2) or more individuals concurrently in the same setting; or

(b) Individual respite shall be provided to no more than one (1) individual.

(3) Using the formula established in 42 CFR 441.303(f)(1) and applying SCL cost report data, the department shall set, effective July 1 each year, an upper limit to be applied to the total payments for SCL services.

(4) [~~(3)~~] In each state fiscal year, the department shall limit provider rates to ensure that total payments for a waiver year made for services provided to SCL recipients shall not exceed the upper limit. A percentage shall be applied to all SCL providers to ensure an even distribution of reimbursement to all SCL providers.

Section 4. Units of Service. (1) The units of service shall be as follows:

Type of service	Units
Behavioral support	15 minutes
Community habilitation	15 minutes
Community living	15 minutes
Occupational therapy	15 minutes
Physical therapy	15 minutes
Prevocational services	15 minutes
Psychological services	15 minutes
Residential care	24 hours
Individual respite	15 minutes
Group respite	15 minutes
Specialized medical equipment and supplies	1 item
Speech therapy	15 minutes
Support coordination	1 month
Supported employment	15 minutes

(2) An SCL provider shall not round minutes or [~~nor~~] hours up to make a unit of service.

Section 5. Payment Exclusions and Limitations. (1) A payment shall not include:

(a) Cost of room and board; or

(b) Cost of maintenance, upkeep and improvements to the residence if it is a group home or other licensed facility.

(2) A payment shall not be made to:

(a) An SCL community living provider who provides services that are considered routine care or that duplicate homemaker and personal care services being provided by a family member;

(b) A community habilitation provider for supported employment services for an individual receiving payment according to 29 USC 794, et seq.; or

(c) A prevocational provider for an individual receiving payment according to 29 USC 794, et seq.

(3) An allowable cost for reimbursement shall:

(a) Be reflective of a provider's actual costs; and

(b) Be related to Medicaid patient care as defined in 42 CFR 413.9.

(4) The following shall be included in an SCL cost report:

(a) Costs to related organizations as defined in 42 CFR 413.17;

(b) Costs of educational activities as defined in 42 CFR 413.85;

(c) Research costs as defined in 42 CFR 413.90;

(d) Value of services of nonpaid workers as defined in 42 CFR 413.94;

(e) Purchase discounts and allowances, and refunds of expenses as defined in 42 CFR 413.98;

(f) Depreciation on a building or equipment:

1. If the depreciation is documented in the provider's accounting records and based on historical cost of the asset;

2. Not to exceed the fair market value of the asset; and

3. If the depreciation is prorated over the estimated useful life of an asset using the straight-line method;

(g) Interest on current and capital indebtedness;

(h) Professional costs of services of full-time or regular part-time employees not to exceed what a prudent buyer would pay for comparable services; and

(i) Value of motor vehicles used by management personnel. The value shall be limited to $20,000 unless the value is included in the salary compensation.

(5) [~~(4)~~] The following shall not be an allowable cost:

(a) The value of a service provided by an unpaid member of an organization who has an agreement with the provider to furnish a service at no cost;

(b) Political contributions;

(c) Legal fees for lawsuits against the Cabinet for Health Services;

(d) Legal fees incurred for an activity not related to SCL patient care;

(e) Travel and associated costs for conventions, meetings, assemblies, conferences or any related activities that are not related to SCL training or educational purposes;

(f) Costs related to lobbying; and

(g) Residential room and board costs for an SCL recipient.

Section 6. Reimbursement Methodology for State Fiscal Year (SFY) 2000. (1) For SFY 2000, the rate setting methodology for a participating in-state SCL provider that is certified in accordance with 907 KAR 1:145 shall be as follows:

(a) The payment rate for a unit of service that was in effect for an individual provider of SCL services for the period ending June 30, 1999, shall be indexed for inflation by three and one-half (3.5) percent.

(b) Except for a service meeting the criterion of paragraph (c) of this subsection, the payment rate established in paragraph (a) of this subsection shall be increased by an additional three and one-half (3.5) percent.

(c) If the payment rate that was in effect for the period ending June 30, 1999, for an SCL service was less than the provider's average unit cost that was utilized by the department to establish the payment rate for SFY 1999, the payment rate established pursuant to paragraph (a) of this subsection shall be increased by an additional four (4) percent for:

1. A community habilitation service; and

2. A staffed residence.

(2) The payment rates that are established pursuant to subsection (1) of this section shall be arrayed to determine a weighted median rate for each service and multiplied by 115 percent for:

(a) A new provider who did not offer SCL services prior to July 1, 1999; or

(b) A current provider limited to a new service that was not of-

fered prior to July 1, 1999.

(c) A provider shall be reimbursed for specialized medical equipment or supplies that are specified and submitted in accordance with Section 3(1)(f) of this administrative regulation.

(3) [~~(4)~~] Except for computational errors by the department, the reimbursement of an SCL service for SFY 2000 shall not be retroactively adjusted to incorporate an adjustment to the annual cost report resulting from an audit or desk review.

Section 7. Reimbursement Methodology for State Fiscal Year (SFY) 2001. (1) A prospectively-determined payment to a certified SCL provider for a unit of service shall include a base payment, and in accordance with subsections (6) and (7) of this section, an incentive payment and an intensity payment.

(2) Effective September 1, 2000, the prevocational rate shall be equal to the rate established for a supported employment service.

(3) Effective January 1, 2001, the adult foster care home rate shall be equal to the family home rate.

(4) A base payment for a unit of service shall be determined as follows:

(a) A provider with a SFY 2000 rate based on a desk reviewed or audited SFY 1997 cost report shall receive a base payment calculated as the provider's SFY 2000 rate indexed for inflation by three (3) percent.

(b) A provider with a SFY 2000 rate based on a SFY 1997 prospective cost report shall receive a base payment calculated using the provider's desk reviewed or audited SFY 1997 cost report rate, trended and indexed for inflation through SFY 2000, and inflated by three (3) percent.

(c) A provider with a SFY 2000 rate based on 115 percent of the weighted median shall receive a base payment calculated as the provider's SFY 2000 rate indexed for inflation by three (3) percent.

(d) A new provider who did not offer SCL services prior to July 1, 2000, or a current provider who offers an SCL service that was not offered by that provider prior to July 1, 2000 shall receive a base payment calculated as 120 percent of the weighted median determined in accordance with this subsection which shall be limited to the new SCL service.

(5) The payment rates that are established pursuant to subsection (4)(a) and (b) of this section shall be arrayed in ascending order to determine a weighted median rate based on SFY 1999 paid claim units of service for each SCL service.

(6) An incentive payment for a unit of service shall be:

(a) Made if:

1. A provider's rate for a unit of service is below 110 percent of the weighted median; [~~and~~]

2. The service is provided to a recipient who was approved by the department to begin receiving SCL waiver services on or after July 1, 2000; and

(b) Calculated as twenty (20) percent of the difference between 110 percent of the weighted median and the provider's rate.

(7) An intensity payment for a unit of service shall be:

(a) Made if a recipient has a score equal to five (5) on the NC-SNAP;

(b) Made for no more than ten (10) percent of the total Medicaid SCL population; and

(c) For the following SCL services:

1. Staffed residence;
2. Community living;
3. Respite;
4. Family home;
5. Group home;
6. Adult foster care home; or
7. Community habilitation.

(8) Except for staffed residence, an intensity payment for services listed in subsection (7)(c) of this section shall be calculated as fifteen (15) percent of the weighted median for a unit of service.

(9) An intensity payment for staffed residence shall be calculated as twenty (20) percent of the weighted median for a staffed residence unit of service.

(10) A provider shall be reimbursed for specialized medical equipment and supplies that are submitted in accordance with Section 3(1) of this administrative regulation.

(11) Except for computational errors by the department, the reimbursement payment of an SCL service for SFY 2001 shall not be retroactively adjusted to incorporate an adjustment to the annual cost report resulting from an audit or desk review.

(12) A base, incentive, and intensity payment for an SCL service provided to a qualified recipient shall be made for a service provided on or after July 1, 2000.

Section 8. Rate for January 1, 2001. (1) Effective January 1, 2001, an SCL provider receiving a rate below the weighted median, established in accordance with Section 7(5) of this administrative regulation, shall have their rate increased to 100 percent of the weighted median.

(2) An SCL provider that meets the criteria established in Section 7(6)(a) of this administrative regulation shall receive:

(a) For a recipient approved by the department to begin receiving SCL waivers services before July 1, 2000, 100 percent of the weighted median; and

(b) For recipients approved by the department to begin receiving SCL waiver services on or after July 1, 2000, the greater of:

1. A base payment plus an incentive payment in accordance with Section 7(6)(a) of this administrative regulation; or

2. 100 percent of the weighted median.

Section 9. North Carolina Support Needs Assessment Profile (NC-SNAP). (1) A recipient of an SCL waiver service shall have an NC-SNAP administered by the department or its designee.

(2) A new NC-SNAP may be administered:

(a) At the department's discretion; or

(b) At the timely request of an SCL provider if a change in a recipient's circumstances results in the need for increased or decreased supportive services.

(3) A provider shall be responsible for the cost of an NC-SNAP at the time administered: [~~:~~]

(a) In accordance with subsection (2)(b) of this section; or

(b) As a result of an appeal filed in accordance with Section 12(1) of this administrative regulation.

Section 10. Payment Amounts for State Fiscal Year (SFY) 2002. (1) Effective July 1, 2001, SCL providers previously enrolled shall receive [~~maintain~~] the payment rate that was in effect on June 30, 2001 for an SCL service.

(2) A new SCL provider who did not offer SCL services prior to July 1, 2001 or a current provider who offers an SCL service that was not offered by that provider prior to July 1, 2001 shall receive a base payment in accordance with Section 7(4)(d) of the administrative regulation.

Section 11. Payment Amounts for State Fiscal Year (SFY) 2003. (1) Effective July 1, 2002, SCL providers previously enrolled shall receive the payment rate that was in effect on June 30, 2002 for an SCL service.

(2) A new provider who did not offer SCL services prior to July 1, 2002, or a current provider who offers an SCL service that was not offered by that provider prior to July 1, 2002, shall receive a base payment set at the weighted median determined in accordance with Section 7(5) of this administrative regulation which shall be limited to the new SCL service.

(3) An intensity payment for a unit of service shall be in accordance with Section 7(6), (7), (8), and (9) of this administrative regulation.

(4) Effective March 1, 2003, the payment rate for group respite shall be fifty (50) percent of the SCL provider's previous respite rate as determined in subsections (1) through (3) of this section.

(5) Effective March 1, 2003, the payment rate for individual respite shall be equal to the SCL provider's previous respite rate as determined in subsections (1) through (3) of this section.

Section 12. Auditing and Reporting. (1) A participating provider shall maintain fiscal and service records for a period of not less than five (5) years.

(2) A provider shall make available, upon request, service and financial records to a representative or designee of:

(a) The Commonwealth of Kentucky, Cabinet for Health Services;

(b) The United States Department of Health and Human Services, Comptroller General;

(c) The Department of Health and Human Services, Centers for Medicare and Medicaid Services;

(d) The General Accounting Office;

(e) The Commonwealth of Kentucky, Office of the Auditor of Public Accounts; or

(f) The Commonwealth of Kentucky, Cabinet for Health Services, Office of Inspector General.

Section 13. [~~12.~~] Appeal Rights. (1) An appeal of an NC-SNAP score in accordance with 907 KAR 1:671 shall not be allowed if the change in score does not affect the provider's reimbursement level.

(2) An appeal of a department decision [~~negative action taken by the department~~] regarding a Medicaid beneficiary shall be in accordance with 907 KAR 1:563.

(3) An appeal of a department decision [~~negative action taken by the department~~] regarding the eligibility of an individual shall be in accordance with 907 KAR 1:560.

(4) A provider may appeal a department decision as to the application of this administrative regulation [~~An appeal of a negative action taken by the department regarding a Medicaid provider shall be~~] in accordance with 907 KAR 1:671.

Section 14. [~~12.~~] Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Supports For Community Living Cost Report", Department for Medicaid Services, "December 1999 Edition";

(b) "Instructions for SCL Cost Reporting", Department for Medicaid Services, "December 1999 Edition";

(c) "Financial Information Listing", Department for Medicaid Services, "March 2000 Edition";

(d) "MAP-95 Request for Equipment Form" Commonwealth of Kentucky, Cabinet for Human Resources, Department for Medicaid Services, "September 2002 [~~April 1988~~] Edition"; and

(e) "The North Carolina Support [~~Supports~~] Needs Assessment Profile [~~(~~]NC-SNAP[~~)~~]", 2000 edition, copyright Murdoch Center Foundation; and

(f) "NC-SNAP Instructor's Manual", copyright 1999, Murdoch Center Foundation [~~"1998 Edition"~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky, 40621, Monday through Friday, 8 a.m. to 4:30 p.m.

MIKE ROBINSON, Commissioner
MARCIA R. MORGAN, Secretary
APPROVED BY AGENCY: January 15, 2003
FILED WITH LRC: January 17, 2003 at 1 p.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stuart Owen or Teresa Goodrich (564-6204)

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the reimbursement methodology for supports for community living (SCL) services.

(b) The necessity of this administrative regulation: This administrative regulation is necessary in order to establish the reimbursement methodology for SCL services.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing the reimbursement methodology for SCL services.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation currently assists in the effective administration of the statutes by establishing the reimbursement methodology for SCL services.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment to this administrative regulation establishes a group respite rate.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to establish a group respite rate to decrease expenditures to ensure that necessary funds will be available for the continued operation of the Medicaid Program.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by establishing a group respite rate to decrease expenditures to ensure that necessary funds will be available for the continued operation of the Medicaid Program.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the statutes by establishing a group respite rate to decrease expenditures to ensure that necessary funds will be available for the continued operation of the Medicaid Program.

(3) List the type and number of individuals, businesses, organizations, or state and local government affected by this administrative regulation: There are approximately 106 SCL service providers enrolled in Medicaid's Program.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: SCL service providers will have the option to offer individual or group respite.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: Implementing the amendment to this administrative regulation could generate savings for the Department for Medicaid Services (DMS); however, DMS cannot predict provider behavior regarding group respite behavior. Therefore, the fiscal impact is indeterminable.

(b) On a continuing basis: Implementing the amendment to this administrative regulation could generate savings for the Department for Medicaid Services (DMS); however, DMS cannot predict provider behavior regarding group respite behavior. Therefore, the fiscal impact is indeterminable.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding is necessary to implement the amendment to this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The amendment to this administrative regulation does not increase any fee nor does it require any funding.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The amendment to this administrative regulation does not establish or directly or indirectly increase any fee.

(9) Tiering: Is tiering applied? (Explain why tiering was or was not used) Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

STATEMENT OF EMERGENCY
907 KAR 3:110E

This emergency administrative regulation is being promulgated to revise and clarify community mental health center substance abuse service requirements in order to enhance recipient access to services and ensure the health, welfare and safety of recipients, as well as to amend provider classifications to comply with KRS 335.500. Failure to enact this administrative regulation on an emergency basis would pose an imminent threat to the health, safety, or welfare of Medicaid recipients. This emergency administrative regulation differs from the emergency administrative regulation filed June 28, 2002 in that it revises and clarifies community mental health center substance abuse service requirements in order to enhance

recipient access to services and ensure the health, welfare and safety of recipients, as well as amends provider classifications to comply with KRS 335.500. This emergency administrative regulation shall be replaced by an ordinary administrative regulation filed with the Regulations Compiler.

PAUL E. PATTON, Governor
MARCIA R. MORGAN, Secretary

CABINET FOR HEALTH SERVICES
Department for Medicaid Services
Division of Medicaid Services for
Mental Health/Mental Retardation
(Emergency Amendment)

907 KAR 3:110E. Community mental health center substance abuse services.

RELATES TO: KRS 205.520(3)
STATUTORY AUTHORITY: KRS 194A.030(3),(5), 194A.050(1), 42 CFR 440.130, 440.210, 440.250, 447.325, 42 USC 1396a-d
EFFECTIVE: February 11, 2003
NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health Services, Department for Medicaid Services has responsibility to administer the Medicaid Program. KRS 205.520(3) authorizes the cabinet by administrative regulation to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This administrative regulation establishes the eligibility criteria, schedule of benefits, payment methodology and qualifications and criteria for the provision of substance abuse services.

Section 1. Definitions. (1) "Cabinet" means the Cabinet for Health Services.

(2) "College or university" means an institution accredited by one (1) of eleven (11) regional accrediting organizations recognized by the U.S. Department of Education, Office of Postsecondary Education, and, if a Kentucky institution, licensed by the Kentucky Council on Postsecondary Education or the Kentucky Board for Proprietary Education; if an out-of-state institution, licensed in its home state if licensure is required in that state.

(3) "Department" means the Department for Medicaid Services or its designated agent.

(4) "Division" means the Division of Substance Abuse within the Department for Mental Health and Mental Retardation Services.

(5) "Individual" means a pregnant woman or a postpartum woman for a sixty (60) day period after pregnancy ends and any remaining days in the month in which the 60th day falls who has applied for or is receiving substance abuse services through Medicaid.

(6) [~~(3)~~] "Prevention Protocol Review Panel" means a panel of substance abuse prevention experts, composed of a representative appointed by the cabinet secretary and representatives from the division [~~of Substance Abuse~~], who review and approve therapeutic risk reduction protocols.

(7) [~~(4)~~] "Qualified preventionist" means a staff member of a provider agency who provides substance abuse prevention services and meets the qualifications in accordance with Section 7(1) of this administrative regulation.

(8) [~~(5)~~] "Qualified substance abuse treatment professional" means a staff member of a provider agency who conducts a clinical assessment, develops a treatment plan, leads a therapy session, or provides a case-management service and meets the requirements in Section 7(2) of this administrative regulation.

(9) [~~(6)~~] "Substance abuse" means alcohol and other drug abuse as defined in KRS 222.005(12).

(10) [~~(7)~~] "Substance abuse prevention service" means universal, selective or indicated prevention services in accordance with the requirements in Section 4 of this administrative regulation.

(11) [~~(8)~~] "Substance abuse treatment service" means outpatient, intensive outpatient, day rehabilitation, case management or community-support services in accordance with the requirements in Section 4 of this administrative regulation.

(12) [~~(9)~~] "Substance-related disorder" means the formal diagnosis of substance abuse or substance dependency, excluding nicotine dependence, under the classification of mental disorders found in the current edition of the Diagnostic and Statistical Manual of Mental Disorders.

(13) [~~(10)~~] "Therapeutic risk reduction protocol" means a behavior change regimen using research-based strategies which have been demonstrated to produce desired attitudinal or behavioral outcomes that halt progression toward substance dependency and reduce risk for other alcohol and drug related problems in specific targeted populations.

(14) [~~(11)~~] "Triage" means a telephone or face-to-face interview with an applicant for services or a referral source to:

(a) Determine the nature of the presenting problem;
(b) Determine the immediacy of the need for services; and
(c) Refer the individual for a substance abuse assessment.

Section 2. Eligibility Criteria. A person shall be eligible to receive the substance abuse services covered under this administrative regulation if the individual:

(1) Meets Medicaid eligibility requirements established in 907 KAR 1:605;

(2) Is a pregnant woman or a postpartum woman for a sixty (60) day period after pregnancy ends and any remaining days in the month in which the 60th day falls; and

(3) [~~(2)~~] Meets the service placement criteria in Section 6 of this administrative regulation.

Section 3. Provider Participation Requirements. A provider providing [~~In order to provide~~] substance abuse services in accordance with [~~pursuant to~~] Section 4 of this administrative regulation shall[~~, a provider~~]:

(1) [~~Shall~~] Be a community mental health-mental retardation center:

(a) Established in accordance with KRS 210.380; and

(b) Which provides services either:

1. Directly in accordance with the following licensure administrative regulations:

a. 908 KAR 1:370 for substance abuse treatment services;

b. 908 KAR 1:380 for substance abuse prevention services; or

2. Indirectly through a subcontractor who shall adhere to the following contractual requirements:

a. If providing a substance abuse treatment service be:

(i) Licensed in accordance with 908 KAR 1:370; or

(ii) Licensed in accordance with 902 KAR 20:160 or KRS Chapter 216B and comply with the applicable standards of 908 KAR 1:370;

b. If providing a substance abuse prevention service be: [~~a. 902 KAR 20:091 for substance abuse outpatient and intensive outpatient services;~~

~~b. 908 KAR 1:380 for substance abuse prevention services and 908 KAR 1:010 - 908 KAR 1:080, 908 KAR 1:100 - 908 KAR 1:110, 908 KAR 1:150 - 908 KAR 1:220 and 908 KAR 1:230(2) and (3); or~~

~~2. Indirectly through a subcontractor who shall adhere to the following contractual requirements:~~

~~a. For a substance abuse treatment service, a subcontractor shall be either:~~

~~(i) Licensed in accordance with 908 KAR 1:010-908 KAR 1:240 for substance abuse assessment, outpatient, intensive outpatient, and day rehabilitation services; or~~

~~(ii) Licensed in accordance with 902 KAR 20:160 or KRS Chapter 216B and comply with the applicable standards of 908 KAR 1:080, 908 KAR 1:100, 908 KAR 1:110, 908 KAR 1:120, 908 KAR 1:130, 908 KAR 1:220, 908 KAR 1:230(2) and (3) and 908 KAR 1:240;~~

~~b. For a substance abuse prevention service, a subcontractor shall be either:~~]

(i) Licensed in accordance with 908 KAR 1:380; or

(ii) A local health department under the authority of KRS 211.180 and 211.190.

(2) [~~Shall~~] Comply with service access standards established in Section 5 of this administrative regulation.

Section 4. Substance Abuse Services. The following services shall be covered [~~through Medicaid if provided by staff who meet the~~

~~requirements in Section 7 of this administrative regulation and if an individual meets the placement criteria~~] in accordance with [~~Section 5 of~~] this administrative regulation.

(1) [~~Substance abuse~~] Assessment.

(a) An [~~A substance abuse~~] assessment shall:

1. Be completed by a qualified substance abuse treatment professional;

2. Be provided for all individuals receiving a substance abuse service or an indicated prevention service; and

3. Be completed prior to an individual receiving the service;

(b) For individuals receiving an assessment, the assessment shall include an interview [~~and shall include:~~

~~(a) An assessment interview with an individual that includes information~~] on the:

1. Current level of substance intoxication or withdrawal;

2. Current pattern of substance use including quantity, frequency, and [~~history of~~] personal use history;

3. [~~Utilization of prenatal care and pediatric care for newborns; and~~

~~4. Psychosocial history including the:~~

~~a. Presenting need;~~

~~b. Current living arrangements;~~

~~c.~~] Identification of household members and significant others in the individual's life who use alcohol and other drugs;

4. [~~d. Marital and family history;~~

~~e.~~] Family history of alcohol and drug abuse;

5. [~~f. History of involvement with child and adult protective services;~~

~~g. Current custody status of an individual's children;~~

~~h. Legal, employment, military, educational and vocational history;~~

~~i. Peer group relationships;~~

~~j. Religious background and practices;~~

~~k.~~] History of emotional, sexual, and physical abuse including current needs for safety;

6. Utilization of prenatal care and pediatric care for newborns; and

(c) For individuals assessed as showing any current substances abuse or giving evidence of risk for substance abuse based on any of the items in paragraph (b) of this subsection, the assessment shall include the following additional information:

1. Psychosocial history including:

a. Presenting need;

b. Current living arrangements;

c. Marital and family history;

d. History of involvement with child and adult protective services;

e. Current custody status of an individual's children;

f. Legal, employment, military, educational, and vocational history;

g. Peer group relationships;

h. Religious background and practices;

i. [~~l.~~] Ethnic and cultural background;

j. [~~m.~~] Leisure and recreational activities; and

k. [~~n.~~] Individual strengths and limitations;

2. [~~(b)~~] Completion of a physical health status questionnaire; and

3. Completion of a [~~(c)~~] mental status screening;

(d) For individuals assessed in accordance with paragraphs (b) and (c) of this subsection, an integrated [~~integrative~~] written summary shall be developed that documents an [~~of the~~] individual's need for services and includes [~~including documentation of~~]:

1. Pregnancy or [~~and~~] postpartum status [~~as reported by the individual~~] and a primary diagnosis of a substance-related disorder requiring treatment services; or

2.a. The need for substance abuse prevention services; and

b. [~~3.~~] The individual's need for:

(i) [~~a.~~] Prenatal care [~~if a pregnant woman is not regularly engaged in prenatal care~~];

(ii) [~~b.~~] A screening for health care problems for a postpartum woman;

(iii) [~~c.~~] Pediatric care [~~if an infant is not currently receiving this care~~];

(iv) [~~d.~~] Mental health, mental retardation or developmental disability services; or [~~and~~]

(v) [~~e.~~] Community services to meet immediate needs for safety, food, clothing, shelter or medical care; [~~,~~]

(e) Development of an initial plan of care that shall include [~~includes~~] the following:

1. The presenting need or problem; and

2. All substance abuse services needed by an individual as established by [~~in accordance with~~] the assessment findings and the service placement criteria [~~established~~] in Section 6 of this administrative regulation to include:

a. An explanation of how this individual meets the admission criteria for this service;

b. The name of the provider to whom an individual is being referred for this service; and

c. The determination of the immediacy of the individual's need to receive the services based on the following criteria and in accordance with the access requirements established in Section 5 of this administrative regulation:

(i) Emergency need [~~care~~]. Emergency need [~~care~~] shall indicate [~~include immediate care for~~] a substance-related condition that may result in serious jeopardy to the life or health of an individual or a fetus, harm to another person by an individual, or inability of an individual to seek food or shelter; [~~. A provider agency shall provide either access to a substance abuse outpatient, intensive outpatient or day rehabilitation service on an emergency basis within three (3) hours of determining the individual's need for the service or make a referral to other appropriate emergency care providers.~~]

(ii) Urgent need [~~care~~]. Urgent need shall indicate [~~A provider agency shall provide access to a substance abuse outpatient, intensive outpatient and day rehabilitation service on an urgent basis within a twenty-four (24) hour period of determining the individual's need for a service. An urgent condition shall include~~] a clinical condition that does not pose an immediate risk of harm to self or another person but requires a rapid clinical response in order to prevent onset of an emergency condition; [~~,~~]

(iii) Routine need [~~care~~]. [~~A provider agency shall provide access to a substance abuse outpatient, intensive outpatient and day rehabilitation service on a routine basis within a forty-eight (48) hour period of determining the individual's need for a service.~~] A routine need [~~condition~~] shall pose no immediate risk of harm to self or another person but requires a clinical response; or [~~,~~]

(iv) Prevention services for universal, selective, and indicated populations [~~prevention services~~]. A provider agency shall provide access to a substance abuse selective or indicated prevention service within a thirty (30) [~~seven (7)~~] day period of a request for a service for an individual; and [~~,~~

~~(v) Universal prevention service. A provider agency shall provide access to a substance abuse universal preventive service within a thirty (30) day period of a request for a service for an individual; and~~

~~3. Documentation of the name of the provider to whom an individual is being referred to address the service needs identified in paragraph (d)2c of this subsection.~~]

(f) The completed assessment and initial plan of care shall be forwarded to the substance abuse service [~~treatment~~] or prevention provider within five (5) working days.

(2) [~~Universal~~] Prevention services [~~service~~].

(a) General requirements for prevention services to universal, selective, and indicated populations. All prevention services [~~A universal prevention service~~] shall:

1. Be delivered as an individual or group service; [~~,~~]

2. [~~(b) A universal prevention service shall be designed to reduce the risk that an individual will initiate the use of alcohol, tobacco and other drugs during pregnancy and the postpartum period, thus protecting the child from subsequent risk for harm.~~

~~(c) A universal prevention service shall~~] Utilize a protocol approved by the [~~Kentucky~~] division [~~of Substance Abuse. The protocol shall be approved~~] for a period of two (2) years and [~~at which point it shall be~~] reevaluated at the end of that time by the Protocol Review Panel to determine its continued use; and

3. [~~,~~

~~(d) A universal prevention protocol shall:~~

~~1. Identify specific risks associated with alcohol, tobacco and other drug use during pregnancy and lactation, including risks to a fetus, such as low birth weight and fetal alcohol syndrome;~~

~~2. Address biological, psychological, and social factors that may increase risk for use during pregnancy and lactation; and~~

~~3. Identify signs of postpartum depression and address the risk for substance abuse following pregnancy.~~

~~(e) A substance abuse universal prevention service shall~~] Be delivered as a face-to-face contact between an individual and a qualified preventionist who meets the requirements in Section 7(1) of this administrative regulation.

(b) Prevention services to universal populations:

1. Shall consist of a protocol for reducing harm to the fetus that:

a. Is designed to reduce the risk that an individual will initiate the use of alcohol, tobacco, and other drugs during pregnancy and the postpartum period, thus protecting the child from subsequent risk for harm;

b. Identifies specific risks associated with alcohol, tobacco and other drug use during pregnancy and lactation, including risks to a fetus, such as low birth weight and fetal alcohol syndrome;

c. Addresses biological, psychological, and social factors that may increase risk for use during pregnancy and lactation; and

d. Identifies signs of postpartum depression and addresses the risk for substance abuse following pregnancy.

2. Shall utilize [~~(f) The effectiveness of the delivery of a universal prevention service for an individual shall be measured through the use of~~] pretest and post-test surveys that [~~, and~~] shall be constructed to measure the following outcomes:

a. Abstinence or increased intentions to not use alcohol, tobacco and other drug use during pregnancy and lactation;

b. [~~1.~~] Continued or increased perceptions of potential harm to the fetus as a result of using alcohol, tobacco and [~~or~~] other drugs during pregnancy; and

c. [~~2. Increased intentions to not use alcohol, tobacco and other drugs during pregnancy and lactation; and~~

~~3.~~] Increased ability to recognize signs of postpartum depression and risk for substance abuse following pregnancy.

3. Prevention services to universal populations may include a process for the identification of an individual needing a referral for a substance abuse assessment completed in accordance with Section 4(1)(b) and (c) of this administrative regulation.

4. [~~(f)~~] Service limitation. No more than two (2) hours of substance abuse universal prevention service shall be reimbursed during a single pregnancy and postpartum period.

(c) [~~(3)~~] Prevention services to selective populations:

1. Shall consist of a protocol for reducing harm to the fetus that:

a. Is designed to reduce the risk that an individual will initiate the use of alcohol, tobacco, and other drugs during pregnancy and the postpartum period, thus protecting the child from subsequent risk for harm;

b. Identifies [~~Selective prevention service.~~

~~(a) A selective prevention service shall be delivered as an individual or group service.~~

~~(b) A selective prevention service shall be designed to reduce the risk for initiation of alcohol, tobacco and other drug use during pregnancy, initiation of high-risk use following pregnancy, and subsequent risk for harm to a child or mother.~~

~~(c) A selective prevention service shall utilize a therapeutic risk reduction protocol approved by the Kentucky Division of Substance Abuse. The protocol shall be approved for a period of two (2) years at which point it shall be reevaluated by the Protocol Review Panel to determine its continued use.~~

~~(d) A therapeutic risk reduction protocol for a selective prevention service shall:~~

~~1. Identify~~] specific risks associated with alcohol, tobacco and other drug use during pregnancy and lactation, including risks to a fetus, such as low birth weight and fetal alcohol syndrome;

c. Increases [~~2. Increase~~] the perception of personal risk for harm due to high-risk alcohol and drug use throughout life;

d. Identifies [~~3. Identify the existence of biological, psychological, and social risk factors that may increase risk for use during pregnancy and throughout life;~~

~~4. Identify~~] the levels of alcohol and drug use that increase risk for problems during pregnancy and throughout life; [~~and~~]

e. Addresses [~~5. Address~~] health and social consequences of high-risk drinking or drug choices; [~~,~~]

f. Addresses biological, psychological, and social factors that may increase risk for use during pregnancy and lactation; and

g. Identifies signs of postpartum depression and addresses the risk for substance abuse following pregnancy.

2. While not mandatory, it is desirable that the protocol also include information to help the individual:

a. Change [~~(e) A therapeutic risk reduction protocol for a selective prevention service may also include:~~

~~1. Changing~~] perceptions of normative alcohol and other drug [~~use~~] behaviors;

b. Develop [~~2. Developing~~] skills for making and maintaining behavioral changes in alcohol, tobacco and drug use and in developing social and psychological supports for these changes throughout life; or

c. Address [~~3. Addressing~~] parental influences on alcohol and drug choices of children, family management issues, and the establishment of successful expectations and consequences.

3. Shall utilize pretest and post-test [~~(f) A selective prevention service shall consist of a face-to-face contact between an individual and a qualified preventionist who meets the requirements in Section 7(1) of this administrative regulation.~~

~~(g) The effectiveness of the delivery of a selective prevention service for an individual shall be measured through the use of pretest and posttest~~] surveys that [~~, and~~] shall be constructed to measure the following outcomes:

a. [~~1.~~] Abstinence or increased intentions to not use [~~from~~] alcohol, tobacco and other drugs during pregnancy and lactation;

b. [~~2. increased intentions to not use during pregnancy and lactation;~~

~~3.~~] Continued or increased perceptions of potential harm to the [~~a~~] fetus as a result of using [~~when~~] alcohol, tobacco and [~~or~~] other drugs [~~are used~~] during pregnancy [~~and lactation~~];

c. [~~4.~~] Increased perceptions of personal vulnerability to alcohol or drug dependency or other problems throughout life; and

d. [~~5.~~] Attitude changes which support an individual in making low risk choices related to [~~tobacco,~~] alcohol, tobacco and other drug use during and following pregnancy, [~~or increased skills necessary to make and maintain low risk alcohol~~] and other drug choices throughout life.

4. Prevention services to selective populations may include a process for the identification of an individual needing a referral for a substance abuse assessment completed in accordance with Section 4(1)(b) and (c) of this administrative regulation.

5. Service limitation. Prevention services to individuals in the selective populations shall be reimbursed:

a. During a single pregnancy and postpartum period;

b. At a maximum of two (2) hours for a protocol targeted at reducing harm to the fetus; and

c. At a maximum of seventeen (17) hours for a protocol targeted at prevention alcohol and drug problems throughout the life of the individual.

(d) [~~(h) Limitation. No more than a total of nineteen (19) hours of selective prevention service shall be reimbursed during a single pregnancy and postpartum period.~~

~~(4)~~] Indicated prevention service.

1. [~~(a) An indicated prevention service shall be delivered as an individual or group service.~~

~~(b)~~] An indicated prevention service shall be designed to reduce the risk that certain individuals may experience alcohol and [~~or~~] other drug related health problems, including substance dependency [~~,~~] or experience alcohol and other drug related impairments.

2. [~~(c)~~] An indicated prevention service shall utilize a therapeutic risk reduction protocol which [~~approved by the Kentucky Division of Substance Abuse. The protocol shall be approved for a period of two (2) years at which point it shall be reevaluated by the Protocol Review Panel to determine its continued use.~~

~~(d) A therapeutic risk reduction protocol for an indicated prevention service~~] shall:

a. [~~1.~~] Address the health and social consequences of high-risk drinking or drug choices, including consequences to a fetus in the case of any alcohol or drug use during pregnancy;

b. [~~2.~~] Increase the perception of personal risk for harm due to high-risk alcohol and drug use;

c. [~~3.~~] Identify the existence of biological, psychological, and social risk factors; and

d. [~~4.~~] Identify levels of alcohol and other drug use that increase risk for problems.

3. [~~(c)~~] A therapeutic risk reduction protocol for an indicated prevention service may also include:

a. [~~1.~~] Changing perceptions of normative alcohol and drug use behaviors;

b. [~~2.~~] Developing skills for:

(i) Making and maintaining behavioral changes, including changes in alcohol and drug use; and

(ii) [~~in~~] Developing social and psychological supports to maintain the [~~for those~~] changes throughout life; and [~~or~~]

c. [~~3.~~] Addressing parental influences on the alcohol and drug choices of children, family management issues, and the establishment of successful expectations and consequences.

4. Pretest [~~(f) An indicated prevention service shall consist of a face-to-face contact between an individual and a qualified preventionist who meets the requirements in Section 7(1) of this administrative regulation.~~

~~(g) The effectiveness of the delivery of the indicated prevention service for an individual shall be measured through the use of pre-test~~] and post-test surveys [~~, and~~] shall be constructed to measure the following outcomes:

a. [~~1.~~] Decreased alcohol and other drug use;

b. [~~2.~~] Decreased intentions to use;

c. [~~3.~~] Attitude changes which support [~~an individual in making~~] low-risk choices related to alcohol and other drug use;

d. [~~and~~

~~4.~~] A greater readiness for and response to treatment for an individual with a substance abuse [~~related~~] diagnosis who is receiving this service as an adjunct to a substance abuse treatment plan; and

e. [~~or~~] Increased skills necessary to make and maintain low risk alcohol and other drug use choices during pregnancy and throughout life.

5. Service limitation. Prevention services to individuals in the indicated populations shall be reimbursed:

a. During a single pregnancy and postpartum period;

b. At a maximum of two (2) hours for a protocol targeted at reducing harm to the fetus; and

c. At a maximum of twenty-five (25) hours for a protocol targeted at prevention alcohol and drug problems throughout the life of the individual.

[~~(h) Limitation. No more than a total of twenty-seven (27) hours of an indicated prevention service shall be reimbursed during a single pregnancy and postpartum period.~~]

(3) [~~(5)~~] Outpatient services.

(a) An outpatient service shall be an ambulatory care service that:

1. Is a face-to-face therapeutic interaction between an individual and a qualified substance abuse treatment professional; and

2. Is for the purpose of reducing or eliminating a substance abuse problem and shall include the following services:

a. Treatment planning;

b. Referrals for other needed health and social services;

c. Information on substance abuse and its effects on health and fetal development;

d. Orientation to substance abuse related self-help groups; and

e. Participation in one (1) or more of the following modalities of outpatient treatment:

(i) Individual therapy;

(ii) Group therapy;

(iii) Family therapy. This modality shall be provided to an individual and one (1) or more persons with whom an individual has a family relationship [~~close association~~];

(iv) Psychiatric evaluation provided by a psychiatrist or advanced registered nurse practitioner (ARNP);

(v) Psychological testing provided by a licensed psychologist, certified psychologist with autonomous functioning, licensed psychological practitioner, and licensed psychological associate [~~certified psychologist without autonomous functioning and certified psychological associate within his scope of practice~~];

(vi) Medication management provided by a physician or an advanced registered nurse practitioner; and

(vii) Collateral care. This modality shall provide face-to-face consultation or counseling to a person who is in a position of custodial control or supervision of an individual under age twenty-one (21), in accordance with an individual's treatment plan.

(b) Service limitations.

1. Group therapy.

a. There shall be no more than twelve (12) persons in a group therapy session.

b. Group therapy shall not include physical exercise, recreational activities or attendance at substance abuse and other self-help groups.

2. Collateral care shall be limited to individuals under age twenty-one (21).

3. Psychiatric evaluations or psychological testing that do not result in an individual receiving substance abuse treatment shall not be reimbursable through this benefit.

4. No more than eight (8) hours of outpatient services shall be reimbursed during a one (1) week period.

(4) [~~(6)~~] Intensive outpatient services.

(a) An intensive outpatient service shall be an ambulatory care service for the purpose of reducing or eliminating an individual's substance abuse problem.

(b) The following components shall be provided in an intensive outpatient service as a face-to-face therapeutic interaction between an individual and a qualified substance abuse treatment professional:

1. Treatment planning;

2. A structured program of information on substance abuse and its effects on health, fetal development and family relationships which shall be provided either to an individual or an individual and one (1) or more persons with whom an individual has a close association; and

3. Individual, group and family therapy.

(c) The following components may be provided in an intensive outpatient service as a face-to-face activity between an individual and a qualified substance abuse treatment professional or a member of the therapeutic team, supervised by a qualified substance abuse professional:

1. Independent living skills training;

2. Parenting skill development;

3. Orientation to substance abuse and other self-help programs;

4. Staff support to activities led by the individual.

(d) Service limitations.

1. Group therapy.

a. There shall be no more than twelve (12) persons in a group therapy session.

b. Group therapy shall not include physical exercise, recreational activities or attendance at substance abuse or other self-help groups.

2. Reimbursement for an intensive outpatient service shall be limited to no more than seven (7) hours per day not to exceed forty (40) hours per week.

(5) [~~(7)~~] Day rehabilitation services.

(a) A day rehabilitation service shall be provided in a residential facility for the purpose of reducing or eliminating an individual's substance abuse problem.

(b) The following components shall be provided in a day rehabilitation service as a face-to-face therapeutic interaction between an individual and a qualified substance abuse treatment professional:

1. Treatment planning;

2. A structured program of information on substance abuse and its effects on health, fetal development and family relationships which shall be provided to either an individual or an individual and one (1) or more persons with whom an individual has a close association; and

3. Individual, group and family therapy.

(c) The following components may be provided in a day rehabilitation service but shall be provided as a face-to-face activity between an individual and a qualified substance abuse treatment professional or a member of the therapeutic team, supervised by a qualified substance abuse professional:

1. Independent living skills training;

2. Parenting skill development;

3. Orientation to substance abuse and other self-help programs; and

4. Staff support to activities led by the individual.

(d) Service limitations.

1. In accordance with 42 USC 1396d(a) and 1396d(i), payment shall not be made for care or services for any individual who has not attained sixty-five (65) years of age and who is a patient in an institution of more than sixteen (16) beds, that is primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases.

2. Group therapy.

a. There shall be no more than twelve (12) persons in a group therapy session.

b. Group therapy shall not include physical exercise, recreational activities or attendance at substance abuse or other self-help groups.

3. Reimbursement for a day rehabilitation service shall be limited to no more than eight (8) hours per day not to exceed forty-five (45) hours per week.

4. Room and board costs shall not be covered under this benefit.

(6) [~~(8)~~] Case-management services.

(a) Case management shall be an ambulatory care service that:

1. Is a face-to-face or telephone contact between or on behalf of an individual and a qualified substance abuse professional; and

2. Is for the purpose of reducing or eliminating an individual's substance abuse problem by assisting an individual in gaining access to needed medical, social, educational and other support services.

(b) Case-management services shall include:

1. An assessment of an individual's case-management needs;

2. Development of a service plan that identifies an individual's case management projected outcomes; and

3. Activities that support the implementation of an individual's service plan.

(c) Case-management services shall not be connected with a specific type of substance abuse treatment but shall follow an individual across the array of substance abuse treatment services identified in the [~~an~~] individual's treatment plan.

(d) Service limitations. The following activities shall not be reimbursed by this Medicaid benefit:

1. An outreach or case-finding activity to secure a potential individual for services;

2. Administrative activities associated with Medicaid or eligibility determinations;

3. Transportation services solely for the purpose of transporting the individual; and

4. The actual provision of a service other than a case-management service.

(7) [~~(9)~~] Community-support services.

(a) A community-support service shall be an ambulatory care service that shall be provided if the service is identified as a need in an individual's case-management service plan.

(b) A community-support service shall be a face-to-face or telephone contact between an individual and a qualified community-support provider, who meets the requirements in Section 7(4) [~~7(6)~~] of this administrative regulation.

(c) A community-support service shall include:

1. Assisting an individual in remaining engaged with substance abuse treatment or community self-help groups;

2. Assisting an individual in resolving a crisis in an individual's natural environment; and

3. Coaching an individual in her natural environment to:

a. Access services arranged by a case manager; and

b. Apply substance abuse treatment gains, parent training and independent living skills to an individual's personal living situation.

(d) A community-support provider shall coordinate the provision of community-support services with an individual's primary provider of case-management services.

(e) Service limitation. Transportation services solely for the purpose of transporting an individual shall not be reimbursed through this Medicaid benefit.

(8) [~~(10)~~] Service limitation for all substance abuse services. Reimbursement for a substance abuse service shall not be payable for an individual who is a resident in a Medicaid-reimbursed inpatient facility.

Section 5. Access to Substance Abuse Services. A provider agency shall operate a triage component that meets the following requirements:

(1) The provider agency shall maintain telephone access to services twenty-four (24) hours a day, seven (7) days a week through a toll free telephone number that shall be made available to a Medicaid-eligible recipient; and

(2) Triage procedures shall include:

(a) [~~Determination of need for~~] Access to a substance abuse assessment on either an emergency, urgent or routine basis as defined in Section 4(1)(e) of this administrative regulation in accordance with the following:

1. Emergency need [~~care. Emergency care shall include immediate care for a substance-related condition that may result in serious jeopardy to the life or health of an individual or a fetus, harm to another person by an individual, or inability of an individual to seek food or shelter~~]. A provider agency shall provide access to a substance abuse assessment on an emergency basis within three (3) hours of receiving a request for a service for an individual;

2. Urgent need [~~care~~]. A provider agency shall provide access to a substance abuse assessment on an urgent basis within a twenty-four (24) hour period of a request for a service for an individual; [~~An urgent condition shall include a clinical condition that does not pose an immediate risk of harm to self or another person but requires a rapid clinical response in order to prevent onset of an emergency condition.~~]

3. Routine need [~~care~~]. A provider agency shall provide access to a substance abuse assessment on a routine basis within a forty-eight (48) hour period of a request for a service for an individual [~~. A routine condition shall pose no immediate risk of harm to self or another person but requires a clinical response~~]; and

(b) Determination of individual's current Medicaid status.

Section 6. Service Placement Criteria. The following criteria shall be utilized to determine the most appropriate services [~~service~~] to meet an individual's needs.

(1) Admission criteria.

(a) General admission criteria. The following criteria apply to all prevention and treatment services reimbursed under this administrative regulation.

1. Individual [~~Universal prevention substance abuse service.~~

~~(a) Admission criteria. Admission criteria to a universal prevention service shall require that an individual:~~

~~1. Has no identified biological, psychological or social factors which would increase risk for initiating use of alcohol or another drug during pregnancy;~~

~~2. Does not have a history of personal use of alcohol or another drug that has contributed to a lifestyle, a legal problem or another symptom indicating the need for a substance abuse treatment assessment;~~

~~3. Has not used alcohol or other drugs during the last thirty (30) days;~~

~~4. Does not have a substance-related disorder;~~

~~5.~~] does not have a medical or psychiatric condition that requires immediate medical care in order for individual to benefit from identified [~~this~~] service;

2. Individual [~~6.~~] is not at high risk for harm to self or others or the level of risk can be adequately managed within the parameters of the identified service;

3. Individual [~~of harming herself or another person; and~~

~~7.~~] may benefit from participation in the indicated [~~a universal~~] prevention or treatment service; and

4. Individual referred to outpatient, intensive outpatient, and day rehabilitation services shall not be experiencing alcohol or drug intoxication or withdrawal symptoms that required detoxification in a nonmedical twenty-four (24) hour facility or inpatient medical facility.

(b) Universal prevention services. Universal prevention services require that an individual meet the general admission criteria and:

1. Has no identified biological, psychological, or social factors which would increase risk for initiating use of alcohol or other drugs during pregnancy;

2. Does not have a history of personal use of substances that has contributed to a lifestyle, legal problem, or other symptom indicating the need for a substance abuse prevention or treatment

service; and

3. Does not meet the criteria for an identified substance-related disorder.

(c) Selective prevention service. Selective prevention services requires that an individual:

1. Meet the general admission criteria;

2. Gives evidence of risk of substance abuse as defined by:

a. Identification of household members and significant others in the individual's life who use alcohol and other drugs;

b. Family history of alcohol and drug abuse; and

c. History of emotional, sexual, and physical abuse; and

3. Has not admitted using alcohol or other drugs during the last thirty (30) days.

(d) Indicated prevention service requires that an individual meet the general admission criteria and:

1. Has received a substance abuse assessment;

2. Has used alcohol or other drugs since learning of her pregnancy or has exhibited problematic behaviors prior to pregnancy associated with substance use;

3. Has exhibited risk factors that increase her chances of developing a substance abuse problem; or

4. Does not meet the criteria for a substance-related disorder at the time of the referral or has met the criteria for a substance-related disorder and may benefit from this service as an adjunct to outpatient treatment.

(e) Outpatient services. Outpatient services require that an individual meet the general admission criteria and:

1. Has met the criteria for a primary substance-related disorder; and

2. May benefit from outpatient substance abuse services or may benefit from outpatient services as a means to:

a. Increase acceptance of the need for a more intensive treatment service; or

b. Maintain treatment until the required intensive treatment service is available.

(f) Intensive outpatient service requires that an individual:

1. Meets the criteria for a substance-abuse related disorder;

2. Has a substance abuse problem requiring structured treatment several days a week; and

3. Does not have a substance abuse problem severe enough that progress in reducing or eliminating the abuse or dependency requires more intensive treatment.

(g) Day rehabilitation requires that an individual meet the general admission criteria and:

1. Meets the criteria for a substance-related disorder; and

2. Has a substance abuse problem that requires intensive daily or near-daily structured treatment to reduce or eliminate substance abuse or dependency.

(h) Case management service requires that an individual:

1. Meets the criteria for a substance-related disorder;

2. Has been referred for admission to an outpatient service, intensive outpatient service, day rehabilitation service or has been discharged from a twenty-four (24) hour facility; and

3. Needs assistance in reducing barriers to entering and staying in substance abuse treatment, or in accessing other resources that are needed to maximize functioning in the community.

(i) Community-support service admission criteria shall be a statement in the case management service plan that describes the need for more intensive contact with substance abuse staff in an individual's natural environment in order to reduce the risk of developing a substance abuse problem or reducing or eliminating a substance-related disorder.

(2) Continuing stay criteria. Continuing stay criteria apply only to substance abuse treatment services that include outpatient, intensive outpatient, day rehabilitation, case management, and community support.

(a) To remain in an identified service level, a qualified substance abuse treatment professional shall review an individual's progress in accordance with the following:

1. For an outpatient service every ninety (90) days;

2. For an intensive outpatient service every thirty (30) days;

3. For a day rehabilitation service every two (2) weeks;

4. For a case management service every thirty (30) days; and

5. For a community support service every thirty (30 days.

(b) To remain in an identified service, an individual's progress must reflect that the individual:

1. Continues to meet the criteria for admission to that particular service as established in subsection (1) of this section;

2. May benefit from continued service; and

3. Exhibits progress in accordance with the following:

a. For an outpatient, intensive outpatient, or day rehabilitation service, the individual is making progress in reducing or eliminating substance abuse or dependency but has not met the treatment goals of this service;

b. For a case management service the individual is making progress in reducing the risk of developing a substance abuse problem or reducing or eliminating a substance-related disorder but has not met the goals of the case management service plan; and

c. For a community support service the individual is making progress in reducing the risk of developing a substance abuse problem or reducing or elimination a substance-related disorder but has not met the community support service goals in the case management plan.

(3) Discharge criteria.

(a) Prevention service discharge for universal, selected, or indicated populations. An individual shall be discharged if she:

1. Completes a [~~One (1) of the following criteria shall be sufficient to require discharge of an individual who:~~

~~1. Has completed the~~] substance abuse [~~universal~~] prevention service;

2. Has been identified as having a substance abuse or other type of problem that is severe enough to require more intensive services;

3. Demonstrates an inability to benefit from a prevention service; or

4. Has revoked consent to participate or has withdrawn from the service but [~~and~~] does not meet criteria for involuntary hospitalization pursuant to KRS 202A.026.

(b) Treatment service discharge for outpatient, intensive outpatient, day rehabilitation, case management, or community support individuals. An individual shall be discharged if she:

1. Has met treatment goals for outpatient, intensive outpatient and day rehabilitation or service plan goals for case management and community support services;

2. Requires more intensive treatment for outpatient and intensive outpatient services;

3. No longer meets the admission requirements established in subsection (1) of this section; or

4. Has revoked consent to participate or has withdrawn from the service and does not meet criteria for involuntary hospitalization pursuant to KRS 202A.026. [~~202A.030; or~~

~~4. Has demonstrated the inability to benefit from this service.~~

~~(2) Selective prevention substance abuse service.~~

~~(a) Admission criteria. Admission criteria to a selective prevention service shall require that an individual:~~

~~1. Does not have a history of personal use of substances that has contributed to a lifestyle, a legal problem or another symptom indicating the need for a substance abuse indicated prevention or treatment service;~~

~~2. Is a member of a target population whose biological, psychological or social factors place them at high risk for:~~

~~a. Initiating alcohol or other drug use during pregnancy and lactation; or~~

~~b. Developing alcohol and other drug related problems over a lifetime;~~

~~3. Has not used alcohol or other drugs during the last thirty (30) days;~~

~~4. Does not have a substance related disorder;~~

~~5. Does not have a medical or psychiatric condition that requires immediate medical care in order to benefit from this service;~~

~~6. Is not at high risk of harming herself or another person; and~~

~~7. May benefit from participation in a selective prevention service.~~

~~(b) Discharge criteria. One (1) of the following criteria shall be sufficient to require discharge of an individual who:~~

~~1. Has completed the substance abuse selective prevention service;~~

~~2. Has been identified as having a substance abuse or other~~

type of problem that is severe enough to require more intensive services;

3. Has revoked consent to participate or has withdrawn from the service and does not meet criteria for involuntary hospitalization pursuant to KRS 202A.030; or

4. Has demonstrated an inability to benefit from the selective prevention service.

(3) Indicated prevention substance abuse service.

(a) Admission criteria. Admission criteria to an indicated prevention service shall require that an individual:

1. Has used alcohol or other drugs since learning of her pregnancy; or

2. Exhibits problematic behaviors prior to pregnancy, associated with her use of alcohol and other drugs; or

3. Exhibits risk factors that increase her chances of developing a substance abuse problem;

4. Has not reached the point where a diagnosis of a substance-related disorder may be made; or

5. Has been diagnosed with a substance-related disorder and may benefit from this service as an adjunct to outpatient treatment in order to increase her readiness and response to outpatient treatment;

6. Does not have a medical or psychiatric condition that requires immediate medical care in order to benefit from this service;

7. Is not at high risk of harming herself or another person; and

8. May benefit from participation in an indicated prevention service.

(b) Discharge criteria. One (1) of the following criteria shall be sufficient to require discharge of an individual who:

1. Has completed the substance abuse indicated prevention service;

2. Has been identified as having a substance abuse or other type of problem that is severe enough to require a more intensive service;

3. Has revoked consent to participate or has withdrawn from the service and does not meet criteria for involuntary hospitalization pursuant to KRS 202A.030; or

4. Has demonstrated an inability to benefit from an indicated prevention service.

(4) Outpatient substance abuse services.

(a) Admission criteria. Admission criteria to an outpatient service shall require that an individual:

1. Has a primary substance abuse problem that meets criteria for a substance-related disorder established in Section 1(9) of this administrative regulation;

2. Is not experiencing alcohol or drug intoxication or withdrawal symptoms that require detoxification in either a nonmedical twenty-four (24) hour facility or inpatient medical facility;

3. Is not at high risk of harming herself or another person and her level of risk may be managed with outpatient services;

4. Does not have a medical or psychiatric condition that requires immediate medical care prior to outpatient services; and

5. May benefit from outpatient services or may benefit from outpatient services as a means to:

a. Increase acceptance of the need for a more intensive substance abuse treatment service; or

b. Maintain treatment until the required intensive treatment service is available.

(b) Continuing stay criteria. To remain in an outpatient service, a qualified substance abuse treatment professional shall review an individual's progress every ninety (90) days and determine that an individual:

1. Continues to meet the criteria for admission established in paragraph (a) of this subsection; and

2. Is making progress in reducing or eliminating substance abuse or dependency but has not met the treatment goals for this service, and may benefit from continued services.

(c) Discharge criteria. One (1) of the following criteria shall be sufficient to require discharge of an individual who:

1. Has met the treatment goals;

2. Requires more intensive treatment; or

3. Has revoked consent to participate or has withdrawn from the service and does not meet criteria for involuntary hospitalization pursuant to KRS 202A.030.

(5) Intensive outpatient substance abuse service.

(a) Admission criteria. Admission criteria to an intensive outpatient service shall require that an individual:

1. Has a primary substance abuse problem that meets criteria for a substance-related disorder established in Section 1(9) of this administrative regulation;

2. Has a substance abuse problem requiring structured treatment several days a week;

3. Does not have a substance abuse problem severe enough that progress in reducing or eliminating the abuse or dependency requires more intensive treatment;

4. Is not experiencing alcohol or drug intoxication or withdrawal symptoms that require detoxification in either a nonmedical twenty-four (24) hour facility or inpatient medical facility;

5. Does not have a medical or psychiatric condition that requires immediate medical care prior to intensive outpatient services;

6. Is not at high risk of harming herself or another person requiring inpatient care and her level of risk may be managed within this service; and

7. May benefit from an intensive outpatient service.

(b) Continuing stay criteria. To remain in an intensive outpatient service, a qualified substance abuse treatment professional shall review an individual's progress every thirty (30) days, to determine that an individual:

1. Continues to meet criteria for admission established in paragraph (a) of this subsection; and

2. Is making progress in reducing or eliminating substance abuse or dependency but has not met the treatment goals for this service, and may benefit from continued services.

(c) Discharge criteria. One (1) of the following criteria shall be sufficient to require discharge of an individual who:

1. Has met treatment goals for an intensive outpatient service;

2. No longer meets admission criteria established in paragraph (a) of this subsection; or

3. Has revoked consent to participate or has withdrawn from the service and does not meet criteria for involuntary hospitalization pursuant to KRS 202A.030.

(6) Day rehabilitation substance abuse service.

(a) Admission criteria. Admission criteria to a day rehabilitation service shall require that an individual:

1. Has a primary substance abuse problem that meets criteria for a substance-related disorder established in Section 1(9) of this administrative regulation;

2. Has a substance abuse problem that requires intensive daily or near daily structured treatment to reduce or eliminate substance abuse or dependency;

3. Is not experiencing alcohol or drug intoxication or withdrawal symptoms that require detoxification in a nonmedical twenty-four (24) hour facility or inpatient medical facility;

4. Does not have a medical or psychiatric condition that requires immediate medical care prior to intensive outpatient services;

5. Is not at high risk of harming herself or another person requiring inpatient care, and her level of risk may be managed within this service; and

6. May benefit from day rehabilitation services.

(b) Continuing stay criteria. To remain in a day rehabilitation service, a qualified substance abuse treatment professional shall review an individual's progress in treatment every two (2) weeks and determine that the individual:

1. Continues to meet criteria for admission established in paragraph (a) of this subsection; and

2. Is making progress in reducing or eliminating substance abuse or dependency but has not met the treatment goals for this service and may benefit from continued services.

(c) Discharge criteria. One (1) of the following criteria shall be sufficient to require discharge of an individual who:

1. Has met treatment goals;

2. No longer meets admission criteria established in paragraph (a) of this subsection; or

3. Has revoked consent to participate or has withdrawn from the service and does not meet criteria for involuntary hospitalization pursuant to KRS 202A.030.

(7) Case management substance abuse service.

(a) Admission criteria. Admission criteria to a case management

~~service shall require that an individual:~~

~~1. Has a primary substance abuse problem that meets criteria for a substance related disorder established in Section 1(9) of this administrative regulation;~~

~~2. Has been referred for admission to an outpatient service, intensive outpatient service, day rehabilitation service or has been discharged from a twenty four (24) hour facility;~~

~~3. Needs assistance in reducing barriers to entering and staying in substance abuse treatment or in accessing other resources that are needed to maximize her functioning in the community; and~~

~~4. May benefit from a case management service.~~

~~(b) Continuing stay criteria. To remain in a case management service, a qualified substance abuse treatment professional shall review an individual's progress every thirty (30) days, and determine that an individual:~~

~~1. Continues to meet criteria for admission established in paragraph (a) of this subsection; and~~

~~2. Is making progress in reducing or eliminating substance abuse or dependency, but has not met the goals of the case management service plan and may benefit from continued case management services.~~

~~(c) Discharge criteria. One (1) of the following criteria shall be sufficient to require discharge of an individual who:~~

~~1. Has met the service plan goals for case management;~~

~~2. No longer meets admission criteria established in paragraph (a) of this subsection; or~~

~~3. Has revoked consent to participate or has withdrawn from the service and does not meet criteria for involuntary hospitalization pursuant to KRS 202A.030.~~

~~(8) Community support substance abuse services.~~

~~(a) Admission criterion. The admission criterion to a community support service shall be that an individual have documentation in her case management service plan of the need for intensive contact with the treatment community in an individual's natural environment in order to reduce or eliminate substance abuse or substance dependency.~~

~~(b) Continuing stay criteria. To remain in a community support service, a qualified substance abuse treatment professional shall review an individual's progress every thirty (30) days, to determine that the individual:~~

~~1. Continues to meet criteria for admission established in paragraph (a) of this subsection; and~~

~~2. Is making progress in reducing or eliminating substance abuse or dependency, but has not met the community support service goals in the case management plan and may benefit from continued community support services.~~

~~(c) Discharge criteria. One (1) of the following shall be sufficient to require discharge of an individual who:~~

~~1. Has met the case management service plan goals for community support services;~~

~~2. No longer meets the admission criteria established in paragraph (a) of this subsection; or~~

~~3. Has revoked consent to participate or has withdrawn from the service and does not meet criteria for involuntary hospitalization pursuant to KRS 202A.030.]~~

Section 7. Staff Qualifications. [~~Staff who are eligible~~] To provide a [~~the~~] substance abuse prevention and treatment service [~~services~~] established in Section 4 of this administrative regulation an individual shall meet the following qualifications:

(1) A qualified preventionist shall be a staff member of a provider agency who:

(a) Provides [~~universal, selective or indicated~~] substance abuse prevention services to universal, selective or indicated populations;

(b) Meets the qualifications for the delivery of a reducing harm to the fetus protocol or therapeutic risk reduction protocol approved by the Kentucky Division of Substance Abuse; and

(c) Meets one (1) of the following requirements:

1. Shall be a prevention professional certified as required by [~~pursuant to~~] the Kentucky Certification Board of Prevention Professionals;

2. Shall be a substance abuse prevention professional who has a bachelor's degree or greater in any field, from an accredited college or university, who:

a. Meets the training, documentation and supervision requirements in Section 8 of this administrative regulation; and

b. Shall, in order to remain eligible to deliver a substance abuse prevention service, become a certified prevention professional pursuant to the requirements of the Kentucky Certification Board of Prevention Professionals within three (3) years from the date the staff member begins delivering Medicaid substance abuse prevention services.

3. Shall be an alcohol and drug counselor certified by the Kentucky Board of Certification for Alcohol and Drug Counselors in accordance with KRS 309.080 to 309.089, [~~and~~] who meets the training and documentation requirements in Section 8 of this administrative regulation [~~subsection (4)(a) and (c) of this section~~]; or

4. Shall be [~~3.~~] a certified or licensed professional identified in subsection (3) of this section, who meets the training and documentation requirements in Section 8 of this administrative regulation. [~~subsection (4)(b) and (c) of this section;~~]

(2) A qualified substance abuse treatment professional shall be a staff member in a provider agency who conducts a clinical assessment, develops a treatment plan, leads a therapy session, or provides a case-management service. In order to provide these services the qualified substance abuse treatment professional shall meet one (1) of the following requirements:

(a) Shall be an alcohol and drug counselor certified by the Kentucky Board of Certification for Alcohol and Drug Counselors as required by [~~in accordance with~~] KRS 309.080 to 309.089;

(b) Shall be a certified or licensed professional identified in subsection (3) of this section who meets the training and documentation requirements in Section 8 of this administrative regulation [~~subsection (5)(a) and (c) of this section~~]; or

(c) Shall be an individual who has a bachelors degree or greater in any field, from an accredited college or university, who:

1. Meets the training [~~, documentation~~] and supervision requirements in Section 8 of this administrative regulation; and

2. Shall, in order to remain eligible to deliver a Medicaid substance abuse treatment assessment, case management, outpatient, intensive outpatient or day rehabilitation service, achieve licensure or certification as established in subsection (3) of this section within three (3) years from the date the staff member begins delivering Medicaid substance abuse treatment services. [~~subsection (5)(b) and (c) of this section;~~]

(3) A qualified staff member who provides substance abuse services shall be [~~, who is~~] licensed or certified as one (1) of the following:

(a) A Kentucky physician licensed in accordance by [~~with~~] KRS 311.530 to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the performance of official duties;

(b) A psychiatrist licensed as required [~~in accordance~~] with KRS 311.530 to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the performance of official duties, who is certified or eligible to apply for certification with the American Board of Psychiatry and Neurology;

(c) A psychologist licensed to practice psychology by the Kentucky Board of Examiners of Psychology as required by [~~in accordance with~~] KRS 319.050;

(d) A certified psychologist with autonomous functioning certified by the Kentucky Board of Examiners of Psychology as required by [~~in accordance with~~] KRS 319.056;

(e) A licensed psychological practitioner licensed [~~certified psychologist certified~~] by the Kentucky Board of Examiners of Psychology as required by [~~in accordance with~~] KRS 319.056;

(f) A licensed psychological associate licensed [~~associate certified~~] by the Kentucky Board of Examiners of Psychology as required by [~~in accordance with~~] KRS 319.064;

(g) A clinical social worker licensed for the independent practice of clinical social work by the Kentucky Board of Social Work as required by [~~in accordance with~~] KRS 335.100;

(h) A social worker certified by the Kentucky Board of Examiners of Social Work as required by [~~in accordance with~~] KRS 335.080;

(i) An advanced registered nurse practitioner licensed by the Kentucky Board of Nursing as required by [~~in accordance with~~] KRS 314.042, with scope of practice in psychiatric or mental health nursing;

(j) A registered nurse licensed by the Kentucky Board of Nursing as required by [~~in accordance with~~] KRS Chapter 314 with a masters degree in psychiatric nursing from an accredited college or university and two (2) years of full-time clinical experience in psychiatric nursing;

(k) A registered nurse licensed by the Kentucky Board of Nursing as required by [~~in accordance with~~] KRS Chapter 314 with a bachelor of science degree in nursing from an accredited college or university who is certified as a psychiatric and mental health nurse by the American Nurses Association and who has three (3) years of full-time clinical experience in psychiatric nursing;

(l) A registered nurse licensed by the Kentucky Board of Nursing as required by [~~in accordance with~~] KRS Chapter 314, and who has one (1) of the following combinations of education and work experience:

1. A bachelor of science in nursing from a four (4) year program from an accredited college or university and one (1) year clinical work experience in the substance abuse or mental health field;

2. A diploma graduate in nursing and two (2) years clinical work experience in the substance abuse or mental health field; or

3. An associate degree in nursing from a two (2) year program from an accredited college or university and three (3) years clinical work experience in the substance abuse or mental health field;

(m) A marriage and family therapist licensed by the Kentucky Board of Licensure of Marriage and Family Therapists in accordance with the provisions of KRS 335.300 to 335.399;

(n) A professional counselor licensed [~~certified~~] by the Kentucky Licensed [~~Board of Certification for~~] Professional Counselors Board in accordance with the provisions of KRS 335.500 to 335.599; or

(o) A professional art therapist certified by the Kentucky Board of Certification of Professional Art Therapists in accordance with the provisions of KRS 309.130 to 309.1399.

(4) Community-support staff. A qualified community-support staff member shall be a person working in a participating provider agency who provides community-support services in accordance with Section 4(7) of this administrative regulation and who meets the following minimum requirements:

(a) A high school diploma or general equivalent diploma (GED);

(b) Two (2) years supervised experience in a substance abuse treatment setting and knowledge of substance abuse related self-help groups; and

(c) Completes the training requirements established for community-support staff in Section 8 of this administrative regulation.

Section 8. Staff Training, Training Documentation and Supervision. Staff who are eligible to provide substance abuse prevention or treatment services shall meet the following [~~:~~

~~(4) Prevention staff~~] training, [~~and~~] documentation, and supervision requirements.

(1) Training.

(a) Prevention staff training requirements.

1. A reducing harm to the fetus protocol may be delivered by a professional listed in Section 7(1)(c), 1, 2, 3, and 4 of this administrative regulation who is certified to deliver this protocol in accordance with the requirements established by the substance abuse program in the community mental health-mental retardation center.

2. A certified alcohol and drug counselor delivering a selective or indicated prevention protocol shall have twenty-four (24) hours of prevention training within the four (4) years prior to the date of assuming the responsibility for delivering this service. [~~a universal, selective or indicated prevention service.~~] The twenty-four (24) hours of training shall be [~~obtained~~] in the following topic areas [~~for the required number of training hours~~]:

a. [~~1.~~] Twelve (12) hours in prevention strategies and procedures; and

b. [~~2.~~] Twelve (12) hours specific to working with the prevention target populations being served.

3. Prior to being eligible to deliver a substance abuse selective or indicated prevention service, a substance abuse prevention professional with a bachelor's degree or greater in any field from an accredited college or university shall:

a. Enter into a supervisory agreement with a prevention professional certified pursuant to the Kentucky Certification Board of Prevention Professionals in accordance with paragraph (b) of this section; and

b. [~~(b) A certified or licensed professional listed in subsection (3) of this section shall~~] Complete [~~an additional~~] forty-five (45) hours of training on the following topics: [~~in alcohol and other drug abuse within the four (4) years prior to the date of assuming responsibility for delivering a universal, selective or indicated prevention service. The forty-five (45) hours of training shall be obtained in the following topic areas for the required number of training hours:~~]

(i) [~~1.~~] Twelve (12) hours in [~~the recognition and understanding of substance abuse or dependency and related problems;~~

~~2. Twelve (12) hours in~~] prevention strategies and procedures;

(ii) [~~3.~~] Twelve (12) hours specific to working with the prevention target populations [~~population~~] being served;

(iii) Twelve (12) hours in the recognition and understanding of substance abuse or dependency and related problems; and

(iv) An additional [~~and~~

~~4.~~] nine (9) hours in one (1) or more of the training topics identified in subclause (i), (ii), and (iii) [~~subparagraphs 1, 2 and 3~~] of this clause.

4. A certified or licensed professional, listed in Section 7(3) of this administrative regulation, shall have completed an additional forty-five (45) hours of training in alcohol and other drug abuse within four (4) years prior to the date of assuming responsibility for delivering a selective or indicated prevention protocol. The forty-five (45) hours of training shall be in the following topic areas:

a. Twelve (12) hours in the recognition and understanding of substance abuse or dependency and related problems;

b. Twelve (12) hours in prevention strategies and procedures;

c. Twelve (12) hours specific to working with the prevention target population being served; and

d. An additional nine (9) hours in one (1) or more of the training topics identified in clause a., b., or c. of this subparagraph.

(b) [~~paragraph.~~

~~(c) The hours of training required in this subsection shall be documented in a staff member's training file that shall include the:~~

~~1. Date of the training;~~

~~2. Length of the training event in clock hours;~~

~~3. Learning objectives; and~~

~~4. Name of the training provider;~~

~~(5)~~] Treatment staff training [~~, documentation and supervision~~] requirements.

1. [~~(a)~~] A certified or licensed professional identified in Section 7(3) of this administrative regulation [~~subsection (3) of this section~~] shall complete eighty (80) hours of training in alcohol and other drug abuse counseling [~~,~~] within [~~the~~] four (4) years prior to the date of assuming responsibility for conducting clinical assessments, developing treatment plans, leading counseling sessions or providing case-management services, or within two (2) years after assuming these responsibilities or the effective date of this administrative regulation, whichever is later.

2. [~~(b)~~] A staff member with a bachelor's [~~bachelors~~] degree or greater in any field [~~,~~] from an accredited college or university [~~,~~] shall [~~receive training and supervision according to the following~~]:

a. [~~1.~~] Prior to being eligible to deliver a Medicaid substance abuse treatment assessment, case management, outpatient or intensive outpatient service, [~~he shall~~] complete forty (40) hours of training on the following topics:

(i) [~~a.~~] Dynamics and treatment of substance abuse;

(ii) [~~b.~~] Alcohol and drug abuse recovery issues unique to pregnant women and women with dependent children; and

(iii) [~~c.~~] Recovery issues unique to females who are HIV positive, intravenous drug users, adolescents, and members of racial, cultural or ethnic groups; and

b. Receive [~~2.~~] supervision in accordance with subsection (3) of this section.

(c) Community support staff training requirements. Qualified community-support staff shall obtain [~~from a clinical services supervisor who meets one (1) of the following sets of qualifications:~~

~~a. A certified alcohol and drug counselor certified pursuant to KRS 309.080 to 309.089 who has at least two (2) years full-time clinical work experience postcertification; or~~

~~b. One (1) of the following licensed or certified professionals who has completed eighty (80) hours of training in alcohol and other drug abuse counseling, within four (4) years prior to the date of as-~~

~~suming responsibility as a clinical services supervisor and has documented this training in accordance with the requirements in subsection (5)(c) of this section;~~

~~(i) A Kentucky physician licensed in accordance with KRS 311.530 to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the performance of official duties;~~

~~(ii) A psychiatrist licensed in accordance with KRS 311.530 to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the performance of official duties, who is certified or eligible to apply for certification with the American Board of Psychiatry and Neurology;~~

~~(iii) A psychologist licensed to practice psychology by the Kentucky Board of Examiners of Psychology in accordance with KRS 319.050;~~

~~(iv) A certified psychologist with autonomous functioning certified to function without supervision, in an area specified by the Kentucky Board of Examiners of Psychology in accordance with KRS 319.056;~~

~~(v) A certified psychologist with at least three (3) years of full-time postcertification practice certified by the Kentucky Board of Examiners of Psychology in accordance with the requirements and limitations established in KRS 319.056;~~

~~(vi) A psychological associate with at least three (3) years of full-time postcertification practice certified by the Kentucky Board of Examiners of Psychology in accordance with KRS 319.064;~~

~~(vii) A clinical social worker licensed for the independent practice of clinical social work by the Kentucky Board of Social Work in accordance with KRS 335.080;~~

~~(viii) A certified social worker with at least three (3) years of full-time postcertification clinical practice in psychiatric social work licensed by the Kentucky Board of Social Work in accordance with KRS 335.080;~~

~~(ix) An advanced registered nurse practitioner licensed by the Kentucky Board of Nursing in accordance with KRS 314.042 with scope of practice in psychiatric or mental health nursing;~~

~~(x) A registered nurse licensed by the Kentucky Board of Nursing in accordance with KRS Chapter 314 with a masters degree in psychiatric nursing from an accredited college or university and two (2) years of full-time clinical experience in psychiatric nursing;~~

~~(xi) A registered nurse licensed by the Kentucky Board of Nursing in accordance with KRS Chapter 314 with a bachelor of science degree in nursing from an accredited college or university who is certified as a psychiatric and mental health nurse by the American Nurses Association and who has three (3) years of full-time clinical experience in psychiatric nursing;~~

~~(xii) A marriage and family therapist licensed by the Kentucky Board of Licensure of Marriage and Family Therapists in accordance with the provisions of KRS Chapter 335;~~

~~(xiii) A professional counselor certified by the Kentucky Board of Certification for Professional Counselors in accordance with the provisions of KRS Chapter 335; or~~

~~(xiv) A professional art therapist certified by the Kentucky Board of Certification of Professional Art Therapists in accordance with the provisions of KRS 309.130.~~

~~3. At least four (4) hours of face-to-face supervision shall be provided monthly by a clinical services supervisor who meets the requirements in subparagraph 2 of this paragraph and includes at least two (2) of the following methodologies each month:~~

~~a. Didactic presentations;~~

~~b. Case consultation;~~

~~c. Monitoring a staff member's work with an individual through audio or audiovisual taping;~~

~~d. A supervisor's direct observation of a staff member's work with an individual; or~~

~~e. Meets with an individual that the staff member is working with to determine if she is receiving the services she needs;~~

~~4. Supervision may be provided either one-on-one or in a group setting with other staff members being supervised;~~

~~5. A clinical services supervisor shall develop and update annually, a written plan of supervision for each staff member which shall:~~

~~a. Identify knowledge and skill areas needing development;~~

~~b. Identify supervision activities to increase clinical competence in areas of need; and~~

~~c. Include a dated signature of the clinical services supervisor and clinician agreeing to the plan of supervision; and~~

~~6. A clinical services supervisor shall maintain for a staff member he supervises, a record of each supervisory session which includes the date, length of the session and content of the supervision; and~~

~~7. In order to continue being eligible to deliver a Medicaid substance abuse treatment assessment, case management, outpatient, intensive outpatient or day rehabilitation service, a staff member with at least a bachelors degree, who meets the requirements of this paragraph, shall achieve licensure or certification as established in subsection (2)(a) or (b) of this section, within three (3) years from the date a staff member begins to deliver Medicaid substance abuse treatment services.~~

~~(c) Training received under the requirements of this subsection shall be documented in a staff member's training file and shall include the:~~

~~1. Date of the training;~~

~~2. Learning objectives;~~

~~3. Length of the training in clock hours; and~~

~~4. Name of the training provider.~~

~~(6) Community support staff qualifications and training.~~

~~(a) A qualified community support staff member shall be a person working in a participating provider agency who provides community support services in accordance with Section 4(9) of this administrative regulation.~~

~~(b) A qualified community support staff member shall meet the following minimum requirements:~~

~~1. A high school diploma or general equivalent diploma (GED);~~

~~2. Two (2) years of supervised experience in a substance abuse treatment setting and knowledge of substance abuse related self-help groups;~~

~~3.~~] twenty (20) hours of training on:

1. [~~a.~~] Dynamics and treatment of substance abuse;

2. [~~b.~~] Information on substance abuse recovery issues unique to pregnant women and women with dependent children;

3. [~~c.~~] Recovery issues unique to females who are HIV positive, intravenous drug users, adolescents, and members of racial, cultural, or ethnic groups;

4. [~~d.~~] Strategies to defuse resistance;

5. [~~e.~~] Professional boundary issues with an individual that addresses [~~address~~] enabling behaviors; and

6. [~~f.~~] Protecting a qualified community-support staff member, who may be a recovering substance abuser, from losing his own sobriety.

(d) [~~;~~

~~4.~~] For a community-support staff member who does not meet the requirements in Section 7(4) of this administrative regulation [~~requirement in subparagraph 2 of this paragraph~~], an additional forty (40) hours of training on [~~the~~] topics listed in paragraph (c) [~~subparagraph 3~~] of this section [~~paragraph~~] shall be required.

(2) Training documentation requirements. All staff training hours required in subsection (1) of this section [~~;~~

~~5. Training~~] shall be documented in a staff member's training file and shall include the:

(a) [~~a.~~] Date of the training;

(b) Length of the training event in clock hours;

(c) [~~b.~~] Learning objectives;

[~~c. Length of the training in clock hours;~~] and

(d) [~~d.~~] Name of the training provider.

(3) Supervision requirements.

(a) Supervision for a staff member with a bachelor's degree or greater in any field, from an accredited college or university whether that staff member is a substance abuse prevention professional or a staff member providing substance abuse treatment services shall:

1. Include a minimum of four (4) hours of face-to-face supervision monthly;

2. Be provided either one-on-one or in a group setting with other staff members being supervised; and

3. Include a written plan of supervision developed and updated annually for each staff member being supervised which shall:

a. Identify knowledge and skill areas needing development;

b. Identify supervision activities to increase competency in areas of need;

c. Include a dated signature of the qualified supervisor, as defined in paragraph (b) or (c) of this subsection, and the signature of the staff member being supervised indicating agreement with the plan; and

d. Include maintenance of a record of each supervisory session for each staff member being supervised which includes the date, length of the session and content of the supervision.

(b) Supervision of a substance abuse prevention professional with a bachelor's degree or greater in any field from an accredited college or university shall:

1. Be provided by a prevention professional certified pursuant to the Kentucky Certification Board of Prevention Professionals;

2. Meet the general requirements established in paragraph (a) of this subsection; and

3. Include at least two (2) of the following methodologies each month:

a. Didactic presentations;

b. Consultation on substance abuse prevention strategies or the recognition of substance abuse related problems;

c. Monitoring a staff member's work with an individual or group of individuals receiving substance abuse prevention services through audio or audio-visual taping;

d. Monitoring a staff member's adherence to the prevention protocol;

e. A supervisor's direct observation of a staff member's work with an individual or group of individuals receiving substance abuse prevention services; or

f. A supervisor's review of prevention protocol pretests and posttests.

(c) Supervision of a staff member with a bachelor's degree or greater in any field from an accredited college or university who shall provide substance abuse treatment services shall:

1. Be provided by a clinical services supervisor who meets one (1) of the following sets of qualifications:

a. A certified alcohol and drug counselor certified pursuant to KRS 309.080 to 309.089 who has at least two (2) years full-time clinical work experience postcertification; or

b. One of the following licensed or certified professionals who has completed eighty (80) hours of training in alcohol and other drug abuse counseling within four (4) years prior to the date of assuming responsibility as a clinical services supervisor and has documented this training in accordance with the requirements established in subsection (2) of this section:

(i) A Kentucky physician licensed in accordance with KRS 311.530 to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the performance of official duties;

(ii) A psychiatrist licensed in accordance with KRS 311.530 to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the performance of official duties, who is certified or eligible to apply for certification with the American Board of Psychiatry and Neurology;

(iii) A psychologist licensed to practice psychology by the Kentucky Board of Examiners of Psychology in accordance with KRS 319.050;

(iv) A certified psychologist with autonomous functioning certified to function without supervision, in an area specified by the Kentucky Board of Examiners of Psychology in accordance with KRS 319.056;

(v) A licensed psychological practitioner licensed by the Kentucky Board of Examiners of Psychology in accordance with the requirements and limitations established in KRS 319.056;

(vi) A licensed psychological associate with at least three (3) years of full-time postcertification practice certified by the Kentucky Board of Examiners of Psychology in accordance with KRS 319.064;

(vii) A clinical social worker licensed for the independent practice of clinical social work by the Kentucky Board of Social Work in accordance with KRS 335.100;

(viii) A certified social worker with at least three (3) years full-time postcertification clinical practice in psychiatric social work certified by the Kentucky Board of Examiners of Social Work in accordance with KRS 335.080;

(ix) An advanced registered nurse practitioner licensed by the Kentucky Board of Nursing in accordance with KRS 314.042, with scope of practice in psychiatric or mental health nursing;

(x) A registered nurse licensed by the Kentucky Board of Nursing in accordance with KRS Chapter 314 with a masters degree in psychiatric nursing from an accredited college or university and two (2) years of full-time clinical experience in psychiatric nursing;

(xi) A registered nurse licensed by the Kentucky Board of Nursing in accordance with KRS Chapter 314 with a bachelor of science degree in nursing from an accredited college or university who is certified as a psychiatric and mental health nurse by the American Nurses Association and who has three (3) years of full-time clinical experience in psychiatric nursing;

(xii) A marriage and family therapist licensed by the Kentucky Board of Licensure of Marriage and Family Therapists in accordance with the provisions of KRS Chapter 335;

(xiii) A licensed professional counselor licensed by the Kentucky Licensed Professional Counselors Board in accordance with the provisions of KRS Chapter 335; or

(xiv) A professional art therapist certified by the Kentucky Board of Certification of Professional Art Therapists in accordance with the provisions of KRS 309.130;

2. Meet the general requirements established in paragraph (a) of this subsection; and

3. Include at least two (2) of the following methodologies each month:

a. Didactic presentations;

b. Case consultation;

c. Monitoring a staff member's work with an individual through audio or audio-visual taping;

d. A supervisor's direct observation of a staff member's work with an individual; or

e. A meeting with an individual with whom the staff member is working to determine if she is receiving the services she needs.

(d) Supervision of a qualified community-support staff shall:

1. Be provided by a case manager who meets the qualifications in Section 7 of this administrative regulation;

2. Include a minimum of six (6) hours of face-to-face supervision monthly;

3. Meet the general requirements established in paragraph (a) of this subsection; and

4. Include the following:

a. [~~; and~~

~~6. He shall receive supervision from a case manager who meets the qualifications in subsection (2)(a) or (b) of this section, and provides supervision according to the following:~~

~~a. A minimum of six (6) hours of face-to-face supervision shall be provided monthly and shall include:~~

~~(i)~~] Didactic presentations;

b. [~~(ii)~~] Case consultation; and

c. [~~(iii)~~] A supervisor's direct observation of a community-support staff member's work with an individual, or a meeting between a supervisor and an individual with whom a staff member is working, to determine if the individual is receiving the services she needs from a community-support staff person~~;~~

~~b. He may provide supervision one-on-one or in a group setting with other staff members being supervised;~~

~~c. He shall develop a written plan of supervision, updated annually, which:~~

~~(i) Identifies knowledge and skill areas needing development;~~

~~(ii) Identifies supervision activities to increase clinical competence in areas of need; and~~

~~(iii) Includes a dated signature of the supervisor and the community support staff person agreeing to the plan of supervision; and~~

~~d. A supervisor shall maintain for a community support staff person he supervises, a record of each supervisory session that includes the date, length of the session and content of the supervision~~].

Section 9. [~~Section 8.~~] Records. Services delivered in accordance with Section 4 of this administrative regulation shall be documented in a service record maintained for each individual and meet the following standards:

(1) The service record shall include documentation of written or verbal verification from a health care provider or her authorized representative of the individual's pregnancy and postpartum status to

include:

(a) Name of health care provider or his authorized representative providing the verification [~~A dated and signed statement from a licensed physician, physician assistant, certified nurse midwife, or ARNP~~];

(b) Anticipated due date or date of delivery; and

(c) Applicable [~~ICD-9~~] diagnosis code for the individual's pregnancy and postpartum status. [~~,~~]

(2) All entries in an individual's service record shall be:

(a) Kept current;

(b) Dated;

(c) Entitled according to the service received;

(d) Noted as to starting and ending time for each service rendered; and

(e) Signed by the staff member rendering the service, including his title.

(3) At admission to a substance abuse prevention or treatment service, the following intake information shall be completed and documented in an individual's service record within one (1) working day of her visit:

(a) The [~~An~~] individual's name, address and telephone number;

(b) Emergency contact person;

(c) Referral source;

(d) Verification of Medicaid status and medical assistance identification number (MAID);

(e) Social Security number;

(f) Age, gender and ethnic background [~~sex, and race~~]; and

(g) Presenting need.

(4) Assessment. When a substance abuse assessment is completed [~~information~~] in accordance with the requirements of Section 4(1) of this administrative regulation, the assessment shall be documented.

(5) Substance abuse prevention services.

(a) [~~An ICD-9 diagnosis code for pregnancy or postpartum shall be documented.~~

~~(b)~~] An individual's [~~specific~~] risk factors for developing alcohol and drug related problems shall be [~~identified and~~] documented.

(b) [~~(c)~~] An individual's behavioral outcomes shall be identified and address the risks associated with using alcohol, tobacco and other drugs during pregnancy and lactation and throughout their lifetime.

(c) A [~~(d) The~~] prevention service selected for an [~~the~~] individual shall be documented and include an explanation of how the [~~this~~] individual meets the admission criteria for that service.

(d) [~~(e)~~] The name of the substance abuse prevention therapeutic risk reduction protocol selected for use with an individual shall be documented.

(e) [~~(f)~~] An individual's progress towards meeting her learning objectives shall be documented in her record in accordance with the following:

1. Documentation shall occur within one (1) working day following the delivery of each session;

2. Describe the session's activities, an individual's participation, reaction and progress during the session; and

3. If the prevention service is provided in a group setting, a summary of the session's activities may be copied and placed in each individual's record. An individualized note describing an individual's participation, reaction and progress during the group session shall also be placed in an individual's record. A progress note shall not include the name of any other group member.

(f) A case-management service plan shall be documented if an individual receiving indicated prevention services is also receiving case-management services.

(g) Referrals made to other service providers shall be documented.

(h) A discharge summary shall:

1. Be completed following either an individual's withdrawal from or completion of a substance abuse prevention protocol;

2. Be completed within ten (10) days following discharge; and

3. Include a discussion of an individual's progress towards meeting the expected outcomes of the protocol and any recommendations and referrals for other needed services.

(i) An individual's completed pretest [~~pretest~~] and post-test surveys associated with the prevention protocol shall be included in the [~~an~~] individual's record.

(6) Substance abuse treatment services. For an individual receiving a substance abuse outpatient, intensive outpatient, day rehabilitation, case-management or community-support service, the following information shall be documented in the [~~an~~] individual's service record by the staff member providing the service:

(a) A treatment plan;

(b) A case-management service plan if the [~~an~~] individual is receiving case-management services;

(c) Review and revisions of the treatment and case-management service plan;

(d) The [~~An~~] individual's progress towards meeting the objectives of a treatment plan or case-management service plan, documented within one (1) working day and recorded according to the following:

1. Outpatient, case-management and community-support services.

a. A substance abuse treatment professional shall prepare a progress note to include an observation of the [~~an~~] individual's behavior and response to the service, and the [~~an~~] individual's progress toward meeting the goals and objectives of her treatment plan or case-management service plan.

b. If group therapy is provided, the [~~an~~] individual's progress note may include a summary of the session's activities that is copied and placed in each group member's record. An individualized note describing each individual's participation, reaction and progress during the group session shall also be placed in the [~~an~~] individual's record. A progress note shall not include the name of another group member.

2. Intensive outpatient and day rehabilitation service.

a. Documentation of the [~~an~~] individual counseling session shall meet the progress note documentation requirements in subparagraph 1a of this paragraph.

b. For other treatment activities in an intensive outpatient service, a summary note of the [~~an~~] individual's progress may be recorded weekly and shall include:

(i) The eligible treatment activities in which the [~~an~~] individual participated [~~in~~] during the week;

(ii) Observations of the [~~an~~] individual's behavior in response to these services; and

(iii) The [~~An~~] individual's progress in meeting their treatment goals and objectives;

(e) An aftercare plan that shall include identification of the [~~an~~] individual's service needs at discharge, and activities and referrals supporting recovery from substance abuse; and

(f) A discharge summary that shall be completed within ten (10) days of discharge on an individual seen in excess of three (3) visits, and shall include the:

1. Date of admission and discharge;

2. Presenting problem;

3. Diagnosis;

4. Summary of the [~~an~~] individual's treatment and response to treatment; and

5. Referrals made to other service providers.

(7) Confidentiality of an individual's service record. Information in an individual's service record shall be kept confidential in accordance with 908 KAR 1:320.

(8) Right to inspect records for audit and evaluation purposes.

(a) Information contained in an individual's record shall be disclosed only to authorized Cabinet for Health Service representatives, or authorized representatives of the federal government.

(b) An individual's service record and other information regarding payments claimed shall be maintained in an organized file and furnished to cabinet or federal government personnel upon request for inspection and copying.

(c) Failure of a [~~the~~] provider agency to provide the requested documentation to Cabinet for Health Services staff shall result in denial of payment for the billed services.

Section 10. [~~Section 9.~~] Reimbursement. (1) Rate setting for the fiscal years beginning July 1, 1999 and July 1, 2000 shall be as follows:

(a) For outpatient services provided in accordance with Section 4(3) [~~4(5)~~] of this administrative regulation, final prospectively-

determined rates for direct service cost centers shall be established on the basis of actual reasonable allowable cost as derived from a provider's audited annual cost report for the prior year prepared in accordance with 908 KAR 2:060, Section 3, and rates shall be determined in accordance with the following:

1. If an audited cost report is not available, the most recent unaudited annual cost report shall be the basis for the final rate.

2. If an unaudited cost report is used to establish rates, these rates shall be adjusted upon audit or desk review of the cost report used in setting the rate.

3. Allowable costs shall be trended to the beginning of the rate year and indexed to the end of the rate year using Standard and Poore's Data Resource, Incorporated (DRI).

4. A base payment rate for each service shall be the lower of the per unit rate derived from a provider's cost report or the maximum base payment rate for that service as established by the Medicaid Program.

5. A maximum base payment rate shall be determined for each service and shall be set at 130 percent of the median cost per unit of service of participating providers.

6. An incentive payment equal to fifteen (15) percent of the amount that a maximum base payment rate exceeds a provider's base payment rate, excluding the incentive payment, shall be paid for facilities with base payment rates under the maximum.

(b) Final rates for services not specified in paragraph (a) of this subsection shall be determined in accordance with the following:

1. The services are as follows:

a. Assessment provided in accordance with Section 4(1) of this administrative regulation;

b. Universal prevention provided in accordance with Section 4(2)(b) of this administrative regulation;

c. Selective prevention provided in accordance with Section 4(2)(c) [~~4(3)~~] of this administrative regulation;

d. Indicated prevention provided in accordance with Section 4(2)(d) [~~4(4)~~] of this administrative regulation;

e. Intensive outpatient provided in accordance with Section 4(4) [~~4(6)~~] of this administrative regulation;

f. Day rehabilitation provided in accordance with Section 4(5) [~~4(7)~~] of this administrative regulation;

g. Case management provided in accordance with Section 4(6) [~~4(8)~~] of this administrative regulation; and

h. Community-support services provided in accordance with Section 4(7) [~~4(9)~~] of this administrative regulation.

2. Rates shall be determined in accordance with the following:

a. An interim rate for each provider shall be established through a budgeted cost report submitted by each provider prior to payment;

b. A separate accounting cost center shall be established by each provider for each direct service identified in subparagraph 1 of this paragraph to record costs incurred;

c. A final rate for each direct service cost center for each year shall be established based on the provider's actual cost report prepared in accordance with 908 KAR 2:060, Section 3, for the years ending June 30, 2000, and June 30, 2001; and

d. A payment based on an interim rate established in accordance with paragraph (b) of this subsection shall be adjusted retroactively to final rates established in accordance with clause c of this subparagraph.

(2) Rate setting for state fiscal year (SFY) 2002 [~~periods beginning after June 30, 2001~~] shall be as follows:

(a) A final prospectively-determined rate for each direct service cost center [,] covered in this administrative regulation [,] shall be established on the basis of actual reasonable allowable cost as derived from the provider's audited annual cost report prepared in accordance with 908 KAR 2:060, Section 3, for the prior year.

1. If an audited cost report is not available, the most recent unaudited annual cost report shall be the basis for the final rate.

2. If an unaudited cost report is used to establish rates, these rates shall be adjusted upon audit or desk review of the cost report used in setting the rate.

(b) Allowable costs shall be trended to the beginning of the rate year and indexed to the end of the rate year using Standard and Poore's Data Resource, Incorporated (DRI).

1. A base payment rate for each service area shall be the lower of the per unit rate derived from a provider's cost report or the maximum base payment rate for that service as established by the Medicaid Program.

2. A maximum base payment rate shall be determined for each service and shall be set at 130 percent of the median cost per unit of service of all participating providers.

3. An incentive payment equal to fifteen (15) percent of the amount that the maximum base payment rate exceeds a provider's base payment rate, excluding the incentive payment, shall be paid for facilities with base payment rates under the maximum.

(3) Effective July 1, 2002, the payment rate that was in effect on June 30, 2002, for community mental health center substance abuse services shall remain in effect throughout SFY 2003.

(4) Implementation of the payment system.

(a) Reimbursement for services shall be based on the following units of service:

1. Universal prevention service shall be a one-quarter (1/4) hour unit;

2. Selective prevention service shall be a one-quarter (1/4) hour unit;

3. Indicated prevention service shall be a one-quarter (1/4) hour unit;

4. Outpatient service shall be a one-quarter (1/4) hour unit for the following modalities:

a. Individual therapy;

b. Group therapy;

c. Family therapy;

d. Psychiatric evaluation;

e. Psychological testing;

f. Medication management; and

g. Collateral care;

5. An assessment service shall be a one-quarter (1/4) hour outpatient unit;

6. Intensive outpatient shall be a one-quarter (1/4) hour unit;

7. Day rehabilitation services shall be a one (1) hour unit;

8. Case-management services shall be a one-quarter (1/4) hour unit; and

9. Community support shall be a one-quarter (1/4) hour unit. [;]

(b) Overpayments discovered as a result of audits shall be settled through recoupments or withholding of future payments.

(c) A provider shall submit an annual cost report on forms provided by the department [~~cabinet~~] not later than ninety (90) days from the end of the provider's accounting year and shall maintain an acceptable accounting system to account for the cost of total services provided, charges for total services rendered, and charges for covered services provided to Medicaid-eligible individuals.

(d) An audited cost report shall be submitted to the department [~~cabinet~~] within six (6) months from the end of the provider's accounting year.

(e) Each provider shall make available to the cabinet at the end of each fiscal reporting period, and at intervals as the cabinet may require, all patient and fiscal records of a provider, subject to reasonable prior notice by the cabinet.

(f) Payments due a provider shall be made at reasonable intervals but not less often than monthly.

(5) [~~(4)~~] Nonallowable costs.

(a) The department [~~cabinet~~] shall not make reimbursement under the provisions of this administrative regulation for any service not specified as covered in Section 4 of this administrative regulation.

(b) Reimbursement shall not be made for any portion of a provider's costs found to be unreasonable or nonallowable in accordance with 908 KAR 2:060, Section 3.

(c) Room and board costs shall not be included as an allowable cost for any service defined in Section 4 of this administrative regulation.

Section 11. [~~Section 10.~~] Reimbursement of Out-of-state Providers. Reimbursement to a participating out-of-state mental health center provider shall be the lower of charges, or a provider's rate as set by the Medicaid Program in the other state, or the maximum base payment rate for that type of service in effect for Kentucky providers.

Section 12. [~~Section 11.~~] Appeal Rights. (1) An appeal of a de-

partment decision [~~negative action~~] regarding a Medicaid beneficiary shall be in accordance with 907 KAR 1:563.

(2) An appeal of a department decision [~~negative action~~] regarding the Medicaid eligibility of an individual shall be in accordance with 907 KAR 1:560.

(3) A provider may appeal a department decision as to the application of this administrative regulation [~~An appeal of a negative action regarding a Medicaid provider shall be~~] in accordance with 907 KAR 1:671.

Section 13. [~~Section 12.~~] Incorporation by Reference. (1) "The Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition", DSM IV™; Copyright ©1994, American Psychiatric Association; published by the American Psychiatric Association, Washington, D.C., is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.

MIKE ROBINSON, Commissioner
MARCIA R. MORGAN, Secretary
APPROVED BY AGENCY: January 28, 2003
FILED WITH LRC: February 11, 2003 at 11 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stuart Owen or Teresa Goodrich (502) 564-6204

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the reimbursement methodology and service provisions for community mental health center substance abuse services.

(b) The necessity of this administrative regulation: This administrative regulation is necessary in order to establish the reimbursement methodology and service provisions for community mental health center substance abuse services.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing the reimbursement methodology and service provisions for community mental health center substance abuse services.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation currently assists in the effective administration of the statutes by establishing the reimbursement methodology and service provisions for community mental health center substance abuse services.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendments to this administrative regulation clarify and revise community mental health center substance abuse service requirements in order to enhance recipient access to services and ensure the health, welfare and safety of recipients as well as amends provider classifications to comply with KRS 335.500.

(b) The necessity of the amendment to this administrative regulation: The amendments to this administrative regulation are necessary to clarify and revise community mental health center substance abuse service requirements in order to enhance recipient access to services and ensure the health, welfare and safety of recipients as well as amends provider classifications to comply with KRS 335.500.

(c) How the amendment conforms to the content of the authorizing statutes: The amendments conform to the content of the authorizing statutes by clarifying and revising community mental health center substance abuse service requirements in order to enhance recipient access to services and ensure the health, welfare and safety of recipients as well as amends provider classifications to comply with KRS 335.500.

(d) How the amendment will assist in the effective administration of the statutes: The amendments will assist in the effective administration of the statutes by clarifying and revising community mental health center substance abuse service requirements in order to enhance recipient access to services and ensure the health, welfare and safety of recipients as well as amends provider classifications to comply with KRS 335.500.

(3) List the type and number of individuals, businesses, organizations, or state and local government affected by this administrative regulation: There are 14 community mental health centers providing substance abuse services.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: Recipient access to substance abuse services will be enhanced.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: The Department for Mental Health/Mental Retardation provides state match funding to implement this administrative regulation; therefore, no fiscal impact to the Department for Medicaid Services is anticipated.

(b) On a continuing basis: The Department for Mental Health/Mental Retardation provides state match funding to implement this administrative regulation; therefore, no fiscal impact to the Department for Medicaid Services is anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Federal funds authorized under Title XIX and Title XXI of the Social Security Act and state matching funds shall be used to implement the amendment to this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The amendment to this administrative regulation does not increase any fee nor does it require any additional funding.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The amendment to this administrative regulation does not establish any fees directly or indirectly.

(9) Tiering: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions 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.

GOVERNOR'S OFFICE FOR TECHNOLOGY
Telehealth Board
(As Amended at ARRS, February 12, 2003)

10 KAR 3:050. Establishing protocols and standards for telehealth network training centers and rural sites.

RELATES TO: KRS 11.550, 45A.605, 197.020, 205.510, 205.559, 211.195, 304.17A-005, 304.17A-138, 310.200, 311.550, 311.5975, 312.220, 313.255, 314.155, 314A.230, 315.310, 319.140, 319A.300, 320.390, 327.200, 334A.200, 335.158, 335.380

STATUTORY AUTHORITY: KRS 11.550(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 11.550(3) requires the Telehealth Board to promulgate administrative regulations **to establish** [~~relating to the establishment of~~] telehealth training centers, **develop** [~~the development of~~] a telehealth network of rural sites, **establish** [~~the establishment of~~] protocols and standards to be followed by the training centers and rural sites, and **to maintain** [~~the maintenance of~~] the central link for the network with the Kentucky information highway. This emergency administrative regulation **establishes** [~~is promulgated to establish~~] protocols and standards to be followed by the training centers and rural sites.

Section 1. Definitions. (1) "Consulting clinician" means a clinician who, **using** [~~utilizing~~] telehealth technology, examines a patient, from a site distant from the patient, while the patient is located at a presenting site.

(2) "Presenter" means **a person** [~~the person who is~~] with the patient during the time of the encounter**, who**[~~. The presenter~~] aids in the examination by following the orders of the consulting clinician**, including**[~~. This includes~~] the manipulation of cameras and appropriate placement of other peripheral devices used to conduct the patient examination.

(3) "Referring clinician" means a clinician **who requests a** [~~that requests his or her~~] patient be seen, via telehealth, by a consulting clinician.

(4) "Teleclinic" means the block of time that a consulting clinician has set aside for the examination of patients by means of telehealth.

(5) "Telehealth" **is defined at KRS 310.200.** [~~means the use of interactive audio, video, or other electronic media to improve access to health resources. It includes the use of electronic media for diagnosis, consultation, treatment, transfer of medical data, and medical education.~~]

(6) "Telehealth encounter" means the use of telehealth equipment to bring a patient from a presenting site together with a consulting clinician for the purposes of evaluation and treatment. [~~Telehealth encounters are intended to replicate traditional face-to-face encounters except that the clinician and patient, which are geographically separated, are brought together via the interactive video conference telehealth system.~~]

Section 2. Protocols and Standards. (1) Every rural site **and every telehealth training center shall participate** [~~shall be active~~] in the development and operation of clinical services for the benefit of its patients **by:**

(a) [~~. This shall include~~] Promoting the referral of patients to existing telehealth clinics**;**

(b) [**,**] Developing new telehealth clinics**; and**

(c) Seeking to recruit[~~, and the recruitment of~~] consulting clinicians to perform telehealth services.

(2) **A telehealth encounter shall be:**

(a) Guided by the consulting clinician; and

(b) Interactive, except for an application not normally interactive, such as:

1. Radiology;

2. Pathology; and

3. Echocardiography. [~~Every telehealth training center shall be active in the development and operation of clinical services for the benefit of its patients. This shall include promoting the referral of patients to existing telehealth clinics, developing new telehealth clinics, and the recruitment of consulting clinicians to perform telehealth services.~~

~~(3) Telehealth encounters, except for those applications that are normally not interactive, including radiology, pathology and echocardiography, shall be interactive, and the consulting clinician shall guide the examination.~~]

(3) [~~(4)~~] The clinical staff at the presenting site shall recommend the clinical services to be provided by telehealth **in accordance with** [~~. In doing so, they shall use~~] the Joint Commission on Accreditation of Healthcare Organizations Medical Staff Standard MS.5.16.1.

(4) [~~(5)~~] The referring clinician, consulting clinician, and the patient or the patient's family may decline [~~the opportunity to utilize~~] telehealth services **in favor of** [~~and insist on~~] a traditional face-to-face encounter.

(5) [~~(6)~~] The consulting clinician shall determine**:**

(a) If a presenter is medically necessary for the encounter**; and**

(b) The qualifications required for a presenter medically necessary to the encounter. [~~This decision shall also include determining what training shall be required for the presenter and what qualifications the presenter shall possess.~~]

(6) [~~(7)~~] Each rural site and training center shall have a trained clinical presenter to conduct telehealth encounters.

(7)(a) The Telehealth Board shall develop clinical application policy and procedure, [~~(8)(a) Clinical application policy and procedures shall be fully developed~~] with input from the presenting and consulting sites, presenting and consulting clinicians, and the telehealth training centers.

(b) Protocols and procedures shall include:

1. The determination of who is appropriate to be a consulting clinician;

2. What process shall be followed to refer a patient into the clinic;

3. Whether the consulting clinician shall accept ad hoc or urgent encounters outside the normal teleclinic;

4. What resources are required at the presenting and consulting sites to conduct the teleclinic;

5. What training shall be required at the presenting and consulting sites to conduct the teleclinic;

6. What paperwork is necessary; and

7. What the response time shall be for reporting the consulting clinician's findings to the referring clinician.

(8) [~~(9)~~] The training centers shall work together to develop a scheduling process and shall draft documentation regarding schedule format and how the schedule shall be managed. The scheduling process and all collateral material shall require the approval of the Telehealth Board prior to implementation.

(9) [~~(10)~~] The telehealth training centers shall work together to draft documentation requirements for telehealth encounters. This shall include what information is required from the referring clinician, what information is required from the patient and what follow-up information is to be sent from the consulting clinician back to the referring clinician. The training centers shall also determine appropriate guidelines for when this information is to be collected and disseminated. All such documentation and processes regarding telehealth encounters shall require the approval of the Telehealth Board prior to implementation.

(10) [~~(11)~~] Patients and consultants shall complete the approved evaluation form for all telehealth encounters and shall be responsible for sending that information to the proper place for compilation and reporting.

(11) [~~(12)~~] All patients shall complete consent forms regarding their use of the telehealth network as well as their participation in the evaluation project, and the presenting site shall insure that all informed consent documentation is properly completed and sent to the proper place for compilation and reporting.

(12) [~~(13)~~] The telehealth training centers shall draft documentation and processes to insure the privacy and confidentiality of telehealth patients and their medical information. The training centers, as well as the Telehealth Board, shall continue ongoing review of the Health Insurance Portability and Accountability Act guidelines to insure the network is in compliance. All such documentation and processes shall require the approval of the Telehealth Board prior to implementation.

(13) [~~(14)~~] The training centers shall draft documentation and processes to insure that the network remains in compliance with all Joint Commission on Accreditation of Healthcare Organizations' credentialing and privileging requirements, as well as all applicable state and federal regulatory bodies. These processes shall require the approval of the Telehealth Board.

Section 3. Incorporation by Reference. (1) "Joint Commission on Accreditation of Healthcare Organizations Medical Staff Standard MS.5.16.1 (January 2001)" is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Governor's Office of Technology, 193 Versailles Road, Suite 63, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

DR. KIMBERLY WILLIAMS, Chair
APPROVED BY AGENCY: October 10, 2002
FILED WITH LRC: October 15, 2002 at 10 a.m.

GOVERNOR'S OFFICE OF THE KENTUCKY AGENCY FOR SUBSTANCE ABUSE POLICY (As Amended at ARRS, February 12, 2003)

10 KAR 7:020. Kentucky Agency for Substance Abuse Policy [~~(KY-ASAP)~~] on-going funding.

RELATES TO: KRS 12.330~~-~~ [~~,12.332,~~] 12.334, Chapter 13B, 45A.005-45A.020, 45A.035-45A.050, 45A.075, 45A.130, 45A.145, 45A.210, 45A.230, [~~,~~] 45A.235, 45A.480, 45A.695-45A.705, 45A.725, 222.211, 248.723

STATUTORY AUTHORITY: KRS 12.332(19)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 12.332 requires the Kentucky Agency for Substance Abuse Policy (KY-ASAP) to promulgate administrative **regulations** [~~regulation~~] to sustain a statewide strategic plan to reduce the prevalence of tobacco use and drug and alcohol abuse with both the youth and adult populations in Kentucky. This administrative regulation establishes [~~set~~] standards to maintain designated KY-ASAP local boards and [~~. It is~~] the mechanism for distribution of designated funds for the continued implementation of the approved long-term community strategy.

Section 1. Definitions. (1) **"Good standing" means compliance with applicable statutes, administrative regulations, and contracts, and shall be determined by KY-ASAP with advice from the Cabinet for Health Services, Department for Mental Health and Mental Retardation Services, Division of Substance Abuse.**

(2) "Kentucky Agency for Substance Abuse Policy" or "KY-ASAP" means the agency established at KRS 12.330(1) to (3).

(3) [~~(2)~~] "Local board" means that entity described at KRS 12.334(1).

(4) "Ongoing funds" means dollars distributed from KY-ASAP for the purpose of supporting the strategic plans of local boards in good standing. [~~(3) "Designated funds" means appropriated dollars from KY-ASAP to support designated KY-ASAP local boards in good standing.~~]

(5) [~~(4)~~] "Good standing" means those local boards found in compliance with all appropriate administrative regulations, contracts, and other requirements as specified by KY-ASAP and such as determination shall be made by KY-ASAP with the advice from the Cabinet for Health Services, Department for Mental Health and Mental Retardation Services, Division of Substance Abuse.

Section 2. **Proposals from Local Boards for Ongoing Funding. KY-ASAP shall, contingent upon available funds:**

(1) Develop instructions for local boards to follow for submission of proposals for ongoing funding;

(2) Develop, by October 15, 2003, a standard form for submission of a request for proposal; and

(3) Consult with the following entities for general guidance in the distribution of ongoing funds:

(a) The KY-ASAP Board; and

(b) The Cabinet for Health Services:

1. Department for Mental Health and Mental Retardation Services, Division of Substance Abuse; and .

2. Department for Public Health.

Section 3. Local Board Reports. Each local board shall include the following information in the semiannual report required by KRS 12.334(2) and detailed in 10 KAR 7:010, Section 8:

(1) Information regarding the effectiveness, efficiency, and efforts of the program, as required by KRS 12.334(2);

(2) Detail of expenditures made during the reporting period;

(3) Detail of strategic plan implementation; and

(4) Recommendations for increased or decreased funding; as required by KRS 12.334(2).

(5) If a local board fails to submit the required reports:

(a) The Executive Director of KY-ASAP shall notify the local board's fiscal agent and chair, by certified letter, of the noncompliance, stating the reasons therefore;

(b) The local board may, within forty-five (45) days of the date of notice, submit a plan of corrective action to the executive director;

(c) The executive director shall, within thirty (30) days of receipt of a plan of corrective action, respond, in writing; and

(d) If the executive director determines that the proposed plan fails to meet the requirements of this administrative regulation, the executive director shall:

1. Present to the KY-ASAP Board at its next scheduled meeting, the finding of noncompliance and the reasons therefore, accompanied by documentation supporting the decision; and

2. Take action to abolish the local board.

(e) A local board found in noncompliance, and whose proposed corrective plan is rejected, shall return or reimburse KY-ASAP the amount of funds received during the period of noncompliance, in accordance with the contract executed between the fiscal agent of the local board and the Cabinet for Health Services, Department for Mental Health and Mental Retardation, Division of Substance Abuse, on behalf of KY-ASAP.

(f) A local board aggrieved by a finding of noncompliance may appeal pursuant to KRS Chapter 13B. [~~General. (1) KY-ASAP shall develop proposal instructions with advice from the following as to distribution of designated funds:~~

~~(a) KY-ASAP Board; and~~

~~(b) Cabinet for Health Services, Department for Mental Health and Mental Retardation Services, Division of Substance Abuse; and~~

~~(c) Cabinet for Health Services, Department of Public Health.~~

~~(2) Instructions shall be contained in the KY-ASAP "Request for Proposal" (RFP).~~

~~Section 3. Local Board Standards. (1) A local board shall comply with the local board membership standards as established in 10 KAR 7:010, Section 3, for local board members.~~

~~(2) A local board shall comply with the local board bylaws as established in 10 KAR 7:010, Section 4.~~

~~(3) Local boards shall file a report semiannually as required by KRS 12.334(2) and 10 KAR 7:010, Section 8, and in addition the report shall address items requested by Kentucky Agency for Substance Abuse Policy no later than September 1 and March 1. This request shall be drafted in coordination with:~~

~~(a) KY-ASAP State Board;~~

~~(b) Cabinet for Health Services, Department for Mental Health and Mental Retardation, Division of Substance Abuse;~~

~~(c) Cabinet for Health Services, Department for Public Health; and~~

~~(d) KY-ASAP local boards.~~

~~(4) A local board shall include:~~

~~(a) A progress report on the implementation of the objectives of the strategic plan;~~

~~(b) Expenditure report;~~

~~(c) KRS 12.334(2); and~~

~~(d) 10 KAR 7:010, Section 3(3).~~

~~(5) If a local board fails to comply with KRS 12.334 and the standards set in this administrative regulation, the Executive Director of KY-ASAP shall notify the chairman of the local board by certified letter and the fiscal agent that the existing board is in noncompliance.~~

~~(a) If the local board is found in noncompliance, a plan of corrective action shall be submitted to the executive director within forty-five (45) days from the date of notice of noncompliance;~~

~~(b) The executive director shall have thirty (30) days upon receipt to respond to the proposed plan of corrective action; and~~

~~(c) If the proposed corrective plan of action does not meet the requirements of the regulation as found by the executive director, the local board shall be abolished.]~~

Section 4. Application Process. (1) **A local board seeking funds for ongoing services shall:**

(a) In response to an RFP issued by KY-ASAP, submit an application, incorporated by reference, to the KY-ASAP; and

(b) Be in good standing at the time of application.

(2) If the KY-ASAP approves the application:

(a) The KY-ASAP shall notify the fiscal agent and the chair of the qualifying local board;

(b) The fiscal agent shall submit to KY-ASAP a letter of agreement to serve as fiscal agent; and

(c) KY-ASAP and the local board shall execute a contract in compliance with applicable sections of KRS Chapter 45A, to the extent funds are available.

(3) A single contract with a local board shall not exceed the sum of $200,000. [~~In order to be eligible to receive designated funds in accordance with Section 5 of this administrative regulation, a local board shall submit an application to KY-ASAP.~~

~~(2) A local board seeking designated funds shall be in good standing when the request is received for funding.~~

~~(3) The fiscal agent, upon receipt of notice of approval to local board, shall submit a letter of agreement to KY-ASAP to serve as fiscal agent.~~

~~(4) KY-ASAP shall award payments to a designated local board through contract agreement in compliance with applicable sections of KRS Chapter 45A and that board's selected fiscal agent, to the extent funds are available.~~]

LARRY CARRICO, Executive Director
APPROVED BY AGENCY: October 18, 2002
FILED WITH LRC: October 18, 2002 at 11 a.m.

EDUCATION PROFESSIONAL STANDARDS BOARD
(As Amended at ARRS, February 12, 2003)

16 KAR 2:040. Interdisciplinary early childhood education, birth to primary.

RELATES TO: KRS 157.3175, 161.020, 161.030
STATUTORY AUTHORITY: KRS 161.028, 161.030
NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020 and 161.030 require [~~requires~~] that a teacher and other professional school personnel hold a certificate of legal qualifications for the [~~his~~] respective position to be issued upon completion of a program of preparation prescribed by the Education Professional Standards Board. KRS 161.028(1)(a) requires the Education Professional Standards Board to establish the standards for obtaining and maintaining a teaching certificate. KRS 161.028(1)(b) [~~Additionally, the statute~~] requires a teacher education institution [~~to~~] 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 161.028(1)(f) requires the Education Professional Standards Board to issue and renew any certificate. This administrative regulation establishes the professional certificate for interdisciplinary early childhood education, birth to primary; the teacher standards; and the standards for approval of a program leading to this certificate.

Section 1. Definitions. (1) "Culturally diverse" means the wide range of differences among individuals that result from cultural and ethnic backgrounds, socioeconomic status, gender, personality traits, physical abilities and disabilities, and the interaction of factors of variability.

(2) "**Family-centered services" means services in which family needs and desires determine all aspects of service delivery and resource provisions that promote family decision-making capabilities and competencies.**

(3) "Interdisciplinary" means a preparation program combining early childhood and early childhood special education [~~that includes child development, family studies, early childhood education, and early childhood special education~~].

[~~(3) "Family-centered services" means services in which family needs and desires determine all aspects of service delivery and resource provisions that promote family decision-making capabilities and competencies.~~]

(4) "Teacher performance standard" means a set of teaching and managing tasks that an early childhood educator shall be able to demonstrate in early childhood programs.

Section 2. (1) The professional certificate for interdisciplinary early childhood education, birth to primary, shall be issued to an applicant who has completed:

(a) A bachelor's degree and the approved program of preparation for this certificate as described in Sections 7, 8, and 9 of this administrative regulation at a teacher education institution approved by the Education Professional Standards Board with [~~:~~]

1. A cumulative minimum grade point average of 2.50 on a 4.00 scale; or

2. A minimum grade point average of 3.00 on a 4.00 scale on the last sixty (60) hours of credit completed, including undergraduate and graduate coursework;

(b) The approved written assessments established in [~~as required by~~] subsection (2) of this section and 16 KAR 6:010; and

(c) The Kentucky Teacher Internship Program established in [~~One (1) year internship as required by~~] subsection (3) [~~(4)~~] of this section and 16 KAR 7:010.

(2)(a) In order to satisfy the testing prerequisites for teacher certification as required by KRS 161.030, the applicant shall score at least **150,** the [~~following~~] minimum passing score, [~~scores~~] on the Kentucky test of interdisciplinary early childhood [~~, 150~~].

(b) The assessment shall be waived for an out-of-state teacher who has two (2) or more years of successful experience in a position teaching children from birth to entry into the primary program on at least a half-time basis and whose preparation corresponds to the interdisciplinary early childhood education outlined in this administrative regulation.

(3)(a) The Education Professional Standards Board shall issue the one (1) year provisional certificate for the [~~the~~] Kentucky Teacher Internship Program established [~~beginning teacher internship as provided~~] in KRS 161.030 and 16 KAR 7:010 upon **the** applicant's confirmation of employment in a position teaching children from birth to entry into a primary program on at least a half-time basis in a school which meets the criteria identified in KRS 161.030.

(b) A teacher who has successfully completed the Kentucky Teacher Internship Program prior to issuance of the initial certificate for interdisciplinary early childhood education or who is not required to complete the internship program under the requirements for out-of-state teachers established in KRS 161.030(5) shall not be required to complete the internship program again for issuance of the professional certificate for interdisciplinary early childhood education, birth to primary. [~~(4)(a) The beginning teacher internship shall be waived for an out-of-state applicant who has completed two (2) or more years of successful experience in a position teaching children~~

~~from birth to entry into the primary program.~~

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

~~1. Baccalaureate or higher degree in child development or early childhood education or early childhood special education;~~

~~2. Certification valid for kindergarten; or~~

~~3. Special education certification valid for primary grades.~~]

(4) To apply for the professional certificate for interdisciplinary early childhood education, birth to primary, an applicant shall submit a completed Form TC-1 to the Education Professional Standards Board. [~~Application shall be made on Form TC-1.~~]

Section 3. The professional certificate for interdisciplinary early childhood education, birth to primary, shall be issued and renewed in accordance with the provisions of KRS 161.030, 16 KAR 2:010, and 16 KAR Chapter 4 [~~16 KAR 4:040~~].

Section 4. (1) The professional certificate for interdisciplinary early childhood education, birth to primary, shall be valid for teaching children from birth to entry into the primary program, including teaching children in kindergarten or another program for five (5) year old children if the program is operated separately from the primary program.

(2) A person holding this certificate shall serve as a primary developer and implementer of an individual program for children with **or** [~~and~~] without disabilities including an individual education plan (IEP) and individual family service plan (IFSP) with consultation and support from a specialist according to the needs of the child.

Section 5. (1) A teacher serving in a position identified in Section 4 of this administrative regulation as an early childhood teacher during the 1998-99, 1999-2000, 2000-2001, or 2001-2002 school year in a district with an approved preschool program shall:

(a) Submit a completed Form TC-1-APP to the Education Professional Standards Board; and

(b) Be eligible to continue serving in the same position without additional certification.

(2) Upon application to the Education Professional Standards Board, a teacher shall receive an approval [~~a~~] letter certifying eligibility.

Section 6. A teacher preparation institution offering an approved program of preparation leading to the professional certificate for interdisciplinary early childhood education, birth to primary, shall establish an assessment system to judge the performance of a candidate on the teacher performance standards identified for this certificate.

Section 7. Standards for Program of Preparation. In order to receive approval of the Education Professional Standards Board, a program of preparation leading to the professional certificate for interdisciplinary early childhood education, birth to primary, shall meet the following standards:

(1) The program shall be designed to prepare candidates to teach and manage tasks as identified in the teacher standards established in Section 9 of this administrative regulation **and as required in the New Teacher Standards for Preparation and Certification: Interdisciplinary Early Childhood, Birth to Primary - Standards with Criteria and Preamble**;

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

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

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

(5) The program shall include a student teaching experience, which [~~experiences~~] shall be supervised by a teacher who has a:

(a) Letter certifying eligibility to continue teaching in an interdisciplinary early childhood position; [~~,~~] or [~~a teacher holding a master's degree~~]

(b) Rank II certification with emphasis in early childhood and three (3) years of teaching experience; [~~,~~]

(6) The program shall be based on:

(a) The National Association for the Education of Young Children (NAEYC) **Standards for Early Childhood Professional Preparation** [~~standards~~]; and

(b) The Council for Exceptional Children (CEC) content standards for:

1. Beginning special education teachers of early childhood students **set out in CEC Content Standards for All Beginning Special Education Teachers**; and

2. Beginning special education teacher common core **set out in CEC Knowledge and Skill Base for All Beginning Special Education Teachers of Early Childhood Students**; and

(7) The program shall adhere to the program guidelines established in 16 KAR 5:010.

Section 8. Application for Program Approval. (1) A teacher education institution that [~~which~~] proposes to offer a program of preparation leading to the professional certificate for interdisciplinary early childhood education, birth to primary, shall make application for approval to the Education Professional Standards Board. The application for approval shall include a program description including [~~which includes~~] the following:

(a) Program outcomes that [~~which~~] include teacher standards for interdisciplinary early childhood education;

(b) Program components that [~~which~~] provide a list of coursework, clinical and field experiences, and student teaching related to general education, interdisciplinary specialty studies, and professional studies;

(c) A list of faculty responsible for and involved with the conduct of the specific program and their qualifications;

(d) A description of student admission and retention policies and procedures that are specific to this program; [~~and~~]

(e) A description of the system of continuous assessment of teacher standards**; and** [~~,~~]

(f) Adherence with the program approval guidelines established in 16 KAR 5:010.

(2) An institution may receive interim program approval for a one (1) year period that [~~which~~] may be extended for one (1) additional year while the institution develops the assessments required by Section 7(2) of this administrative regulation. **By** [~~At~~] the end of the period of interim approval, the institution shall apply for full approval to the Education Professional Standards Board.

Section 9. Teacher Standards. (1) Teacher Standard I. The interdisciplinary early childhood education (IECE) educator designs and plans experiences and instruction that support the development and learning of infants, toddlers, preschool children, and kindergarten children, including those with disabilities. ~~The early childhood educator shall design and organize learning environments, experiences, and instruction that address the developmental needs of infants, toddlers, preschool children, and kindergarten children and goals established by KRS 158.6451. The early childhood educator shall develop plans for:~~

~~(a) Implementation in a classroom setting;~~

~~(b) Implementation in a home or other settings;~~

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

~~(d) Training teaching assistants, other staff, and parents.~~

~~These plans shall include individual family service plans (IFSP's), individual education programs (IEP's), and transition plans for children across disabilities developed in partnership with family members.~~]

(2) Teacher Standard II. The IECE educator creates and maintains learning environments in a variety of settings that support the

development and learning of infants, toddlers, preschool children, and kindergarten children, including those with disabilities. ~~[The early childhood educator shall create appropriate learning environments for infants, toddlers, preschool children, and kindergarten children that are supportive of developmental needs of the age group and goals established by KRS 158.6451. The early childhood educator shall provide developmental and learning activities in classroom and home settings, and in other settings, such as other preschools, child care programs, and hospitals. Within these settings, the learning context may include individual child activities, parent-child activities, small groups, and large groups. The early childhood educator shall create appropriate learning environments for children with diverse abilities including children with and without disabilities.~~]

(3) Teacher Standard III. The IECE educator introduces, implements, and facilitates experiences and instruction that support development and learning for infants, toddlers, preschool children, and kindergarten children, including those with disabilities. ~~[The early childhood educator shall introduce, implement, facilitate, and manage development and learning for infants, toddlers, preschool children, and kindergarten children to promote growth toward developmental needs of the age group and goals established by KRS 158.6451. The early childhood educator shall implement instruction in classroom and home settings, through itinerant services, and in other settings such as day care, other preschools, and hospitals. The early childhood educator shall implement instruction for young children with diverse abilities including children with and without disabilities.~~]

(4) Teacher Standard IV. The IECE educator, in collaboration with others, assesses the development and ongoing learning of infants, toddlers, preschool children, and kindergarten children, including those with disabilities, and communicates the results with partners, including families. ~~[The early childhood educator shall assess children's cognitive, emotional, social, communicative, adaptive, and physical development; organize assessment information; and communicate the results appropriate to the purpose of the assessment. Assessment purposes shall include:~~

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

(5) Teacher Standard V. The IECE educator reflects on and evaluates professional practices that support the development and learning of infants, toddlers, preschool children, and kindergarten children, including those with disabilities. ~~[The early childhood educator shall reflect on and evaluate teaching and learning situations, learning environments, and programs for infants, toddlers, preschool children, kindergarten children, and their families. This shall include learning situations and programs that are provided in relation to an IFSP or an IEP and by the early childhood educator, a teaching assistant or other staff member, the family, or other caregiver.~~]

(6) Teacher Standard VI. The IECE educator collaborates and consults with team members including colleagues, families, primary caregivers, agency personnel, and other service personnel to design and implement experiences and instruction that support the development and learning of infants, toddlers, preschool children, and kindergarten children, including those with disabilities. ~~[The early childhood educator shall collaborate and consult with the following to design, implement, and support learning programs for children:~~

~~(a) Staff in a team effort;~~
~~(b) Volunteers;~~
~~(c) Families and primary caregivers;~~
~~(d) Other educational, child care, health and social services providers in an interagency and interdisciplinary team; and~~
~~(e) Local, state, and federal agencies.~~]

(7) Teacher Standard VII. The IECE educator engages in self-evaluation of professional practices and implements a professional development plan to improve **the educator's** ~~[his/her]~~ performance. ~~[The early childhood educator shall engage in self-evaluation of teaching and management skills and participate in professional development to improve performance. This shall include the following performance areas:~~

~~(a) Designing and planning developmental and learning activities;~~
~~(b) Creating learning environments;~~
~~(c) Implementing and managing activities;~~
~~(d) Assessing children's learning development;~~
~~(e) Evaluating learning situations and environmental programs; and~~
~~(f) Collaborating with colleagues, parents, and others.~~]

(8) Teacher Standard VIII. The IECE educator supports families through family-centered services that promote independence and self-determination. ~~[The early childhood educator shall support and promote the self-sufficiency of families as they care for and provide safe, healthy, stimulating, and nurturing environments for young children.~~]

(9) Teacher Standard IX. The IECE educator uses technology to support instruction; access and manipulate data; enhance professional growth and productivity; communicate and collaborate with colleagues, families, and community agencies; and conduct research.

Section 10. Incorporation by Reference. (1) **The following material is incorporated by reference:**

(a) Form TC-1, rev. 10/02, Education Professional Standards Board; ~~[, is incorporated by reference.]~~

(b) "New Teacher Standards for Preparation and Certification: Interdisciplinary Early Childhood Education, Birth to Primary - Standards with Criteria and Preamble", **September 2002,** Education Professional Standards Board;

(c) Form TC-1-APP, Application for Kentucky Certification or Change in Salary Rank, April 2001;

(d) NAEYC Standards for Early Childhood Professional Preparation, 2001;

(e) CEC Content Standards for All Beginning Special Education Teachers, 2001; and

(f) CEC Knowledge and Skill Base for All Beginning Special Education Teachers of Early Childhood Students, 2001 ~~[is incorporated by reference]~~.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Education Professional Standards Board, 1024 Capital Center Drive, Suite 225, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

LYDIA COFFEY, Chair
APPROVED BY AGENCY: December 12, 2002
FILED WITH LRC: December 13, 2002 at 10 a.m.

EDUCATIONAL PROFESSIONAL STANDARDS BOARD
(As Amended at ARRS, February 12, 2003)

16 KAR 2:070. Professional certificate for school social worker ~~[Social workers' standard certification]~~.

RELATES TO: KRS 161.020, 161.028 ~~[161.025]~~, 161.030
STATUTORY AUTHORITY: KRS 161.028, 161.030 ~~[156.070, 156.160]~~
NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020 ~~[, 161.025,]~~ and 161.030 require that a teacher ~~[teachers]~~ and other professional school personnel hold a certificate ~~[certificates]~~ of legal 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. KRS 161.028(1)(a) requires the Education Professional Standards Board to establish the standards for obtaining and maintaining a **teaching** certificate. KRS 161.028(1)(b) requires an educator preparation institution ~~[Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to]~~ be approved for offering the preparation program ~~[programs]~~ corresponding to a particular certificate ~~[certificates]~~ on the basis of standards and procedures established by the Education Professional Standards Board. KRS 161.028(1)(f) requires the Education Professional Standards Board

to issue and renew any certificate [~~recommended by the council and approved by the state board~~]. This administrative regulation establishes the professional certificate for school social worker and the requirements for obtaining and maintaining this certificate. [~~an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.~~]

Section 1. (1) The professional certificate for school social worker shall be issued to an applicant who has:

(a) Completed a Master's of Social Work (MSW) degree:

1. With:

a. A cumulative minimum grade point average of 2.50 on a 4.00 scale; or

b. A minimum grade point average of 3.00 on a 4.00 scale on the last sixty (60) hours of credit completed, including undergraduate and graduate coursework; and

2. Accredited by the Council on Social Work Education; and

(b) Completed an approved program of preparation for school social worker.

(2) The initial professional certificate for school social worker shall be issued for a validity period of five (5) years.

(3) The professional certificate for school social worker shall be renewed based upon the renewal requirements established in 16 KAR 4:060.

(4) **To apply for the professional certificate for school social worker, the applicant shall submit a completed Form TC-1 to the Education Professional Standards Board [**~~Application shall be made on Form TC-1~~].

(5) The professional certificate for school social worker shall be valid for providing school social work services for all grade levels in the public schools **or an accredited nonpublic school**.

Section 2. (1) The approved program of preparation shall be based upon the Standards for School Social Work Services established by the National Association of Social Workers.

(2)(a) The program of preparation shall be submitted to the Education Professional Standards Board for approval pursuant to the requirements established in 16 KAR 5:010.

(b) The program of preparation shall be submitted through the institutional unit for educator preparation.

Section 3. Incorporation by Reference. (1) **The following material is incorporated by reference:**

(a) Form TC-1, rev. 10/02, Education Professional Standards Board; **and [**~~, is incorporated by reference.~~**]**

(b) National Association of Social Workers Standards for School Social Work Services, **June 18, 1992 [**~~is incorporated by reference~~**]**.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Education Professional Standards Board, 1024 Capital Center Drive, Suite 225, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. [~~The standard certificate for school social worker shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education administrative regulations to an applicant who has completed the qualifications for provisional certification for the position of school social worker, three (3) years of successful experience as a school social worker, and a minimum of sixty (60) semester hours graduate credit from an approved program of preparation which corresponds to this certification at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel. A minimum of thirty-six (36) semester hours of the graduate program shall be in addition to the qualifications for provisional certification and shall be selected from the professional component outlined in the state plan for the school social worker so as to provide further depth and breadth of preparation. As an alternate curriculum the completion of a master's of social work degree from an institution accredited by the National Council on Social Work Education shall be accepted in lieu of sixty (60) semester hour graduate curriculum stated above.~~

~~(2) The duration period for the standard certificate for school social worker shall be for continuing service.~~]

LYDIA COFFEY, Chair

APPROVED BY AGENCY: December 12, 2002

FILED WITH LRC: December 13, 2002 at 10 a.m.

EDUCATION PROFESSIONAL STANDARDS BOARD
(As Amended at ARRS, February 12, 2003)

16 KAR 2:080. Provisional and probationary certificates for school social worker [~~Social workers' provisional certification~~**].**

RELATES TO: KRS 161.020, 161.028 [~~161.025~~], 161.030

STATUTORY AUTHORITY: KRS 161.028, 161.030 [~~156.070, 156.160~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020 [, ~~161.025,~~] and 161.030 require that a teacher [~~teachers~~] and other professional school personnel hold a certificate [~~certificates~~] of legal qualifications for the respective position [~~their respective positions~~] to be issued upon completion of a program [~~programs~~] of preparation prescribed by the Education Professional Standards Board. KRS 161.028(1)(a) requires the Education Professional Standards Board to establish the standards for obtaining and maintaining a **teaching** certificate. KRS 161.028(1)(b) requires an educator preparation institution [~~Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to~~] be approved for offering the preparation program [~~programs~~] corresponding to a particular certificate [~~certificates~~] on the basis of [~~on~~] standards and procedures established by the Educational Professional Standards Board. KRS 161.028(1)(f) requires the Education Professional Standards Board to issue and renew any certificate. [~~recommended by the council and approved by the state board.~~] This administrative regulation establishes the provisional and probationary certificates for school social worker and the requirements for obtaining and maintaining these certificates [~~an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel~~].

Section 1. (1) The provisional certificate for school social worker shall be issued to an applicant who has:

(a) Completed a Master's of Social Work (MSW) degree:

1. With:

a. A cumulative minimum grade point average of 2.50 on a 4.00 scale; or

b. A minimum grade point average of 3.00 on a 4.00 scale on the last sixty (60) hours of credit completed, including undergraduate and graduate coursework; and

2. Accredited by the Council on Social Work Education;

(b) An offer of employment from a Kentucky school district or accredited nonpublic school as a school social worker; and

(c) Enrolled in an approved program of preparation for school social worker.

(2) The initial provisional certificate for school social worker shall be issued for a validity period of one (1) year.

(3) The first renewal of the provisional certificate for school social worker shall be for one (1) year based upon successful completion of the following requirements:

(a) Evidence of employment in a Kentucky school district or nonpublic school as a school social worker; and

(b) Completion of at least six (6) semester hours or its equivalent from the approved program of preparation for school social worker as indicated on the applicant's curriculum contract.

(4) Subsequent one (1) year renewals of the provisional certificate for school social worker shall require at least six (6) semester hours or its equivalent of additional credit from the approved program of preparation for school social worker as indicated on the applicant's curriculum contract.

(5) Upon successful completion of all program requirements for the program of preparation for school social worker, a professional certificate for school social worker established in 16 KAR 2:070 and valid for five (5) years shall be issued.

(6) Compliance with the requirement established in subsection

(1)(c) of this section shall be verified by submission of a curriculum contract completed by the educator preparation institution with the approved program of preparation for school social worker.

(7) **To apply for the provisional certificate for school social worker, the applicant shall submit a completed Form TC-1 to the Education Professional Standards Board [~~Application shall be made on Form TC-1~~].**

(8) The provisional certificate for school social worker shall be valid for providing school social work services for all grade levels in the public schools **or an accredited nonpublic school.**

Section 2. (1) The probationary certificate for school social worker shall be issued to an applicant who has:

(a) Completed a Bachelor's of Social Work (BSW) degree:

1. With:

a. A cumulative minimum grade point average of 2.50 on a 4.00 scale; or

b. A minimum grade point average of 3.00 on a 4.00 scale on the last sixty (60) hours of credit completed, including undergraduate and graduate coursework; and

2. Accredited by the Council on Social Work Education;

(b) An offer of employment from a Kentucky school district or accredited nonpublic school as a school social worker;

(c) Completed at least one (1) year of experience as a social worker in the last five (5) years; and

(d) Enrolled in the Master's of Social Work (MSW) approved program of preparation for school social worker.

(2) The initial probationary certificate for school social worker shall be issued for a validity period of one (1) year.

(3) The first renewal of the probationary certificate for school social worker shall be for one (1) year based upon successful completion of the following requirements:

(a) Evidence of employment in a Kentucky school district or nonpublic school as a school social worker; and

(b) Completion of at least six (6) semester hours or its equivalent from the Master's of Social Work (MSW) approved program of preparation for school social worker as indicated on the applicant's curriculum contract.

(4) Subsequent one (1) year renewals of the probationary certificate for school social worker shall require at least six (6) semester hours or its equivalent of additional credit from the Master's of Social Work (MSW) approved program of preparation for school social worker as indicated on the applicant's curriculum contract.

(5) Upon successful completion of all program requirements for the Master's of Social Work (MSW) program of preparation for school social worker, a professional certificate for school social worker established in 16 KAR 2:070 and valid for five (5) years shall be issued.

(6) Compliance with the requirement established in subsection (1)(c) of this section shall be verified by submission of a letter of recommendation from the applicant's employer during the one (1) year of social worker experience.

(7) Compliance with the requirement established in subsection (1)(d) of this section shall be verified by submission of a curriculum contract completed by the educator preparation institution with the Master's of Social Worker (MSW) approved program of preparation for school social worker.

(8) **To apply for the probationary certificate for school social worker, the applicant shall submit a completed Form TC-1 to the Education Professional Standards Board [~~Application shall be made on Form TC-1~~].**

(9) The probationary certificate for school social worker shall be valid for providing school social work services for all grade levels in the public schools **or an accredited nonpublic school.**

Section 3. (1) The approved program of preparation shall be based upon the Standards for School Social Work Services established by the National Association of Social Workers.

(2)(a) The program of preparation shall be submitted to the Education Professional Standards Board for approval pursuant to the requirements established in 16 KAR 5:010.

(b) The program of preparation shall be submitted through the institutional unit for educator preparation.

Section 4. Incorporation by Reference. (1) **The following material is incorporated by reference:**

(a) Form TC-1, rev. 10/02, Education Professional Standards Board**; and [~~, is incorporated by reference.~~]**

(b) National Association of Social Workers Standards for School Social Work Services**, June 18, 1992 [~~is incorporated by reference~~]**.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Education Professional Standards Board, 1024 Capital Center Drive, Suite 225 Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

[~~Section 1(1) The provisional certification for school social worker shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education administrative regulations to an applicant who has completed the approved program of preparation which corresponds to this certification at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.~~

~~(2) The provisional certification for school social worker shall be issued initially for a duration period which expires ten (10) years from the calendar year of completion of the curriculum requirements. This certificate shall be renewed for a ten (10) year period only upon completion of the planned fifth year program. This certification may be extended for life upon completion of three (3) years of successful teaching experience on a regular certificate and upon completion of a planned fifth year program.~~

~~(3) The provisional certification for school social worker shall be issued to an applicant who holds a regular teaching certificate for the elementary, middle school, or high school level and who completes eighteen (18) semester hours credit, including supervised practice in school social work, from the curriculum for school social worker emphasizing the social work portion of the program rather than the portion dealing with professional education.~~

~~Section 2. Provisional certification for school social worker may be issued for a one (1) year period on the basis of a professional commitment made by the applicant to complete the usual program of preparation at a minimum rate of six (6) semester hours each year provided the applicant holds a bachelor's degree, has completed at least six (6) semester hours credit from the approved curriculum for school social work, and secures an agreement from a prospective employer to adjust the annual work load to provide opportunity for earning the additional college credits on schedule and for participating in the work conferences conducted by the State Department of Education for school social workers.~~]

LYDIA COFFEY, Chair
APPROVED BY AGENCY: December 12, 2002
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EDUCATION PROFESSIONAL STANDARDS BOARD
(As Amended at ARRS, February 12, 2003)

16 KAR 2:140. Probationary certificate for teachers of children, birth to primary.

RELATES TO: KRS 157.3175, 161.020, 161.030
STATUTORY AUTHORITY: KRS 161.028, 161.030
NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020 and 161.030 require [~~requires~~] that a teacher and other professional school personnel hold a certificate of legal qualification for the [~~their~~] respective position to be issued upon completion of a program of preparation prescribed by the Education Professional Standards Board. KRS 161.028(1)(a) requires the Education Professional Standards Board to establish the standards for obtaining and maintaining a teaching certificate. KRS 161.028(1)(b) requires [~~; furthermore,~~] a teacher education institution [~~is required to~~] be approved for offering the preparation program corresponding to a particular certificate on the basis of standards and procedures established [~~adopted~~] by the Education Professional Standards Board. KRS 161.028(1)(f) requires the Education Professional Standards Board to issue and renew any certificate. This administrative regulation

establishes a plan for recruiting qualified individuals [~~certified classroom teachers~~] into positions for teachers of children ages birth to primary age.

Section 1. Definition. "Qualified teacher" means a teacher who holds an interdisciplinary early childhood education certificate or who has received an approval identified in 16 KAR 2:040, Section 5.

Section 2. If a qualified teacher is not available for the position as teacher of children birth to primary age, as attested by the local school superintendent, the superintendent, on behalf of the local board of education, may request a one (1) year probationary interdisciplinary early childhood education [~~recruitment~~] certificate be issued as provided in this administrative regulation.

(1) A prerequisite for a one (1) year probationary interdisciplinary early childhood education certificate for teaching children, birth to primary age, shall be:

(a) A certificate or statement of eligibility in kindergarten or elementary special education;

(b) A baccalaureate or advanced degree in early childhood education, early childhood special education, or child development with [~~; or~~]

1. A cumulative minimum grade point average of 2.50 on a 4.00 scale; or

2. A minimum grade point average of 3.00 on a 4.00 scale on the last sixty (60) hours of credit completed, including undergraduate and graduate coursework; or

(c) A certificate in another area, if the applicant has had one (1) year of teaching children birth through age five (5) years.

(2) The applicant shall have:

(a) Enrolled in an approved [~~a~~] preparation program for certification in interdisciplinary early childhood education established in 16 KAR 2:040; and

(b) Completed a minimum of nine (9) semester hours of credit in the development of children below primary age or in special education.

(3) The requirements established in subsection (2) of this section shall be verified by submission of a curriculum contract completed by the teacher education institution with an approved interdisciplinary early childhood education preparation program.

(4) The applicant shall complete twelve (12) clock hours of training established [~~as required~~] by the Kentucky Department of Education [~~Division of Extended Learning~~] prior to employment.

(5) [~~(4)~~] The applicant shall complete an additional six (6) clock hours of training established [~~required~~] by the Kentucky Department of Education [~~Division of Extended Learning~~] within the first three (3) months of employment.

(6) To apply for the probationary interdisciplinary early childhood education certificate, the applicant shall submit a completed Form TC-BP to the Education Professional Standards Board [~~Application shall be made on Form TC-BP~~].

Section 3. Requirements for Renewal of a Probationary Interdisciplinary Early Childhood Education Certificate. (1) The first renewal of the probationary interdisciplinary early childhood education certificate shall be for one (1) year based upon successful completion of the following requirements:

(a) Evidence of employment in a Kentucky school district or nonpublic school as a teacher of children ages birth to primary;

(b) Completion of at least six (6) semester hours or its equivalent from the approved interdisciplinary early childhood education preparation program as indicated on the teacher's curriculum contract; and

(c) Successful completion of **the** Kentucky Teacher Internship Program established **in** 16 KAR 7:010. A teacher who has successfully completed the Kentucky Teacher Internship Program prior to issuance of the initial probationary certificate or who is not required to complete the internship program under the requirements for out-of-state teachers established in KRS 161.030(5) shall not be required to complete the internship program again while serving on the probationary certificate.

(2) Subsequent one (1) year renewals of the probationary interdisciplinary early childhood education certificate shall require at least six (6) semester hours or its equivalent of additional credit from the approved interdisciplinary early childhood education preparation program as indicated on the teacher's curriculum contract.

(3) Upon successful completion of all program requirements for the approved interdisciplinary early childhood education preparation program established in 16 KAR 2:040, including successful completion of all required assessments established in 16 KAR 6:010, a professional certificate for interdisciplinary early childhood education, birth to primary, valid for five (5) years shall be issued.

(4) Program requirements for completion of the interdisciplinary early childhood education preparation program while serving on the probationary certificate established in this administrative regulation shall not include student teaching.

Section 4. Incorporation by Reference. (1) Form TC-BP, rev. 10/02, Education Professional Standards Board, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Education Professional Standards Board, 1024 Capital Center Drive, Suite 225, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

[~~Section 3. The renewal of the one (1) year probationary certificate for teachers of children birth to primary age shall require recommendation by the approved preparation program that the candidate has made significant progress toward the completion of the interdisciplinary early childhood education certificate, as measured by the teaching standards established in 16 KAR 2:040.~~

~~Section 4. Upon recommendation of an approved teacher education institution, teaching experience performed in a full-time position requiring certification for teachers of children birth to primary age shall be substituted for the student teaching requirement.~~

~~Section 5. An applicant holding a classroom teaching certificate who is recruited into a position for teachers of children birth to primary age under this administrative regulation shall complete the assessment requirements established in 16 KAR 2:040 for interdisciplinary early childhood education.~~]

LYDIA COFFEY, Chair
APPROVED BY AGENCY: December 12, 2002
FILED WITH LRC: December 13, 2002 at 10 a.m.

EDUCATION PROFESSIONAL STANDARDS BOARD
(As Amended at ARRS, February 12, 2003)

16 KAR 6:010. Written examination prerequisites for teacher certification.

RELATES TO: KRS 161.028(1)(a), (k), 161.030(3), (4)
STATUTORY AUTHORITY: KRS 161.028(1)(a), (k), 161.030(3), (4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.030(3) requires that a new teacher, including an out-of-state teacher with less than two (2) years experience, successfully complete appropriate assessments prior to initial certification in Kentucky. KRS 161.030(3) and (4) requires the Education Professional Standards Board to select the tests, determine the passing scores, establish a reasonable fee for the assessments, and establish a procedure for a person to repeat a test and be informed of his strengths and weaknesses in each area. This administrative regulation establishes the written examination prerequisites for teacher certification, including the required tests, the minimum acceptable level of achievement on each test, the fee for each test, and the procedure for retaking the test.

Section 1. A teacher applicant for certification shall successfully complete the appropriate written tests identified in this administrative regulation prior to [~~initial~~] Kentucky teacher certification. [~~A score on a test completed more than five (5) years prior to application for certification shall not be acceptable.~~]

Section 2. The Education Professional Standards Board shall

require the specialty tests and passing scores identified in this section for each new teacher applicant, and each teacher seeking an additional certificate, who completes application for certification on or after September 1, 2003.

(1) An applicant for interdisciplinary early childhood education, birth to primary, certification shall take an Education Professional Standards Board Interdisciplinary Early Childhood Specialty Test, with a passing score of 150.

(2) An applicant for elementary certification shall take Elementary Education: Curriculum, Instruction, and Assessment (0011) with a passing score of 163.

(3) An applicant for middle school certification shall take one (1) or two (2) middle school specialty tests based on the applicant's area or areas of specialty with passing scores as identified in this subsection:

(a) Middle School Mathematics (0069) - 143;

(b) Middle School Science (0439) - 139;

(c) Middle School English Language Arts (0049) - 153; **or**

(d) Middle School Social Studies (0089) - 144.

(4) An applicant for certification for teacher of exceptional children in Communication Disorders, Learning and Behavior Disorders, Hearing Impaired, Hearing Impaired with Sign Proficiency, Visually Impaired, or Moderate and Severe Disabilities shall take each specialty test based on the applicant's specialty with the corresponding passing score as identified in this subsection:

(a) Communication disorders:

1. Special Education: Application of Core Principles Across Categories of Disabilities (0352) - 146; and

2. Speech Language Pathology (0330) - 600;

(b) Learning and behavior disorders:

1. Special Education: Application of Core Principles Across Categories of Disabilities (0352) - 146; and

2. Special Education: Teaching **Students [~~Student~~]** with Behavioral Disorders/Emotional Disturbances (0371) - 157;

(c) Moderate and severe disabilities:

1. Special Education: Application of Core Principles Across Categories of Disabilities (0352) - 146; and

2. Special Education: Teaching Students with Mental Retardation (0321) - 146;

(d) Hearing impaired:

1. Special Education: Application of Core Principles Across Categories of Disabilities (0352) - 146; and

2. Education of Deaf and Hard of Hearing Students (0271) - 167;

(e) Hearing impaired with sign proficiency:

1. Special Education: Application of Core Principles Across Categories of Disabilities (0352) - 146;

2. Education of Deaf and Hard of Hearing Students (0271) - 167; and

3. One (3) of the following tests with a passing score of "Intermediate Level":

a. Sign Communication Proficiency Interview (SCPI); or

b. Educational Sign Skills Evaluation (ESSE).

(f) Visually impaired:

1. Special Education: Application of Core Principles Across Categories of Disabilities (0352) - 146; and

2. Teaching Students with Visual Impairments (0280) - 660.

(5) An applicant for certification at the secondary level shall take the specialty tests corresponding to the applicant's specialty with the passing scores identified in this subsection:

(a) Biology:

1. Biology: Content Knowledge Part 1 (0231) - 156; and

2. Biology: Content Essays (0233) - 141;

(b) Chemistry:

1. General Science: Content Knowledge Part 2 (0432) - 146; and

2. Chemistry: Content Knowledge (0241) - 138;

(c) English:

1. English Language and Literature: Content Knowledge (0041) - 160; and

2. English Language, Literature and Composition Essays (0042) - 155;

(d) Social Studies:

1. Social Studies: Content Knowledge (0081) - 151; and

2. Social Studies: Interpretation of Materials (0083) - 155;

(e) Mathematics:

1. Mathematics: Content Knowledge (0061) - 125; and

2. Mathematics: Proofs, Models, and Problems (0063) - 141;

(f) Physics:

1. General Science: Content Knowledge, Part 2 (0432) - 146; and

2. Physics: Content Knowledge (0261) - 114;

(g) Earth science:

1. General Science: Content Knowledge, Part 2 (0432) - 146; and

2. Earth Science: Content Knowledge (0571) - 145;

(h) Physical science:

1. General Science: Content Knowledge Part 2 (0432) - 146; and

2. Either:

a. Chemistry: Content Knowledge (0241) - 138;

b. Physics: Content Knowledge (0261) - 114; or

c. Earth Science: Content Knowledge (0571) - 145.

(6) An applicant for certification in all grades in the following specialty areas shall take the specialty test or tests with the passing scores as identified in this subsection.

(a) Art:

1. Content Knowledge (0133) - 154; and

2. Art Making (0131) - 154;

(b) French:

1. French: Content Knowledge (0173) - 159; and

2. French: Productive Language Skills (0171) - 167;

(c) German: German: Content Knowledge (0181) - 157;

(d) Health: Health Education (0550) - 630;

(e) Latin: Latin (0600) - 630;

(f) Integrated music:

1. Music: Content Knowledge (0113) - 150; and

2. Music: Concepts and Processes (0111) - 145;

(g) Vocal music:

1. Music: Content Knowledge (0113) - 150; and

2. Music: Concepts and Processes (0111) - 145;

(h) Instrumental music:

1. Music: Content Knowledge (0113) - 150; and

2. Music: Concepts and Processes (0111) - 145;

(i) Physical education:

1. Physical Education: Content Knowledge (0091) - 147; and

2. Physical Education: Movement Forms-Analysis and Design (0092) - 151;

(j) Spanish:

1. Spanish Content Knowledge (0191) - 160; and

2. Spanish: Productive Language Skills (0192) - 158; **or**

(k) School Media Librarian: Library Media Specialists (0310) - no passing score.

(7) An applicant for career and technical education certification to teach in grades five (5) through twelve (12) with one (1) or more of the following specializations shall take the specialty tests with the passing scores as identified in this subsection:

(a) Agriculture: Agriculture (0700) - 520;

(b) Business and Marketing Education - Business Education (0100) - 580;

(c) Family and Consumer Sciences - Home Economics Education (0120) - 570;

(d) Technology Education - Technology Education (0050) - 600; **or**

(e) Industrial Education. Applicants for industrial education with one (1) or more trade and industry specializations shall complete the assessments established in 16 KAR 6:020.

(8) An applicant for a restricted base certificate in the following specialty areas shall take the specialty test or tests with the passing scores identified in this subsection:

(a) English as a Second Language: Teaching English as a Second Language (0360) - 620;

(b) Speech/Media Communications: Speech Communication (0220) - 580; **or**

(c) Theater: Theatre (0640) - 630.

(9) An applicant for an endorsement in the following specialty areas shall take the specialty test or tests with the passing scores identified in this subsection:

(a) English as a Second Language: Teaching English as a Sec-

ond Language (0360) - 620;

(b) Learning and Behavior Disorders, grades 8-12: Teaching Students with Behavioral Disorders/Emotional Disturbances (0371) - 157.

Section 3. The Education Professional Standards Board shall require the specialty tests and passing scores identified in this section for each new teacher applicant, and each teacher seeking an additional certificate, who completes application for certification before September 1, 2003. A test completed more than five (5) years prior to application for certification, and applied under this section, shall not be acceptable. A passing score on a test completed on or after January 1, 2002 shall be valid for a teacher who makes application under this section before September 1, 2003. [~~successfully completes these tests after December 31, 1999.~~]

(1) An applicant for interdisciplinary early childhood education, birth to primary, certification shall take an Education Professional Standards Board Interdisciplinary Early Childhood Specialty Test, with a passing score of 150.

(2) An applicant for elementary certification shall take Elementary Education: Curriculum, Instruction, and Assessment (0011) with a passing score of 163.

(3) An applicant for middle school certification shall take one (1) or two (2) middle school specialty tests based on the applicant's area or areas of specialty with passing scores as identified in this subsection:

(a) Middle School Mathematics (0069) - 143;

(b) Middle School Science (0439) - 139;

(c) Middle School English Language Arts (0049) - 153;

(d) Middle School Social Studies (0089) - 144.

(4) An applicant for certification for teacher of exceptional children in Communication Disorders, Learning and Behavior Disorders, Hearing Impaired, Hearing Impaired with Sign Proficiency, Visually Impaired, or Moderate and Severe Disabilities shall take each specialty test based on the applicant's specialty with the corresponding passing score as identified in this subsection:

(a) Communication disorders:

1. Special Education: Application of Core Principles Across Categories of Disabilities (0352) - 146; and

2. Speech Language Pathology (0330) - 600;

(b) Learning and behavior disorders:

1. Special Education: Application of Core Principles Across Categories of Disabilities (0352) - 146; and

2. Special Education: Teaching Student with Behavioral Disorders/Emotional Disturbances (0371) - 157;

(c) Moderate and severe disabilities:

1. Special Education: Application of Core Principles Across Categories of Disabilities (0352) - 146; and

2. Special Education: Teaching Students with Mental Retardation (0321) - 146;

(d) Hearing Impaired:

1. Special Education: Application of Core Principles Across Categories of Disabilities (0352) - 146; and

2. Education of Deaf and Hard of Hearing Students (0271) - 167;

(e) Hearing Impaired with Sign Proficiency:

1. Special Education: Application of Core Principles Across Categories of Disabilities (0352) - 146;

2. Education of Deaf and Hard of Hearing Students (0271) - 167; and

3. One (3) of the following tests with a passing score of "Intermediate Level":

a. Sign Communication Proficiency Interview (SCPI); or

b. Educational Sign Skills Evaluation (ESSE).

(f) Visually Impaired:

1. Special Education: Application of Core Principles Across Categories of Disabilities (0352) - 146; and

2. Teaching Students with Visual Impairments (0280) - 660.

(5) An applicant for certification at the secondary level shall take the specialty tests corresponding to the applicant's specialty with the passing scores identified in this subsection:

(a) Biology:

1. Biology: Content Knowledge Part 1 (0231) - 156; and

2. Biology: Content Essays (0233) - 141;

(b) Chemistry:

1. General Science: Content Knowledge Part 2 (0432) - 146; and

2. Chemistry: Content Knowledge (0241) - 138;

(c) English:

1. English Language and Literature: Content Knowledge (0041) - 160; and

2. English Language, Literature and Composition Essays (0042) - 155;

(d) Social Studies:

1. Social Studies: Content Knowledge (0081) - 151; and

2. Social Studies: Interpretation of Materials (0083) - 155;

(e) Mathematics:

1. Mathematics: Content Knowledge (0061) - 125; and

2. Mathematics: Proofs, Models, and Problems (0063) - 141;

(f) Physics:

1. General Science: Content Knowledge, Part 2 (0432) - 146; and

2. Physics: Content Knowledge (0261) - 114;

(g) Earth Science:

1. General Science: Content Knowledge, Part 2 (0432) - 146; and

2. Earth Science: Content Knowledge (0571) - no passing score;

(h) Physical science:

1. General Science: Content Knowledge Part 2 (0432) - 146; and

2. Either:

a. Chemistry: Content Knowledge (0241) - 138; or

b. Physics: Content Knowledge (0261) - 114.

(6) An applicant for certification in all grades in the following specialty areas shall take the specialty test or tests with the passing scores as identified in this subsection.

(a) Art:

1. Content Knowledge (0133) - 154; and

2. Art Making (0131) - 154;

(b) French:

1. French: Content Knowledge (0173) - 159; and

2. French: Productive Language Skills (0171) - 167;

(c) German: German: Content Knowledge (0181) - 157;

(d) Health: Health Education (0550) - 630;

(e) Latin: Latin (0600) - 630;

(f) Integrated Music:

1. Music: Content Knowledge (0113) - 150; and

2. Music: Concepts and Processes (0111) - 145;

(g) Vocal Music:

1. Music: Content Knowledge (0113) - 150; and

2. Music: Concepts and Processes (0111) - 145;

(h) Instrumental Music:

1. Music: Content Knowledge (0113) - 150; and

2. Music: Concepts and Processes (0111) - 145;

(i) Physical Education:

1. Physical Education: Content Knowledge (0091) - 147; and

2. Physical Education: Movement Forms-Analysis and Design (0092) - 151;

(j) Spanish:

1. Spanish Content Knowledge (0191) - 160; and

2. Spanish: Productive Language Skills (0192) - 158;

(k) School Media Librarian: Library Media Specialists (0310) - no passing score.

(7) An applicant for career and technical education certification to teach in grades five (5) through twelve (12) with one (1) or more of the following specializations shall take the specialty tests with the passing scores as identified in this subsection:

(a) Agriculture: Agriculture (0700) - no passing score;

(b) Business and Marketing Education - Business Education (0100) - 580;

(c) Family and Consumer Sciences - Home Economics Education (0120) - 570;

(d) Technology Education - Technology Education (0050) - 600;

(e) Industrial Education. Applicants for industrial education with one (1) or more trade and industry specializations shall complete the assessments established in 16 KAR 6:020.

(8) An applicant for a restricted base certificate in the following specialty areas shall take the specialty test or tests with the passing scores identified in this subsection:

(a) English as a Second Language: Teaching English as a Second Language (0360) - 620;

(b) Speech/Media Communications: Speech Communication (0220) - No passing score;

(c) Theater: Theatre (0640) - no passing score.

(9) An applicant for an endorsement in the following specialty areas shall take the specialty test or tests with the passing scores identified in this subsection:

(a) English as a Second Language: Teaching English as a Second Language (0360) - 620;

(b) Learning and Behavior Disorders, grades 8-12: Teaching Students with Behavioral Disorders/Emotional Disturbances (0371) - 157.

Section 4. In addition to the specialty area tests established in Section 2 of this administrative regulation, the Education Professional Standards Board shall require the pedagogy tests and passing scores identified in this section for each new teacher applicant beginning September 1, 2003.

(1) An applicant for elementary certification shall take Principles of Learning and Teaching: Grades K-6 (0522) - 161.

(2) An applicant for middle school certification shall take Principles of Learning and Teaching: Grades 5-9 (0523) - 161.

(3) An applicant for certification for teacher of exceptional children shall not be required to take a separate pedagogy test established in this section. The specialty area tests established in **Section 2 [~~Sections 2 and 3~~]** of this administrative regulation shall fulfill the pedagogy test requirement for a teacher of exceptional children.

(4) An applicant for certification at the secondary level shall take Principles of Learning and Teaching: Grades 7-12 (0524) - 161.

(5) An applicant for certification in all grades with a specialty area (e.g., art, music, etc.) shall take either:

(a) Principles of Learning and Teaching: Grades K-6 (0522) - 161;

(b) Principles of Learning and Teaching: Grades 5-9 (0523) - 161; or

(c) Principles of Learning and Teaching: Grades 7-12 (0524) - 161.

(6) An applicant for career and technical education certification in grades five (5) through twelve (12) shall take either:

(a) Principles of Learning and Teaching: Grades 5-9 (0523) - 161; or

(b) Principles of Learning and Teaching: Grades 7-12 (0524) - 161.

(7) An applicant for a restricted base certificate shall take one (1) of the following pedagogy tests corresponding to the grade range of the validity of the specific restricted base certificate:

(a) Principles of Learning and Teaching: Grades K-6 (0522) - 161;

(b) Principles of Learning and Teaching: Grades 5-9 (0523) - 161; or

(c) Principles of Learning and Teaching: Grades 7-12 (0524) - 161.

Section 5. **[~~3.~~]** In addition to the specialty area tests established in Section 3 **[~~2~~]** of this administrative regulation, the Education Professional Standards Board shall require the pedagogy tests and passing scores identified in this section for each new teacher applicant who completes application for certification beginning January 1, 2002 and before September 1, 2003. A test completed more than five (5) years prior to application for certification, and applied under this section, shall not be acceptable. A passing score on a test completed on or after January 1, 2002 shall be valid for a new teacher who makes application under this section before September 1, 2003.

(1) An applicant for elementary certification shall take Principles of Learning and Teaching: Grades K-6 (0522) - no passing score.

(2) An applicant for middle school certification shall take Principles of Learning and Teaching: Grades 5-9 (0523) - no passing score.

(3) An applicant for certification for teacher of exceptional children shall take either:

(a) Principles of Learning and Teaching: Grades K-6 (0522) - no passing score;

(b) Principles of Learning and Teaching: Grades 5-9 (0523) - no passing score; or

(c) Principles of Learning and Teaching: Grades 7-12 (0524) - no passing score.

(4) An applicant for certification at the secondary level shall take Principles of Learning and Teaching: Grades 7-12 (0524) - no passing score.

(5) An applicant for certification in all grades with a specialty area (e.g., art, music, etc.) shall take either:

(a) Principles of Learning and Teaching: Grades K-6 (0522) - no passing score;

(b) Principles of Learning and Teaching: Grades 5-9 (0523) - no passing score; or

(c) Principles of Learning and Teaching: Grades 7-12 (0524) - no passing score.

(6) An applicant for career and technical education certification in grades five (5) through twelve (12) shall take either:

(a) Principles of Learning and Teaching: Grades 5-9 (0523) - no passing score; or

(b) Principles of Learning and Teaching: Grades 7-12 (0524) - no passing score.

(7) An applicant for a restricted base certificate shall take one (1) of the following pedagogy tests corresponding to the grade range of the validity of the specific restricted base certificate:

(a) Principles of Learning and Teaching: Grades K-6 (0522) - no passing score;

(b) Principles of Learning and Teaching: Grades 5-9 (0523) - no passing score; or

(c) Principles of Learning and Teaching: Grades 7-12 (0524) - no passing score.

Section 6. Assessment Recency. (1) Beginning September 1, 2003, an applicant for initial or additional Kentucky teacher certification shall comply with the assessment recency requirements established in this section.

(2) A test established in this administrative regulation shall be valid for five (5) years from the test administration date.

(3) A passing score on a test established in this administrative regulation and completed on or after January 1, 2002 shall be valid for five (5) years from the test administration date.

(4)(a) A teacher shall complete application for certification to the Education Professional Standards Board within the **[~~five (5) year~~]** validity period of the test and the passing score **established in this administrative regulation.**

(b) A teacher who fails to complete application for certification to the Education Professional Standard Board within the **[~~five (5) year~~]** validity period of the test and the passing score **established in this administrative regulation** shall retake the appropriate test or tests and achieve the appropriate passing score or scores required for certification at the time of application.

(5) The test administration date shall be established by the Educational Testing Service or other authorized test administrator.

Section 7. **[~~4.~~]** (1) An applicant for initial certification shall take the assessments on a date established by:

(a) The Educational Testing Service;

(b) The Education Professional Standards Board for special administration; or

(c) The agency established by the Education Professional Standards Board as the authorized test administrator.

(2) An applicant shall authorize test results to be forwarded by the Educational Testing Service, or other authorized test administrator, to the Kentucky Education Professional Standards Board and to the appropriate teacher preparation institution where the applicant received the relevant training.

(3) Public announcement of testing dates and locations shall be issued sufficiently in advance of testing dates to permit advance registration. An applicant shall seek information regarding the dates and location of the tests and make application for the appropriate examination prior to the deadline established and sufficiently in advance of anticipated employment to permit test results to be received by the Education Professional Standards Board and processed in the normal certification cycle.

Section 8. [5.] An applicant shall pay the appropriate examination fee for each relevant test required to be taken.

Section 9. [6.] An applicant who fails to achieve at least the minimum score on any of the appropriate examinations may retake the test or tests during one (1) of the scheduled test administrations.

Section 10. [7.] The Education Professional Standards Board shall collect data and conduct analyses of the scores and institutional reports provided by the Educational Testing Service to determine the impact of these tests and permit a review of this administrative regulation on an annual or biennial basis.

LYDIA COFFEY, Chair
APPROVED BY AGENCY: December 12, 2002
FILED WITH LRC: December 13, 2002 at 10 a.m.

FINANCE AND ADMINISTRATION CABINET
Kentucky Retirement Systems
(As Amended at ARRS, February 12, 2003)

105 KAR 1:220. Annual disability review.

RELATES TO: KRS 16.596, 61.610, 61.615, 61.665, 78.545
STATUTORY AUTHORITY: KRS 61.645(9)(g) [(e)]
NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.645(9)(g) authorizes the Board of Trustees of Kentucky Retirement Systems to promulgate all administrative regulations necessary or proper in order to carry out the provisions of KRS 61.515 to 61.705, 16.510 to 16.652, and 78.520 to 78.852. KRS 16.596, [and] 61.610, and 61.615 provide for the medical examination and [provide for an annual medical or] financial review of a recipient of a disability retirement allowance to determine if the recipient's disability retirement allowance should be continued or discontinued. [certain members of the Kentucky Retirement Systems who retired under disability.] This administrative regulation **establishes** [sets forth] [out] the process for medical examinations and financial [those annual] reviews.

Section 1. (1)(a) A recipient of a disability retirement allowance shall be required to undergo a medical examination and financial review. The medical examination may include:

1. A review **by the medical examiners** of medical records or other information **regarding any examination, evaluation, treatment, hospitalization, and outpatient care for the disability;**

2. A medical examination by the medical examiners; **or**

3. [, a medical examination by the medical examiners, or] An independent medical examination.

(b) [(a)] The recipient shall complete and return a "Form 8100, Annual Disability Certification" to the retirement systems requesting employment and financial information and authorization **from the recipient to release medical records or other information regarding any examination, evaluation, treatment, hospitalization, and outpatient care for the disability which are** [to release medical records or other information from the recipient] necessary to complete the medical examinations and financial reviews. A recipient's failure to return a completed Form 8100, Annual Disability Certification, or other requests for medical, employment, and financial information shall constitute a refusal to submit to a medical and financial review and shall be the basis to discontinue the recipient's retirement allowance pursuant to KRS 61.610(1).

(c) [(b)] The recipient shall file with the retirement systems the names of the physicians, medical facilities, and other health care providers that treated or examined the recipient for the incapacity for which the recipient receives a disability retirement allowance.

(d) [(c)] The retirement systems shall request the recipient's medical records or other information **authorized in accordance with paragraph (b) of this subsection** from the recipient's physicians, medical facilities, and other health care providers. The medical records or other information shall be submitted to the medical examiners for review utilizing the procedures consistent with KRS 61.665.

(2)(a) The recipient shall file a written notice with the retirement systems immediately upon employment in any capacity. The recipient shall identify the employer and include a written statement from the employer of a detailed list of the duties and salary of the new position.

(b) The medical examiners shall review the duties of the position in which the recipient is employed by utilizing the procedures consistent with KRS 61.665 and recommend to the retirement systems if the employment constitutes a change in the recipient's disability status.

(3)(a) The retirement systems shall notify the recipient of the recommendation of the medical examiners. If the medical examiners recommend that disability benefits be discontinued, the recipient shall be notified of the procedures for filing additional medical records or other information **regarding the disability,** or for filing a request for a formal hearing, by utilizing the procedures consistent with KRS 61.665.

(b) If the medical examiners recommend that disability benefits be discontinued, the retirement systems shall notify the recipient of the recommendation. The recipient shall have sixty (60) days **from the date of notification** to file at the retirement systems additional medical records or other information **regarding the disability** or to appeal the recommendation to discontinue disability benefits by filing at the retirement systems a written request for an administrative hearing. An extension of time may be granted by the retirement systems for the recipient's filing of additional medical records or other information for reconsideration by the medical examiners. **Pursuant to KRS 61.665(2)(g),** the extensions of time shall not be for more than sixty (60) days for any one (1) extension, and **the retirement systems shall not grant more than three (3) extensions** [no more than three (3) extensions shall be granted]. The cumulative extension of time shall not exceed 120 days. The extensions of time shall end upon written request of an administrative hearing.

(c) A recipient may file at the retirement systems a written request for an administrative hearing. The hearing shall be conducted by a hearing officer in accordance with KRS Chapter 13B. The written request for an administrative hearing shall be filed with the executive director at the retirement systems office in Frankfort. The request for a hearing shall include a short and plain statement for the basis of contesting the recommendation to discontinue disability benefits.

(d) The right to request a hearing shall be limited to a period of sixty (60) days, as described in paragraph (b) of this subsection, after the recipient has had notice of the medical examiners recommendation to discontinue disability benefits. If any extensions of time are granted by the retirement systems for the right to request a hearing, the extensions shall be as provided for in paragraph (b) of this subsection.

(e) Failure of the recipient to file additional medical records or other information **regarding the disability** or to request an administrative hearing within the time limits specified in paragraphs (b) and (d) of this subsection shall preclude the recipient from proceeding any further with the appeal of the recommendation to discontinue disability benefits, and the recipient's disability benefits **shall** [will] be discontinued the next month after the expiration of the time limits.

(f) At the conclusion of the administrative appeal, the hearing officer shall file a recommended order with the board. The board shall issue a final order to continue or discontinue the recipient's disability benefits. A final order of the board to discontinue the recipient's disability benefits shall take effect the next month after the board issues a final order.

(g) Any person aggrieved by a final order of the board may seek judicial review, **pursuant to KRS 61.665(5) and 13B.140** after all administrative appeals have been exhausted by filing a petition for judicial review in the Franklin Circuit Court in accordance with KRS 61.665 and KRS Chapter 13B]. [The board shall review the medical status of hazardous members who are receiving disability benefits, other than total and permanent, on a one (1) to five (5) year schedule as determined by the medical examiner on the anniversary of the member's initial approval by the board until the member reaches age fifty-two (52) prior to the board meeting.

(2) The member shall submit the names of the physicians or medical facilities that treated the member within the preceding twelve (12) months.

~~(3) The retirement office shall request the member's medical records from the physicians and medical facilities and shall submit the records received to the board's medical examiners.~~

~~(4)(a) The board shall take action to continue, discontinue or reduce the member's disability benefit based on the recommendation of the medical examiners.~~

~~(b) The retirement office shall notify the member of the board's action within ten (10) business days of the meeting at which the member's status was reviewed.~~

~~(5)(a) The member shall notify the retirement office immediately upon employment in any capacity.~~

~~(b) The medical examiners shall review the duties of the position in which the disabled member is employed and recommend to the board if the employment constitutes a change in the member's disability status.~~

~~Section 2. (1) Annually, the board shall review the status of each nonhazardous disability retiree and each hazardous retiree receiving total and permanent disability benefits whose effective retirement date is July 1, 1988 or earlier.~~

~~(2) The board shall cease the review of the disability status of a member when:~~

~~(a) The nonhazardous member reaches age sixty-two (62) before July 1 of that year; or~~

~~(b) The hazardous member reaches age fifty-two (52) before July 1 of that year.~~

~~(3) The member shall complete a "Form 8100, Annual Disability Certification" supplied by the retirement office which shall request information concerning the member's income and status with regard to benefits from the federal Social Security Administration or Black Lung program.~~

~~(4) The board may not require further review of a member who is receiving Social Security disability and who has no other income.~~

~~(5) The board shall review the financial status of members who had income of $100 or more during the previous twelve (12) months.~~

~~(6) If the member is not receiving Kentucky Teachers' Retirement System or Social Security disability, the board shall require the member to undergo a medical review, pursuant to Section 1(2), (3) and (4) of this administrative regulation, every four (4) years following the initial review.~~

~~(7) The retirement office shall notify the member if the board changes the member's disability status within ten (10) business days of the meeting at which the member's status was reviewed.~~

~~Section 3. (1) Annually, the board shall review the status of each nonhazardous disability retiree and each hazardous retiree receiving total and permanent disability benefits whose effective retirement date is August 1, 1988 or later and who has drawn disability benefits for at least twelve (12) months.~~

~~(2) The board shall cease the review of the disability status of a member when:~~

~~(a) The nonhazardous member reaches age sixty-two (62); or~~

~~(b) The hazardous member reaches age fifty-two (52).~~

~~(3) The member shall complete a "Form 8100, Annual Disability Certification" supplied by the retirement office which shall request information concerning the member's income and status with regard to benefits from the Social Security Administration and Black Lung program.~~

~~(4) No change shall be made in benefits to a member who is receiving Social Security disability and who has no other income.~~

~~(5) The board shall review the status of a member who had income of $100 or more during the previous twelve (12) months.~~

~~(6) If the member is not receiving Social Security disability, the board shall require the member to undergo a medical review pursuant to Section 1(2), (3) and (4) of this administrative regulation on a one (1) to five (5) year schedule as determined by the medical examiner following the initial review.~~

~~(7) If the board changes the member's disability status, the retirement office shall notify the member within ten (10) business days of the meeting at which the member's status is reviewed.]~~

Section 2. [~~4.~~] The retirement systems [~~board~~] may request financial information from other state or federal agencies to determine if a recipient is receiving income or employed in a new position [~~member is receiving income or a Social Security disability benefit~~].

Section 3. [~~5.~~] The retirement systems [~~board~~] may not require a medical review if the recipient's disability [~~member's medical~~] status is reviewed by the Kentucky Teachers' Retirement System.

Section 4. [~~6.~~] The retirement systems [~~office~~] shall pay a reasonable fee for copies of medical records requested from the recipient's physicians, medical facilities, and other health care providers [~~member's physicians or medical facilities~~].

Section 5. [~~7.~~] Incorporation by Reference. (1) "Form 8100, Annual Disability Certification, November 2002, [~~(Rev. 7/00)~~]" is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Retirement Systems, Perimeter Park West, 1260 Louisville Road, Frankfort, Kentucky 40601-6124, Monday through Friday, 8 a.m. to 4:30 p.m.

RANDY OVERSTREET, Chair
APPROVED BY AGENCY: November 21, 2002
FILED WITH LRC: December 13, 2002 at 9 a.m.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(As Amended at ARRS, February 12, 2003)

401 KAR 47:095. Environmental [~~Administrative procedures concerning the environmental~~] remediation fee.

RELATES TO: KRS **224.01-010,** 224.43-500, 224.43-505
STATUTORY AUTHORITY: KRS [~~224.01-010,~~] 224.10-100, 224.43-500, 224.43-505
NECESSITY, FUNCTION, AND CONFORMITY: **KRS 224.10-100(24) authorizes the Natural Resources and Environmental Protection Cabinet to promulgate administrative regulations for waste planning and management. KRS 224.43-500(3) requires the cabinet to promulgate administrative regulations adopting a conversion formula to allow assessment of the environmental remediation fee by transfer stations that do not have scales. KRS 224.43-505(2) authorizes the cabinet to promulgate administrative regulations to administer the Kentucky Pride Fund.** This administrative regulation governs [~~establishes procedures concerning collection, submittal and reporting of~~] the environmental remediation fee established [~~that is required~~] by KRS 224.43-500.

Section 1. [~~Applicability. This administrative regulation applies to all persons required to collect and to remit the environmental remediation fee described in KRS 224.43-500.~~

~~Section 2.~~] Remittance of the Environmental Remediation Fee by Municipal Solid Waste Disposal Facilities [~~Contained Landfills~~]. (1) [~~All wastes accepted at each contained landfill shall be weighed.~~

~~(2)~~] The owner or operator of a municipal solid waste disposal facility [~~the contained landfill~~] shall remit to the Kentucky Pride Fund [~~collect~~] an environmental remediation fee equivalent to [~~of~~] one (1) dollar and seventy-five (75) cents per ton of waste disposed at the facility [~~contained landfill~~].

(2) If a less than one (1) acre construction/demolition debris landfill does not have adequate scales necessary to weigh the waste, the environmental remediation fee shall be calculated and assessed using a conversion factor calculated as follows:

(a) For compacted loads, the fee shall be one (1) dollar and seventy-five (75) cents for every three (3) cubic yards of waste. [~~;~~]

(b) For all other loads, the fee shall be one (1) dollar and seventy-five (75) cents for every five (5) cubic yards of waste.

(3) The owner or operator of the facility [~~contained landfill~~] shall remit quarterly payments of the environmental remediation fee [~~to the Kentucky Pride Fund~~], accompanied by a completed and signed document entitled [~~the~~] "Environmental Remediation Fee Reporting and Submittal Form" (DEP form 5032) [~~incorporated by reference in~~

~~Section 5 of this administrative regulation~~].

(4) Quarterly payments shall be equivalent to one (1) dollar and seventy-five (75) cents multiplied times the number of tons of waste disposed in the municipal solid waste disposal facility [~~contained landfill~~] during that quarter.

[~~(5)~~] Quarterly payments shall be due on April 30, July 31, October 31, and January 30 of each year.

Section 2. [~~3.~~] Remittance of the Environmental Remediation Fee By Certain Transfer Stations. (1) The owner or operator of a transfer station accepting waste for disposal at an out-of-state municipal solid waste disposal facility shall remit to the Kentucky Pride Fund an environmental remediation fee equivalent to one (1) dollar and seventy-five (75) cents per ton of waste to be disposed out-of-state. [~~The environmental remediation fee shall not be collected at transfer stations except for municipal solid waste transferred out of state.~~]

(2) The owner or operator of the transfer station shall utilize weigh scales, if available, to determine the tonnage of waste that will be disposed out of state.

(3) If a transfer station collecting the environmental remediation fee does not have adequate scales necessary to weigh the waste, the environmental remediation fee shall be calculated and assessed using a conversion factor calculated as follows:

(a) For compacted loads, the fee shall be [~~transfer station shall collect~~] one (1) dollar and seventy-five (75) cents for every three (3) cubic yards of waste. [~~;~~]

(b) For all other loads, the fee shall be [~~transfer station shall collect~~] one (1) dollar and seventy-five (75) cents for every five (5) cubic yards of waste.

(4) [~~The environmental remediation fee shall be collected by the owner or operator of the transfer station.~~

~~(5)~~] The owner or operator of the transfer station shall remit [~~quarterly~~] payments quarterly, accompanied by a completed and signed document entitled [~~to the Kentucky Pride Fund accompanied by the~~] "Environmental Remediation Fee Reporting and Submittal Form" (DEP Form 5032) [~~incorporated by reference in Section 5 of this administrative regulation~~].

(5) [~~(6)~~] Quarterly payments shall be equivalent to one (1) dollar and seventy-five (75) cents multiplied times the number of tons of waste to be disposed at an out-of-state municipal solid waste disposal [~~out-of-state~~] during that quarter.

[~~(7)~~] Quarterly payments shall be due on April 30, July 31, October 31, and January 30 of each year.

[~~(8) The environmental remediation fee shall not be collected at transfer stations for loads less than one (1) ton.~~

~~Section 4. Remittance of the Environmental Remediation Fee By Construction/Demolition Debris Landfills. (1) The owner or operator of a construction/demolition debris landfill shall collect an environmental remediation fee of one (1) dollar and seventy-five (75) cents per ton of municipal solid waste disposed at the landfill.~~

~~(2) The owner or operator of the construction/demolition debris landfill shall utilize weigh scales, if available, to determine the tonnage of waste disposed at the landfill.~~

~~(3) If a construction/demolition debris landfill collecting the environmental remediation fee does not have adequate scales necessary to weigh the waste, the environmental remediation fee shall be calculated using a conversion factor described in Section 3(4) of this administrative regulation.~~

~~(4) The owner or operator of the construction/demolition debris landfill shall remit quarterly payments to the Kentucky Pride Fund accompanied by the "Environmental Remediation Fee Reporting and Submittal Form" incorporated by reference in Section 5 of this administrative regulation.~~

~~(5) Quarterly payments to the Kentucky Pride Fund shall be equivalent to one (1) dollar and seventy-five (75) cents multiplied times the number of tons of waste disposed at the construction/demolition debris landfill during that quarter.~~

~~(6) Quarterly payments shall be due on April 30, July 31, October 31 and January 30 of each year.~~]

Section 3. [~~5.~~] Incorporation by Reference. (1) The "Environmental Remediation Fee Reporting and Submittal Form" (DEP Form 5032)[~~"~~] is [~~hereby~~] incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Waste Management, 14 Reilly Rd, Frankfort, Kentucky 40601, (502) 564-6716, Monday through Friday, 8 a.m. to 4:30 p.m., Eastern Time, excluding state holidays.

HENRY C. LIST, Secretary

APPROVED BY AGENCY: December 13, 2002

FILED WITH LRC: December 13, 2002 at 10 a.m.

CONTACT PERSON: Michael S. Mullins, Division of Waste Management, 14 Reilly Road, Frankfort, Kentucky 40601, phone (502) 564-6716, fax (502) 564-3492.

JUSTICE CABINET
Department of Criminal Justice Training
(As Amended at ARRS, February 12, 2003)

503 KAR 4:040. Required instructor training.

RELATES TO: KRS 237.110, **237.120, 237.122, 237.124, 237.136** [~~(2)(f)~~]

STATUTORY AUTHORITY: KRS 237.110(2)(f)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 237.110(2)(f) [~~and 15.340~~] requires the department to promulgate administrative regulations concerning the certification and decertification of all firearms instructors practicing in the Commonwealth. [~~firearms safety and training courses or classes that are: (a) approved by the department; or (b) conducted by the department or by a firearms instructor certified by the department.~~] This administrative regulation establishes the training required for certification as a firearms instructor or firearms instructor trainer.

Section 1. A firearms instructor and instructor **trainer** [~~training~~] course shall include:

(1) Fourteen (14) [~~Sixteen (16)~~] hours of classroom instruction covering at least the following topics:

(a) By means of a videotape produced [~~or approved~~] by the department:

1. The requirements for obtaining a concealed deadly weapons license in Kentucky;

2. Sections of KRS Chapters 237 and 527 that relate to firearms; and

3. Sections of KRS Chapter 503 relating to the justifiable use of force;

(b) The conduct of applicant training courses;

(c) Recordkeeping requirements of this administrative regulation;

(d) The basic nomenclature of handguns;

(e) The basic principles of marksmanship; and

(f) The safe handling of handguns.

(2) A classroom demonstration, during which the instructor candidate shall receive instruction on and demonstrate competency in the ability to prepare and deliver a classroom presentation using materials from the applicant curriculum.

(3) Range instruction and firing of live ammunition, during which the instructor candidate shall receive instruction on and demonstrate competency in the ability to:

(a) Handle and fire a handgun safely and accurately;

(b) Conduct a function test and safety inspection of common types of handguns;

(c) Clean and care for common types of handguns; and

(d) Supervise and conduct live firing exercises in a safe and efficient manner.

Section 2. To qualify as a certified firearms instructor or an instructor trainer, instructor candidate shall achieve:

(1) A minimum score of seventy (70) percent on a written examination covering the material taught during the classroom portion of the course;

(2) A minimum score of eighty (80) percent on range firing of a handgun, without receiving any assistance in holding, aiming, or firing by any other person, from a safe position while aiming at a B-

21 PC silhouette target or an equivalent target approved by the department, with a minimum of:

(a) Ten (10) rounds from seven (7) yards; and

(b) Ten (10) rounds from fifteen (15) yards; and

(3) A score of "passing" from the course instructor for demonstrating competency in each of the following:

(a) Supervising and conducting live fire;

(b) Cleaning and inspecting handguns; and

(c) Preparing and delivering the classroom lecture. The lecture shall be graded by using the "CCDW Instructor and Instructor Trainer Five (5)-Minute Presentation" Form. The form shall be submitted to the department as a part of the class record.

Section 3. (1) An instructor candidate who fails to meet the requirements of Section 2 of this administrative regulation may retake the examination, range work or classroom demonstration one (1) time without having to repeat the course.

(2) An instructor candidate shall retake examination, range work, or classroom demonstration within thirty (30) days of his failure to meet the requirements of Section 2 of this administrative regulation.

(3) A certified firearms instructor trainer may use a "Training Class Roster Form," CCDW #5 to comply with the class roster requirements of KRS 237.110(19)(d).

Section 4. ~~[(1) Firearms instructor and instructor trainer certificate shall be valid for three (3) years from date of issue.~~

~~(2) A certified firearms instructor or instructor trainer may renew his certification by successfully completing a refresher course offered or approved by the department.~~

~~Section 5. (1) The fee for instructor trainer or refresher courses shall be $100 per student.~~

~~(2)(a) The fee for an instructor course shall not exceed $100 per student.~~

~~(b) An instructor trainer shall remit fifty (50) dollars per student to the department.~~

~~(c) An instructor trainer shall remit an applicant's fee and application to the department within three (3) days following an applicant's:~~

~~1. Successful completion of the course or retesting; or~~

~~2. Failure of the course or retesting.~~

~~(3) Fees shall not be refunded to a student who does not pass or otherwise fails to complete a course.~~

~~Section 6.~~] (1) A course participant shall provide a safe, functional handgun and factory-loaded ammunition.

(2) Prior to conducting range firing, the course instructor shall:

(a) Inspect each applicant's firearm; and

(b) Not allow the firing of a handgun that the instructor has reason to believe [~~which~~] is not in sound mechanical condition or otherwise may pose a safety hazard.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "CCDW Instructor and Instructor Trainer Five (5)-Minute Presentation," (6/02 edition), Department of Criminal Justice Training; and

(b) "CCDW Training Class Roster Form (CCDW #5)," (12/02 edition), Department of Criminal Justice Training;

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, from the Department of Criminal Justice Training, Funderburk Building, 521 Lancaster Avenue, Richmond, Kentucky 40475-3102, Monday through Friday, 8 a.m. to 4:30 p.m.

JOHN W. BIZZACK, Ph.D, Commissioner
APPROVED BY AGENCY: December 12, 2002
FILED WITH LRC: December 13, 2002 at 11 a.m.

JUSTICE CABINET
Department of Criminal Justice Training
(As Amended at ARRS, February 12, 2003)

503 KAR 4:050. Required content and conduct of the applicant training course.

RELATES TO: KRS **237.110,** 237.124 [~~237.110(2)(f)~~]
STATUTORY AUTHORITY: KRS 237.124 [~~237.110(2)(f)~~]
NECESSITY, FUNCTION, AND CONFORMITY: KRS 237.124 [~~237.110(2)(f) and 15.340~~] requires the department to promulgate administrative regulations concerning the operation of a program for the training of applicants for a concealed deadly weapons license. [~~: (1) certification and decertification of firearms instructors practicing in Kentucky; and (2) firearms safety and training courses or classes that are: (a) approved by the department; or (b) conducted by the department or by a firearms instructor certified by the department.~~] This administrative regulation establishes that program. [~~: (1) the procedures that shall be followed by qualified firearms instructors in teaching applicant training courses; (2) the minimum age and other requirements for students taking training courses; and (3) the fees for applicant training courses.~~]

Section 1. [~~(1)~~] An applicant training course shall be:

(1) [~~(a)~~] The standardized training course furnished by the department; and

(2) [~~(b)~~] Taught by a certified firearms instructor.

Section 2. Applicant Training Course Content. (1) Classroom instruction. [~~(2)~~] An applicant training course shall include at least six (6) [~~consist of eight (8)~~] hours of classroom instruction, covering [~~at least~~] the following topics:

(a) Handgun safety in the classroom, at home, on the firing range or while carrying the firearm;

(b) The basic principles of marksmanship; [~~and~~]

(c) Care and cleaning of handguns; **and**

(d) By means of a videotape produced [~~or approved~~] by the department:

1. The requirements for obtaining a concealed deadly weapons license in Kentucky;

2. Sections of KRS Chapters 237 and 527 relating to firearms; and

3. Sections of KRS Chapter 503 relating to the justifiable use of force.

(2) [~~(3)~~] Live firing exercises. An applicant training course shall include live firing exercises of sufficient duration for an applicant to fire a handgun:

(a) From a safe position;

(b) Without receiving any assistance in holding, aiming, or firing from the instructor or any other person;

(c) A minimum of twenty (20) rounds; and

(d) [~~(c)~~] At a distance from a B-21 silhouette target, or an equivalent as approved by the department, of seven (7) yards.

(3) If range firing is conducted at a facility or range that requires a training instructor or range officer to clear or directly supervise and assist in the clearing of all firearm jams or malfunctions, the clearing of a firearm jam or malfunction by a certified firearms instructor or facility range officer in accordance with that policy shall not constitute prohibited assistance to a student for the purposes of subsection (2)(b) of this section.

Section 3. [~~2.~~] The classroom portion of the course shall be taught, at the certified [~~qualified~~] firearms instructor's discretion, in one (1) six (6) [~~eight (8)~~] hour block or divided into segments of not less than one (1) hour each.

Section 4. [~~3.~~] (1) An applicant training course shall not be open to persons who are less than twenty-one (21) years of age.

(2) An applicant training course student shall complete a **"Applicant Request for Training for License to Carry Concealed Deadly Weapons", Form #126** [~~Course Application Form~~], which shall include a statement acknowledging receipt of copies of pertinent sections of KRS Chapters 237, 527 and 503 and a liability waiver.

Section 5. [4.] A certified firearms instructor shall not discuss the videotape or KRS Chapters 237, 503 or 527 with students, either individually or as a class.

Section 6. (1) [5.] At the conclusion of the classroom portion of an applicant training course, a certified firearms instructor shall:

(a) [(1)] Distribute a standard course examination to the students;

(b) [(2)] Not leave the room in which the examination **is** [in] being held while the examination is in progress, unless another certified firearms instructor is physically present in the room to supervise the examination; **and**

(c) [(3)] Collect examination booklets and answer sheets from each student at the end of the examination period;

(2) At the conclusion of the classroom portion of an applicant training course, a certified firearms instructor may:

(a) Grade the applicant's examination; and

(b) Provide the applicant with his or her score.

[(4) Not grade the examinations in the presence of student;

(5)(a) Not divulge an applicant's numeric score; and

(b) State whether an applicant passed or failed the examination.]

Section 7. [6.] Except for an instructor, a person shall not:

(1) Make a copy of the applicant training course examination, in whole or in part;

(2) Possess an applicant training course examination, or questions from an examination, unless authorized by the department; or

(3) Divulge the contents of applicant training course examination questions to another person.

Section 8. [7.] (1) A student shall provide a safe, functional handgun and factory-loaded ammunition.

(2) Prior to conducting range firing, a certified firearms instructor shall:

(a) Inspect each applicant's firearm; and

(b) Not allow the firing of a handgun that the instructor has reason to believe is not in sound mechanical condition or otherwise may pose a safety hazard.

Section 9. [8.] A passing grade shall not be given on range work to an applicant who:

(1) Does not follow the orders of a certified firearms instructor;

(2) In the judgment of a certified firearm instructor, handles a firearm in a manner that poses a danger to the applicant or to others; or

(3) Fails to hit the silhouette portion of a target with a majority of the twenty (20) rounds without assistance in holding, aiming, or firing the firearm from the instructor or another person.

Section 10. In accordance with the requirements of KRS 237.110(19)(g), if the department believes that an instructor has not complied with the requirements for teaching a certified firearms instructor or applicant class, it shall send a "VF-1 Verification Form" to each student who has been listed by the instructor as having successfully completed the class taught by that instructor.

Section 11. (1) The "Applicant Request for Training for License to Carry Concealed Deadly Weapons" and course fee, required by KRS 237.122, shall be sent to the department at the same time as the class roster required by KRS 237.110(19)(d).

(2) A certified firearms instructor may use a "Training Class Roster Form," CCDW #5 to comply with the class roster requirements of KRS 237.110(19)(d).

[Section 9. A certified firearms instructor shall:

(1) Allow monitoring of his class by the department or by an official of another agency approved by the department;

(2) Make all course records available upon demand to authorized personnel of the department; and

(3) Not divulge course records except as authorized by the department.

Section 10. (1) The fee for an applicant training course shall not exceed seventy-five (75) dollars per student.

(2) A certified firearms instructor shall collect the fee and remit twenty-five (25) dollars of the fee and the application to the department within three (3) days following an applicant's:

(a) Successful completion of the course or retesting; or

(b) Failure of the course or retesting.

(3) The fee shall not be refunded to a student who fails or does not complete the course.]

Section 12. [11.] An applicant training course shall not have more than:

(1) Forty (40) students in the classroom portion; or

(2) Five (5) students per range officer engaged in range firing. Students in a waiting area at a range facility who are not actively engaged in loading, unloading or firing handguns shall not be considered to be engaged in range firing for the purposes of this subsection.

Section 13. Waiver of Fourteen (14) Day Class Notice. (1) In accordance with KRS 237.110(19)(c), an instructor or instructor trainer may request that he or she be permitted to teach a class with less than fourteen (14) days notice to the department;

(2) A request for waiver of the fourteen (14) day notice shall be in writing and sent to the department by:

(a) Mail;

(b) Facsimile (fax);

(c) E-mail; or

(d) Any method by which a hard copy can be created;

(3) The department:

(a) May respond to the request by telephone, but shall also send a hard copy to the instructor by mail, fax, or e-mail; and

(b) Shall respond to a request for waiver within one (1) working day of receiving the written request for waiver;

(4) The instructor shall not proceed with the class until he or she has received approval from the department.

Section 14. [12.] Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Applicant Request for Training for License to Carry Concealed Deadly Weapons", Form #126, (6/02 edition), Department of Criminal Justice Training;

(b) VF-1 "Verification Form", (6/02 edition), Department of Criminal Justice Training; and

(c) CCDW #5 "CCDW Training Class Roster Form", (12/02 edition), Department of Criminal Justice Training; ["Applicant Request for Training for License to Carry Concealed Deadly Weapon(s) 07/11/96", Form #126 is incorporated by reference.]

(2) This material [it] may be inspected, copied, or obtained, subject to applicable copyright law, at Department of Criminal Justice Training, Funderburk Building, Kit Carson Drive, Richmond, Kentucky 40475-3137, Monday through Friday, 8 a.m. to 4:30 p.m.

JOHN W. BIZZACK, Ph.D, Commissioner
APPROVE BY AGENCY: December 12, 2002
FILED WITH LRC: December 13, 2002 at 11 a.m.

JUSTICE CABINET
Department of Criminal Justice Training
(As Amended at ARRS, February 12, 2003)

503 KAR 4:060. Reporting test scores and issuing certificates of completion.

RELATES TO: KRS **237.110,** 237.124 [237.110(2)(f)]
STATUTORY AUTHORITY: KRS 237.124 [237.110(2)(f)]
NECESSITY, FUNCTION, AND CONFORMITY: KRS 237.124 [237.110(2)(f)] requires the department to promulgate administrative regulations concerning the operation of a program for the training of applicants for a concealed deadly weapons license. [certification of applicants for licensure to carry a concealed deadly weapon after applicants have demonstrated competence with a firearm by completion of a firearms safety or training course or class specified by KRS 237.110(2)(f).] This administrative regulation establishes the requirements for reporting test scores to the department and the [;

~~(1) procedures for the examination given applicants for licensure to carry concealed deadly weapons after completion of the required course or class; (2) required passing scores; (3) notification of applicants of examination results; and (4)~~] issuance of a certificate of successful completion of the course.

Section 1. Within five (5) [~~three (3)~~] working days after the completion of the course, a certified firearms instructor shall:

(1) Grade the examinations; and

(2) Mail or deliver to the department:

(a) The completed **"Applicant Request for Training License to Carry Concealed Deadly Weapons", Form #126, incorporated by reference in 503 KAR 4:050** [~~course application form~~], showing the student's score on the written examination and indicating whether the student passed or failed the range work; and

(b) The graded examinations.

Section 2. Within fifteen (15) days after receipt of the material specified in Section 1 of this administrative regulation, the department shall mail to an applicant:

(1) A certificate of successful course completion; or

(2) A notice that the applicant has failed the:

(a) Course and will not be certified; and

(b) Written examination, the range firing, or both, as appropriate.

Section 3. A student shall be issued a certificate of completion if he has:

(1) Answered at least seventy (70) percent of the written examination questions correctly; and

(2) Achieved a grade of "passing" on the range work.

Section 4. (1) A student who scored below seventy (70) percent on the written examination may retake the examination one (1) time without having to retake the course.

(2) A student who has not passed the range work may repeat the range work one (1) time without having to retake the course.

JOHN W. BIZZACK, Ph.D, Commissioner
APPROVE BY AGENCY: December 12, 2002
FILED WITH LRC: December 13, 2002 at 11 a.m.

TRANSPORTATION CABINET
Department of Highways
Division of Operations
(As Amended at ARRS, February 12, 2003)

603 KAR 5:230. The extended weight coal or coal by-products haul road system and associated bridge weight limits.

RELATES TO: KRS 177.9771, 189.230
STATUTORY AUTHORITY: KRS 177.9771(10)
NECESSITY, FUNCTION, AND CONFORMITY: **KRS 177.9771(10) authorizes the Secretary of the Transportation Cabinet to promulgate administrative regulations necessary to administer the provisions of KRS 177.9771, 177.9772, 177.979, and 189.230.** KRS 177.9771(2) requires the Secretary of the Transportation Cabinet to certify those public highways which meet certain criteria as the extended weight coal or coal by-products haul road system. KRS 177.9771(1) requires that roads which are currently, or have been in the past, state-maintained toll roads always be included on the extended weight coal or coal by-products haul road system. KRS 189.230 **authorizes** [~~provides that~~] the Department of Highways **to** [~~may~~] prescribe a gross vehicle weight limit for a bridge lower than a limit prescribed in KRS 177.9771 on a bridge which may be damaged or destroyed to the point of catastrophic failure if gross vehicle weights exceed certain limits. [~~This administrative regulation identifies in an official order which is incorporated by reference the extended weight coal or coal by-products haul road system and the bridges on the system which the Department of Highways has judged may be so damaged and prescribes the maximum weight limit for each of these bridges.~~] Further, KRS 177.9771(9) requires the Transportation Secretary to meet with certain local governing bodies and give consideration to their concerns before adding to or deleting from the extended weight coal or coal by-products haul road system and establishes procedures to be followed by a local governing body requesting this consideration. **This administrative regulation establishes requirements for the extended weight coal or coal by-products haul road system and associated bridge weight limits.** [~~The official order incorporated by reference sets forth the road segments which were reported to the Transportation Cabinet as having had 50,000 tons or more of coal or coal by-products transported over them during calendar year 1996, the toll roads, and the bridges which are posted for lower weight limits.~~]

Section 1. Definitions. (1) "AASHTO" means the American Association of State Highway and Transportation Officials.

(2) "Catastrophic failure" means a failure that is marked by sudden or unpredictable damage ranging from extreme misfortune to utter ruin.

(3) "CO" means county.

(4) "Coal by-products" means[~~:~~] fly ash, bottom ash, wet bottom boiler slag, scrubber sludge, burned coal waste (red dog), coal slag, or coal cinders.

(5) "CR" means a public highway, road, or street not maintained by the Kentucky Department of Highways.

(6) "FROM" means the beginning milepoint and terminus of a road segment on the extended weight coal or coal by-product haul road system.

(7) "I" means an interstate and defense highway maintained by the Kentucky Department of Highways.

(8) "KY" means a state numbered highway maintained by the Kentucky Department of Highways.

(9) "LN" means line.

(10) "Local governing body" means the fiscal court of a county, the city council or commission of a city of the first through fourth classes, or the council of an urban county government.

(11) "P" means parallel bridge.

(12) "PKWY" means parkway.

(13) "TO" means the ending milepoint and terminus of a road segment on the extended weight coal or coal by-product haul road system.

(14) "TY I" means a single unit truck consisting of two (2) single axles.

(15) "TY II" means a single unit truck consisting of one (1) steering axle and two (2) axles in tandem arrangement.

(16) "TY III" means a single unit truck consisting of one (1) steering axle and three (3) axles in tridem arrangement.

(17) "TY IV" means a tractor-semitrailer combination with five (5) or more axles.

(18) "US" means a United States numbered highway maintained by the Kentucky Department of Highways.

Section 2. Evaluation of Bridges. (1) The department shall determine which bridges on the extended weight coal or coal by-products haul road system may be damaged or destroyed to the point of catastrophic failure by a vehicle operating at the weight authorized by KRS 177.9771 by using the **Manual for Condition Evaluation of Bridges** [~~AASHTO Manual for Maintenance Inspection of Bridges~~], 1994 [~~1983~~] edition with revisions through 2000 [~~and 1984 and 1985 interim revisions~~].

(2) The load factor method of analysis shall be used if a bridge is known to have been designed by this method.

(3) If the allowable stress method of analysis is used, the maximum allowable stress in steel members shall not exceed sixty-nine (69) percent of the yield strength of the steel.

(4) If neither the load factor or allowable stress method of analysis can be used, the Department of Highways shall conduct an on-site inspection to determine if the bridge shows appreciable signs of deterioration or distress or otherwise poses a significant hazard to the traveling public.

Section 3. Limiting Weight on Bridges. The department shall use the guidelines in the **Manual for Condition Evaluation of Bridges** [~~AASHTO Manual for Maintenance Inspection of Bridges~~] to set a weight limit for a bridge deemed at risk of catastrophic failure pursuant to KRS 189.230(2).

Section 4. Dimension Limits on the Extended Weight Coal Haul Road System. A motor vehicle displaying a valid extended weight coal haul decal or cooperative license plate issued pursuant to KRS 177.9771 and being operated on a road segment that is part of the Extended Weight Coal or Coal By-product Haul Road System (EWCHRS) [~~set forth in Transportation Cabinet Official Order 98113 or Section 5(3) of this administrative regulation~~] shall not exceed the dimension limits established in 603 KAR 5:070, **Sections 3 and** [~~Section~~] 4.

Section 5. The Extended Weight Coal and Coal By-product Highway System and Limited Bridges. (1) The EWCHRS shall be updated annually by official order of the secretary and amended as necessary by official order. The EWCHRS shall be accessible on the Transportation Cabinet website at http://www.kytc.state.ky.us. The cabinet shall provide a copy of **the** [~~said~~] list in paper form upon request. Paper copies may be viewed at any of the Department of Highways district offices or may also be viewed, copied or purchased for ten (10) cents per page from the Division of Operations, Seventh Floor, 501 High Street, Frankfort, Kentucky 40622. The telephone number for the Division of Operations is (502) 564-4556 and the hours of operation are 8 a.m. until 4:30 p.m., Eastern Time, Monday through Friday. [~~The highways or portions of highways listed in Transportation Cabinet Official Order 98113 or subsection (3) of this section and subsection (3) of this section shall be the extended weight coal and coal by-products haul road system.~~]

(2) The bridges identified on the Transportation Cabinet website and by official order of the secretary [~~listed in Transportation Cabinet Official Order 98113 as amended by subsection (5) of this section~~] have been determined by the department to be at risk of damage or destruction to the point of catastrophic failure and a weight limit has been established.

[~~(3) In addition to the road segments listed in Official Order 98113, the following road segments shall be included in the extended weight coal and coal by-products haul system:~~

~~(a) Clark County:~~		
~~ROAD~~	~~FROM~~	~~TO~~
~~KY 89~~	~~15.9 US 60~~	~~16.0 KY 627~~
~~(b) Franklin County:~~		
~~ROAD~~	~~FROM~~	~~TO~~
~~US 60~~	~~0.0 Shelby CO LN~~	~~6.5 US 127~~
~~US 60~~	~~12.0 KY 676~~	~~14.0 Woodford CO LN~~
~~US 127~~	~~5.2 KY 676~~	~~6.1 US 60~~
~~KY 676~~	~~0.0 US 127~~	~~5.3 US 60~~
~~(c) Hopkins County:~~		
~~ROAD~~	~~FROM~~	~~TO~~
~~KY 260~~	~~3.7 Haul Road~~	~~5.4 KY 254~~
~~KY 254~~	~~7.3 KY 260~~	~~11.4 McLean CO Line~~
~~(d) Jefferson County:~~		
~~ROAD~~	~~FROM~~	~~TO~~
~~US 31E~~	~~16.7 US 42~~	~~17.8 US 31W~~
~~US 31W~~	~~7.7 KY 1934~~	~~22.0 US 31E~~
~~US 42~~	~~0.0 US 31E~~	~~0.8 US 60~~
~~US 60~~	~~0.0 US 42~~	~~17.4 Shelby CO LN~~
~~KY 1934~~	~~8.9 KY 2056~~	~~10.5 US 31W~~
~~KY 2056~~	~~0.4 Consumer~~	~~1.6 KY 1934~~
~~(e) Livingston County:~~		
~~ROAD~~	~~FROM~~	~~TO~~
~~US 62~~	~~1.2 KY 453~~	~~2.9 Lyon County Line~~
~~(f) Lyon County:~~		
~~ROAD~~	~~FROM~~	~~TO~~
~~US 62~~	~~0.0 Livingston CO LN~~	~~12.2 WKY PKWY~~
~~(g) McLean County:~~		
~~ROAD~~	~~FROM~~	~~TO~~
~~US 431~~	~~2.5 KY 85~~	~~5.0 KY 138~~
~~KY 85~~	~~10.0 US 431~~	~~11.7 Private Haul RD~~
~~KY 254~~	~~0.0 Hopkins CO Line~~	~~2.7 KY 1155~~
~~(h) Shelby County:~~		
~~ROAD~~	~~FROM~~	~~TO~~
~~US 60~~	~~0.0 Jefferson CO LN~~	~~23.0 Franklin CO LN~~
~~(i) Woodford County:~~		
~~ROAD~~	~~FROM~~	~~TO~~
~~US 60~~	~~0.0 Franklin CO LN~~	~~11.3 Bluegrass PKWY~~

~~(4) The following road segment shall be deleted from Official Order 98113 and extended weights shall not be transported on it:~~

~~Livingston County:~~		
~~ROAD~~	~~FROM~~	~~TO~~
~~KY 453~~	~~2.8 US 62 & US 641~~	~~4.2 I-24~~

~~(5) The weights to be posted on the following bridges shall supersede the weights shown in Official Order 98113:~~

~~(a) Bourbon County:~~

~~1. On US 27:~~

~~a. Add new weight limits:~~

~~Weight Limit - Bridge B23 @ milepoint 2.45~~
~~TY I = 20 tons, TY II = 34 tons, TY III = 45 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge B22 over Houston Creek @ milepoint 6.20~~
~~TY I = 20 tons, TY II = 42 tons, TY III = 50 tons, TY IV = 60 tons~~

~~b. Delete extended weight limits:~~

~~Weight Limit - Bridge B1 over Houston Creek @ milepoint 8.95~~
~~TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 47 tons~~
~~Weight Limit - Bridge B2 over Townsend Creek @ milepoint 15.43~~
~~TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 56 tons~~

~~2. On US 68: Amend the weight limits for the following types of vehicles:~~

~~Weight Limit - Bridge B12 over Hinkston Creek @ milepoint 9.41~~
~~TY II = 42 tons, TY III = 46 tons, TY IV = 60 tons~~

~~3. On US 460: Delete extended weight limits:~~

~~Weight Limit - Bridge B1 over Houston Creek @ milepoint 8.95~~
~~TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 47 tons~~

~~(b) Boyd County: On US 23S: Amend the weight limits for the following types of vehicles:~~

~~Weight Limit - Northbound Bridge B58 over Ohio River @ milepoint 0.03~~
~~TY II = 33 tons, TY IV = 56 tons~~

~~(c) Butler County: On Wm Natcher PKWY: Amend the weight limits for the following types of vehicles:~~

~~Weight Limit - Bridge B61 over Green River @ milepoint 32.64~~
~~TY II = 40 tons, TY IV = 55 tons~~

~~(d) Carter County: On KY 1: Add new weight limits:~~

~~Weight Limit - Bridge B104 @ milepoint 11.50~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 46 tons, TY IV = 60 tons~~

~~(e) Fayette County: On KY 4: Amend the weight limits for the following types of vehicles:~~

~~Weight Limit - Bridge B22 & P over US 60, Versailles Road @ milepoint 4.61~~
~~TY II = 43 tons, TY IV = 60 tons~~

~~(f) Jefferson County:~~

~~1. On US 42: Add new weight limits:~~

~~Weight Limit - Bridge B347 over Beargrass Creek @ milepoint 0.23~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~

~~2. On US 60: Add new weight limits:~~

~~Weight Limit - Bridge B134 over Beargrass Creek @ milepoint 0.11~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~
~~Weight Limit - Bridge B9 over Floyd's Fork @ milepoint 13.56~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 44 tons, TY IV = 58 tons~~
~~Weight Limit - Bridge B8 over Longrun Creek @ milepoint 15.79~~
~~TY I = 20 tons, TY II = 35 tons, TY III = 40 tons, TY IV = 60 tons~~

~~(g) Lawrence County: On KY 3: Add new weight limits:~~

~~Weight Limit - Bridge B60 @ milepoint 14.92~~
~~TY I = 20 tons, TY II = 28 tons, TY III= 37 tons, TY IV = 40 tons~~

~~(h) Lee County: On KY 11: Add new weight limits:~~

~~Weight Limit - Bridge B5 @ milepoint 4.17~~
~~TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 53 tons~~

~~(i) Letcher County:~~

~~1. On KY 113: Amend the weight limits for the following types of vehicles:~~

~~Weight Limit - Bridge B21 @ milepoint 0.01~~
~~TY III = 44 tons~~
~~Weight Limit - Bridge B2 over Millstone Creek @ milepoint 2.48~~
~~TY II = 37 tons, TY III = 44 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge B3 over Left Fork Millstone Creek @ milepoint 3.25~~
~~TY II = 43 tons, TY III = 49 tons, TY IV = 60 tons~~

~~2. On KY 160:~~

~~a. Amend the weight limits for the following types of vehicles:~~

~~Weight Limit - Bridge B34 over Kings Creek @ milepoint 12.23~~

~~TY II = 39 tons, TY III = 44 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge B33 over Muddy Branch @ milepoint 12.94~~
~~TY II = 30 tons, TY III = 39 tons, TY IV = 56 tons~~
~~Weight Limit - Bridge B32 over Kings Creek @ milepoint 13.22~~
~~TY II = 40 tons, TY III = 45 tons, TY IV = 60 tons~~
~~b. Add new weight limits:~~
~~Weight Limit - Bridge B31 @ milepoint 14.73~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 45 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge B29 @ milepoint 18.40~~
~~TY I = 20 tons, TY II = 34 tons, TY III = 50 tons, TY IV = 60 tons~~
~~3. On KY 317: Add new weight limits:~~
~~Weight Limit - Bridge B12 @ milepoint 0.20~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 50 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge B14 @ milepoint 2.47~~
~~TY I = 20 tons, TY II = 33 tons, TY III = 44 tons, TY IV = 60 tons~~
~~4. On KY 343: Amend the weight limits for the following types of vehicles:~~
~~Weight Limit - Bridge B127 @ milepoint 0.07~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~
~~Weight Limit - Bridge B78 over Wright Fork @ milepoint 0.46~~
~~TY I = 18 tons, TY II = 19 tons, TY III = 23 tons, TY IV = 37 tons~~
~~Weight Limit - Bridge B79 over Wright Fork @ milepoint 0.65~~
~~TY I = 18 tons, TY II = 19 tons, TY III = 23 tons, TY IV = 37 tons~~
~~5. On KY 588: Add new weight limits:~~
~~Weight Limit - Bridge B63 @ milepoint 5.03~~
~~TY I = 20 tons, TY II = 29 tons, TY III = 39 tons, TY IV = 56 tons~~
~~6. On KY 805: Amend the weight limits for the following types of vehicles:~~
~~Weight Limit - Bridge B22 over Potters Fork @ milepoint 2.99~~
~~TY II = 37 tons, TY III = 40 tons, TY IV = 54 tons~~
~~Weight Limit - Bridge B23 over Potters Fork @ milepoint 4.17~~
~~TY II = 38 tons, TY III = 44 tons~~
~~Weight Limit - Bridge B24 over Potters Fork @ milepoint 4.93~~
~~TY II = 33 tons, TY III = 39 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge B26 over Grays Branch @ milepoint 5.25~~
~~TY II = 36 tons, TY III = 41 tons, TY IV 60 tons~~
~~7. On KY 931: Amend the weight limits for the following types of vehicles:~~
~~Weight Limit - Bridge B1 over Sandlick Creek @ milepoint 10.94~~
~~TY II = 37 tons, TY III = 43 tons, TY IV = 60 tons~~
~~(j) Livingston County:~~
~~1. On US 62: Add weight limits:~~
~~Weight Limit - Bridge B65~~
~~TY I = 20 tons, TY II = 25 tons, TY III= 28 tons, TY IV = 36 tons~~
~~2. On KY 453: Delete extended weight limits:~~
~~Weight Limit - Bridge B42 over RR & Reeds Haul RD @ milepoint 3.08~~
~~TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 55 tons~~
~~(k) McLean County: On US 431: Add extended weight limits:~~
~~Weight Limit - Bridge B15 @ milepoint 9.13~~
~~TY I = 20 tons, TY II = 39 tons, TY III = 45 tons, TY IV = 60 tons~~
~~(l) Madison County: On KY 876: Add extended weight limits:~~
~~Weight Limit - Bridge B37 @ milepoint 7.17~~
~~TY I = 20 tons, TY II = 39 tons, TY III = 42 tons, TY IV = 54 tons~~
~~(m) Ohio County:~~
~~1. On US 62: Amend extended weight limits on the following types of vehicles:~~
~~Weight Limit - Bridge B32 over Branch of Three Lick Fork @ milepoint 11.91~~
~~TY II = 38 tons, TY III = 42 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge B33 over Three Lick Fork @ milepoint 12.03~~
~~TY II = 35 tons, TY III = 41 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge B34 over Muddy Creek @ milepoint 12.30~~
~~TY II = 36 tons, TY III = 41 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge B39 over Muddy Creek Branch @ milepoint 12.46~~
~~TY II = 38 tons~~
~~2. On US 231: Amend extended weight limits on the following types of vehicles:~~
~~Weight Limit - Bridge B140 over Three Lick Fork Branch @ milepoint 9.78~~
~~TY II = 33 tons~~
~~Weight Limit - B44 North Fork Muddy Creek Bridge @ milepoint 12.30~~
~~TY II = 37 tons, TY III = 44 tons~~
~~3. On KY 69: Add the extended weight limits:~~
~~Weight Limit - Bridge B80 @ milepoint 10.47~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~
~~4. On KY 85:~~
~~a. Add the extended weight limits:~~
~~Weight Limit - Bridge B57 @ milepoint 6.09~~
~~TY I = 20 tons, TY II = 35 tons, TY III = 50 tons, TY IV = 60 tons~~
~~b. Amend the weight limits for the following type of vehicles:~~
~~Weight Limit - Bridge B53 over BR West Fork Lewis CK @ milepoint 9.62~~
~~TY III = 35 tons~~
~~(n) Shelby County: On US 60: Add new weight limits:~~
~~Weight Limit - Bridge B26 over Little Bullskin Creek @ milepoint 5.02~~
~~TY I = 20 tons, TY II = 21 tons, TY III = 25 tons, TY IV = 43 tons~~
~~Weight Limit - Bridge B7 over Clear Creek @ milepoint 11.17~~
~~TY I = 20 tons, TY II = 35 tons, TY III = 39 tons, TY IV = 50 tons]~~

Section 6. Restricted Bridge Use. A person shall not operate, or knowingly cause to be operated, on a bridge listed on the website and in the official order [~~in Official Order 98113~~] a vehicle whose gross vehicle weight exceeds the weight limits specified for that bridge.

Section 7. Bridge Posted Weight Limits. In accordance with KRS 189.230(3), the Department of Highways shall post the gross vehicle weight limits for each bridge included on the EWCHRS [~~listed in Official Order 98113~~].

Section 8. Additional Bridge Restrictions. A person shall not operate, or knowingly cause to be operated, on a bridge on the extended weight coal or coal by-products haul road system a vehicle whose gross vehicle weight exceeds the limits specified by a notice posted pursuant to KRS 189.230(3).

Section 9. (1) A resolution of a local governing body making a recommendation to the secretary, pursuant to KRS 177.9771(9), shall be submitted to Secretary of Transportation, Transportation Cabinet, State Office Building, 501 High Street, Frankfort, Kentucky 40622.

(2) The resolution shall set forth:

(a) A specific description of the road or road segment under consideration; and

(b)1. A specific description of the inherent and definite hazardous condition; or

2. The factors which may create a special condition.

Section 10. Incorporation by Reference. (1) **Manual for Condition Evaluation of Bridges** [~~The following material is incorporated by reference:~~

[~~(a)~~] [~~AASHTO Manual for Maintenance Inspection of Bridges~~], 1994 [~~1983~~] edition with revisions through 2000 is incorporated by reference. ~~and 1984 and 1985 Interim Revisions; and~~

~~(b) Transportation Cabinet Official Order 98113 adopted by the Transportation Cabinet on September 30, 1997.~~]

(2)(a) **This material may be inspected, copied, or obtained, subject to applicable copyright law,** [~~A copy of the AASHTO Manual for Maintenance Inspection of Bridges, 1994 [1983] edition with revisions through 2000 [and 1984 and 1985 Interim Revisions], may be viewed~~] at the Transportation Cabinet, Department of Highways, Division of Operations, 7th Floor, State Office Building, 501 High Street, Frankfort, Kentucky, **Monday through Friday,** 8 a.m. until 4:30 p.m., eastern time [~~on weekdays~~].

(b) A copy of the **Manual for Condition Evaluation of Bridges** [~~AASHTO Manual for Maintenance Inspection of Bridges~~], 1994 [~~1983~~] edition with revisions through 2000 [~~and 1984 and 1985 Interim Revisions~~], may be obtained, subject to applicable copyright law, from the American Association of State Highway and Transportation Officials, 444 North Capitol Street, N.W., Suite 225, Washington, D.C. 20001.

[~~(3) Transportation Cabinet Official Order 98113 may be viewed, copied, or obtained from the Office of the General Counsel, 501 High Street, Frankfort, Kentucky 40622. The telephone number is~~

~~(502) 564-7650. The business hours are 8 a.m. until 4:30 p.m. eastern time on weekdays.~~]

J. M. YOWELL, P. E., State Highway Engineer
JAMES C. CODELL, III, Secretary
ELIZABETH D. BAKER, Assistant General Counsel
APPROVED BY AGENCY: October 18, 2002
FILED WITH LRC: October 21, 2002 at 10 a.m.

TRANSPORTATION CABINET
Department of Highways
Division of Operations
(As Amended at ARRS, February 12, 2003)

603 KAR 5:301. Weight (mass) classification of the state-maintained system of highways.

RELATES TO: KRS 189.222
STATUTORY AUTHORITY: KRS 189.222
NECESSITY, FUNCTION, AND CONFORMITY: KRS 189.222 authorizes the Secretary of the Transportation Cabinet to establish by official order reasonable weight (mass) limits for all highways included in the state-maintained system of highways. This administrative regulation **establishes an online weight classification list and provides** [~~is promulgated to provide~~] assistance for accessing the current official order [~~identify and incorporate by reference the Official Order and Guidance Manual~~] setting forth each road in the state-maintained system and indicating [~~to indicate~~] the classification of each. The classification of each highway segment in conjunction with 603 KAR 5:066 establishes the weight (mass) limit for trucks using each road segment.

Section 1. Weight Classification List. (1) The Transportation Cabinet shall maintain a current list of the state-maintained highway segments with specific weight classifications on its website at http://oraweb.kytc.state.ky.us/HIS_Applications.htm.

(2) The list of weight classifications shall be updated each time a weight classification is changed by official order of the secretary of the cabinet.

(3) The cabinet shall provide a copy of **the** [~~said~~] list in paper form upon request. Paper copies may be viewed at any of the Department of Highways district offices or may also be viewed, copied, or purchased, subject to applicable copyright law, for twelve (12) dollars from the Division of Operations, Seventh Floor, 501 High Street, Frankfort, Kentucky 40622. The telephone number of the Division of Operations is (502) 564-4556 and the hours of operation are 8 a.m. until 4:30 p.m., Eastern Time, Monday through Friday. [~~(1) The Official Order 95754 of the Transportation Cabinet as authorized on August 15, 1994 and adopted in the "Truck Weight Classification Guidance Manual" on August 19, 1994 is hereby incorporated by reference as a part of this administrative regulation. This Official Order and Guidance Manual shall govern the weight (mass) classification of each highway segment in the state-maintained system of highways.~~

~~(2) A copy of the Guidance Manual incorporated by reference may be viewed at any of the Department of Highways district offices or Department of Vehicle Regulation weigh stations. It may be viewed, copied or purchased for twelve (12) dollars from the Division of Management Services, Tenth Floor, 501 High Street, Frankfort, Kentucky 40622. This purchase price includes all subsequent amendments to the Official Order and Guidance Manual. The telephone number of the Division of Management Services is (502) 564-6927. It's hours of operation are 8 a.m. until 4:30 p.m. eastern time on weekdays.~~]

Section 2. Any state-maintained highway segment not specifically identified [~~in Official Order 95754~~] shall have an "A" highway classification.

J. M. YOWELL, P. E., State Highway Engineer
JAMES C. CODELL, III, Secretary
ELIZABETH D. BAKER, Assistant General Counsel
APPROVED BY AGENCY: October 18, 2002
FILED WITH LRC: October 21, 2002 at 10 a.m.

EDUCATION, ARTS AND HUMANITIES CABINET
Kentucky Board of Education
Kentucky Department of Education
(As Amended at ARRS, February 12, 2003)

702 KAR 1:150. Employment of KTRS retiree in full-time position. [~~**Employment of retired teachers in critical shortage areas.**~~]

RELATES TO: KRS 156.106, **160.380,** 161.605
STATUTORY AUTHORITY: KRS 156.070, 156.106, 161.605**(3)**
NECESSITY, FUNCTION, AND CONFORMITY: KRS **156.106 and** 161.605**(3) require** [~~2000 GA HB 519~~] [~~requires~~] the Kentucky Board of Education to promulgate **administrative regulations** [~~an administrative regulation~~] to establish procedures to be used to appoint retired teachers and administrators to teaching and nonteaching positions **if** [~~when~~] no other qualified applicant is available to fill the position [~~positions in critical shortage areas~~]. This administrative regulation establishes the procedures for local school districts to follow to determine whether other qualified applicants are available to fill a teaching or nonteaching position, and if not, for filling the position with a retired member [~~enable the appointment of retired teachers and administrators to positions in critical shortage areas~~].

Section 1. Definition. "Qualified teacher" means a teacher who holds the appropriate certification for the position unless the superintendent of the employing school district has documented evidence that the teacher is unsuitable for appointment.

Section 2. To establish the need for employing a retired teacher or administrator in a teaching or nonteaching position [~~critical shortage area as identified by the Commissioner of Education~~], a school district superintendent shall submit a written statement to the Kentucky Teacher's Retirement System [~~Department of Education~~] confirming the following:

(1) The superintendent has made every reasonable effort to recruit an active teacher or administrator for the position on an annual basis;

(2) No qualified teacher or administrator has applied for the vacant position, or to the superintendent's knowledge, a qualified teacher or administrator is not available for the position;

(3) The vacancy has been advertised locally, regionally, and statewide by appropriate means;

(4) The school district has been unsuccessful in recruiting a qualified teacher or administrator for the vacant position from the listings of teachers and administrators supplied by the placement services of the teacher education institutions, the Kentucky Department of Education, and other professional organizations; **and**

(5) The local school district has complied with **the** criminal records check required by KRS 160.380 as to the applicant whom the school district intends to hire into the vacant position.

Section 3. (1) A request to appoint a retired teacher or administrator in a position in a teaching or nonteaching position [~~critical shortage area~~] shall be submitted to the Kentucky Teacher's Retirement System, and the local district shall keep on file [~~Department of Education no earlier than June 1 of each year and it shall include~~] a specific plan for continuing to recruit an active teacher or administrator for the position.

(2) If the statewide quota for the hiring of teachers and administrators in teaching and nonteaching positions [~~critical shortage areas~~] has not been met, after September 15 of each school year a local school district superintendent may request approval from the Department of Education for the school district to exceed its quota of retired teachers and administrators as employees**, pursuant to KRS 156.106(4) and 161.605(4)**.

GENE WILHOIT, Commissioner of Education
HELEN MOUNTJOY, Chairperson
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EDUCATION, ARTS, AND HUMANITIES CABINET
Kentucky Board of Education
Department of Education
(As Amended at ARRS, February 12, 2003)

704 KAR 3:455. Instructional resource [~~material and textbook~~] adoption process.

RELATES TO: KRS 156.027, 156.400 to 156.476, 157.100 to 157.190, 160.345

STATUTORY AUTHORITY: KRS 156.027, 156.410, 156.433, 156.437, 156.439, 156.474, 156.476, 157.110, [~~157.130,~~] 157.140, 157.150, 157.160

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.433 and 156.439 require that administrative regulations be promulgated to: define instructional resources [~~materials~~]; identify instructional resources [~~materials~~] eligible for purchase with state instructional resource [~~textbook~~] funds; identify instructional resources [~~materials~~] which are subject to review before being recommended [~~approved~~] for use; establish a procedure for the review of instructional resources [~~material~~] and a process for adding an instructional resource [~~material~~] to the recommended [~~approved~~] list; establish a method for calculating and distributing a school district's instructional resource [~~textbook and instructional material~~] allocation; and design a planning instrument for each school to use in documenting its [~~textbook and~~] instructional resource [~~material~~] needs during each adoption period. This administrative regulation establishes the standards and procedures which are necessary to carry out the statutory requirements dealing with [~~textbooks and~~] instructional resources [~~materials~~].

Section 1. Definitions. (1) **"Alternate format" is defined by KRS 156.027.** [~~The definition of "alternative format" shall be governed by KRS 156.027.~~]

(2) [~~Definition.~~] "Instructional resource" [~~material"~~] means any print, nonprint, or electronic medium of instruction designed to assist students.

(3) "Level One" means full compliance in that the electronic file submitted by the publisher **can** [~~may~~] be converted into any needed specialized format.

(4) **"Level Three" means marginal compliance in that the electronic file submitted by the publisher has a marginal level of accessibility and can be converted into some specialized formats only with significant effort or expense, and is not useable by some students with significant sensory disabilities.** [~~"Level Two" means provisional compliance in that the electronic file submitted by the publisher may be converted into most specialized formats without substantial effort or expense.~~]

(5) **"Level Two" means provisional compliance in that the electronic file submitted by the publisher can be converted into most specialized formats without substantial effort or expense.** [~~"Level Three" means marginal compliance in that the electronic file submitted by the publisher has a marginal level of accessibility and can be converted into some specialized formats only with significant effort or expense, and is not useable by some students with significant sensory disabilities.~~]

Section 2. The content areas included in each year of the [~~textbook and~~] instructional resource [~~material~~] adoption cycle shall be:

(1) Grouped based on the:

(a) Content areas in the academic expectations, which are established in 703 KAR 4:060; and

(b) Commonwealth Accountability Testing System (CATS) [~~The Kentucky Instructional Results Information System (KIRIS)~~] testing groups; and

(2) Arranged into six (6) groups as follows:

(a) Group I - Language Arts and Reading P-12;

(b) Group II - Social Studies P-12;

(c) Group III - Science P-12;

(d) Group IV - Mathematics P-12;

(e) Group V - Vocational Studies, including Career and Technical Education, and Practical Living P-12; and

(f) Group VI - Arts and Humanities P-12.

Section 3. (1) Level One. All elements of the print version shall be provided, including graphics with appropriate ALT tags, the file format shall be compatible with commonly used Braille translation and speech synthesis software, and shall be readable with both text and screen readers. The files shall be provided in XML, XHTML, or HTML format. The use of graphic image files and other non-text elements shall require:

(a) A text equivalent for every nontext element;

(b) Row and column headers be identified for data tables;

(c) Markup **to** [~~shall~~] be used to associate data cells and header cells for data tables that have two (2) or more logical levels of row or column headers; and

(d) Frames **to** [~~shall~~] be titled with text that facilitates frame identification and navigation.

(2) Level Two. All elements of the print version shall be provided including graphics, though graphic descriptions **shall not be** [~~are not~~] required. The file format shall be compatible with commonly used Braille translation and speech synthesis software, and shall be readable with both text and screen readers. Electronic files **shall be** [~~are~~] in MS Word or Rich Text Format.

(3) Level Three. All elements of the print version shall be provided including graphics, though graphic descriptions may not be required. The file format shall be compatible with some text and screen readers, but usability is only marginal, and the format may include unlocked PDF. The file shall also have the following technical characteristics:

(a) A single PDF file per book, that allows all front matter, chapters, and back matter pages to be merged into a single PDF that is in proper page order, from front to back;

(b) All fonts shall be embedded using Adobe Distiller;

(c) All pages may be consistently cropped; and

(d) All images, line drawings, and other nontext shall be included in either web-ready resolutions or high resolution.

Section 4. (1) A vendor [~~Vendors~~] submitting a bid [~~bids~~] shall ship adequate and appropriate instructional resource samples or program specifications [~~textbook and instructional material samples~~] to the Department of Education, individual State Textbook Commission members, and to the state review site before the beginning of the review process. All other pertinent bid information shall be provided by the bid opening.

(2) When the review process has been completed and the individual commission members have no further need for samples in their possession, the samples shall be disposed of in the following manner:

(a) Reclaimed by the publishers; or

(b) Transferred to local school districts, institutions of higher education, or other appropriate agencies.

Section 5. The vendor shall provide information about the availability of an alternative format and the technical characteristic of the electronic file for each instructional resource. The vendor shall identify the electronic file for the resource as Level One, Level Two, or Level Three. Effective July 1, 2003, any publisher who identifies the electronic file for a resource as Level Two or Level Three shall provide the Department of Education information documenting why it is not feasible to provide files meeting Level One compliance. The Commissioner of Education shall determine whether the publisher has met the requirement of KRS 156.027.

Section 6. [~~Section 4.~~] (1) Each adoption year before establishing the state list, the State Textbook Commission shall conduct a hearing for the following purposes:

(a) Interviewing publisher agents, representatives, and vendors of [~~textbooks and~~] instructional resources [~~materials~~]; and

(b) Hearing any person or organization that may have complaints or concerns about an [~~a textbook or~~] instructional resource [~~material~~] being considered for listing.

(2) A party [~~Parties~~] desiring to be heard shall file with the Secretary of the State Textbook Commission a written request two (2) weeks prior to the hearing. The request shall clearly state:

(a) Name and address of the person or organization requesting the hearing;

(b) Title, author, International Standard Book Number, and copy-

right date of the [~~textbook or~~] instructional resource [~~material~~] in question;

(c) Sections of the instructional resource [~~textbook or instructional material~~] being questioned and nature of concern;

(d) Anticipated problems that would be created if the [~~textbook or~~] instructional resource [~~material~~] is adopted; and

(e) Suggested alternatives.

(3) One (1) spokesperson shall represent a group or organization.

(4) The commission's position and action shall be forwarded to the concerned parties after the state list has been established.

Section 7. [~~6.~~] [~~5.~~] (1)(a) The Kentucky State Textbook Commission may inquire into and ascertain if any vendor has:

1. Violated:

a. Any provision of Sections 3 through 16 or 19 of this [~~an applicable~~] administrative regulation [~~or statue~~]; or

b. Any provision of KRS 156.400 through 156.476 or 157.100 through 157.190; or

2. Used undue influence or unethical tactics to secure bids or to assure local adoption.

(b) Undue influence or unethical tactics shall include [~~actions such as~~]:

1. Unsolicited contact by vendors or their representatives with members of the State Textbook Commission; and

2. The buying for or giving to State Textbook Commission members, local district personnel, or review committee members meals, gifts, trips, or entertainment to assure the listing, adoption, or purchase of their [~~textbooks or~~] instructional resources [~~materials~~].

(c) If there is sufficient evidence that a vendor may be [~~is~~] guilty, the vendor shall be called before the State Textbook Commission to determine:

1. If violations did occur; and

2. What course of action shall be taken.

(2) A vendor [~~Vendors~~] proposing to give local districts free-of-charge items such as reproducible [~~blackline~~] masters, teachers editions, workbooks, and extra textbooks, if the districts adopt and purchase its [~~their~~] items, shall file a list of gratis items as an official part of its [~~their~~] bid.

(3) In addition to textbook sampling required under KRS 156.440, a vendor [~~vendors~~] may sample gratis items to local districts or schools for use in the adoption process. Gratis sampling shall [~~be minimal and~~] not be done in a manner to assure the adoption and purchase of a vendor's [~~textbooks or~~] instructional resources [~~materials~~].

(4) The State Textbook Commission may refuse to execute or may cancel a vendor contract upon discovery that the vendor:

(a) Has violated **Sections 3 through 16 or 19 of** this administrative regulation; or

(b) Does not have the ability to perform all the terms and conditions of the contract.

(5) A bidder for [~~All bidders for textbook or~~] instructional resource [~~material~~] contracts shall file with the Department of Education the name and address of a Kentucky person, firm, or corporation upon whom process may be served.

[~~Section 6. Vendors and local school districts or school councils may agree to pilot new textbook and instructional material programs for one (1) school year on a selective and controlled basis to determine the effectiveness of a particular textbook or instructional material program.~~

~~(1) Piloting shall not be conducted during the fiscal year (July 1-June 30) if purchasing plans are being developed for a subject under consideration for adoption by the local districts.~~

~~(2) The chief state school officer shall approve all piloting programs. The local school district superintendent shall file the request for approval with the chief state school officer. The request shall clearly state:~~

~~(a) The vendor that will conduct the pilot;~~

~~(b) The purpose of the pilot;~~

~~(c) The subject and grade levels in which the pilot shall be conducted;~~

~~(d) The schools where the pilot shall be conducted;~~

~~(e) The name of the school district staff member supervising the pilot;~~

~~(f) Beginning and ending date of pilot; and~~

~~(g) Brief summary of evaluation procedures.~~]

Section 8. [~~7.~~] A [~~Any~~] school administrator, school council chair, or teacher shall not receive directly or indirectly any gift, reward, or promise of a reward for his influence in reviewing and selecting [~~textbooks and~~] instructional resources. [~~materials.~~]

Section 9. [~~8.~~] (1) An instructional resource [~~Each textbook~~] submitted for recommendation [~~adoption~~] in Kentucky shall meet the "Manufacturing Standards and Specifications for Textbooks", developed and approved by the National Association of State Textbook Administrators, in consultation with the Association of American Publishers and the Book Manufacturer's Institute.

(2)(a) A publisher [~~Publishers~~] may submit an old copyright with the official bid. A revised edition shall be submitted before the commission hearing.

(b) A publisher [~~Publishers~~] may submit a galley proof, incomplete book, or statement of intent with the official bid. The book shall be complete and on file with the State Textbook Commission before the date of the commission hearing.

(c) Ancillary materials, including workbooks, electronic versions, and teacher editions, shall be completed on or before the July 1 contract date.

Section 10. [~~9.~~] Inaccurate information, defective [~~binding,~~] workmanship, or **defective** material shall be reported by school personnel to the vendor as soon as detected.

(1) A vendor [~~Vendors~~] shall be held responsible for all inaccurate or defective [~~textbooks and~~] instructional resources [~~materials~~].

(2) [~~Textbooks and~~] Instructional resources [~~materials~~] that show manufacturing defects in the first or second year of use shall be replaced by the vendor on a one-for-one basis.

(3) After the first two (2) years of use, a replacement agreement shall be negotiated between the local district and the vendors. School districts shall start the replacement process as soon as it has been determined that [~~textbooks or~~] instructional resources [~~materials~~] are inaccurate or defective.

Section 11. [~~10.~~] (1) A request to substitute revised editions of textbooks, updated technology, or other instructional resources [~~materials~~] under contract shall be considered at the first regular meeting of the calendar year of the State Textbook Commission to be held on or before May 1.

(2) Substitutions shall not be permitted for [~~textbooks or~~] instructional resource [~~material~~] to be used the last year of a contract.

(3) The vendor shall agree to supply either the listed or the substituted item in accordance with the local school district's request.

(4) The updated resources [~~revised edition~~] shall be at the same price at which the [~~textbook or~~] instructional resource [~~material~~] was bid and the content shall be compatible for use with the previous resource. [~~old edition.~~]

(5) The physical materials and workmanship of the updated resource [~~revised edition~~] shall be of equal or better quality than the previous resource. [~~older edition.~~]

(6) Ancillary materials for a substituted instructional resource [~~textbook or program~~] shall be available **when** [~~at the time~~] the publisher submits the substitution request.

(7) Thirty (30) days prior to the date of the commission meeting publishers shall provide a sample of the substituted [~~textbook or~~] instructional resource [~~material~~] and a list of the changes with page numbers of the updated material [~~revised edition~~] or other reference data that compares it with the instructional resource [~~textbook or program~~] presently listed.

Section 12. [~~11.~~] The cost for [~~retail price for textbooks or~~] instructional resources [~~materials~~] to be used in Kentucky shall not be more than twenty (20) percent in excess of the publisher or provider wholesale price.

Section 13. [~~12.~~] (1) The State Textbook Commission shall direct the process for including instructional resources [~~materials~~] used as [~~in lieu of~~] basal programs on the state list. The commission

shall receive assistance in the review and selection of instructional resources [~~materials~~] from professional educators and lay citizens who may serve on a contractual basis.

(2) The Commissioner of Education shall recommend to the State Textbook Commission names of instructional resource [~~material~~] reviewers with knowledge about the area or areas being considered for recommendation. [~~adoption.~~]

(3) The State Textbook Commission shall:

(a) Appoint, from the list of qualified applicants prepared by the Commissioner of Education, twelve (12) instructional resource [~~material~~] reviewers;

(b) Approve the evaluative criteria and instruments of evaluation developed by the instructional resource [~~material~~] reviewers; and

(c) Select, approve, and publish a list of high quality instructional resources [~~materials~~] using the information submitted by the reviewers.

(4) The instructional resource [~~material~~] reviewers shall:

(a) Be comprised of twelve (12) individuals, including classroom teachers, other educators, and parents of children currently enrolled in school who represent a balance of gender, grade levels, geographic, and ethnic diversity.

[~~1. Four (4) shall be classroom teachers with expertise in the content area considered for adoption and shall be actively employed in a public school;~~

~~2. Two (2) shall be other educators;~~

~~3. Two (2) shall have expertise and experience working with instructional technology;~~

~~4. One (1) shall be a library/instructional media specialist;~~

~~5. One (1) shall have expertise in alternative ways of learning; and~~

~~6. Two (2) shall be parents with children currently enrolled in the public schools;~~

~~(b) Represent gender, grade level, geographic, and ethnic diversity;~~]

(b) [~~(c)~~] Attend meetings and training sessions as requested by the Department of Education;

(c) [~~(d)~~] Develop and submit to the State Textbook Commission an instrument of evaluation to be used in reviewing instructional resources [~~materials~~];

(d) [~~(e)~~] Review instructional resources [~~material~~] except those that are ancillary to basal textbook programs to determine those of high quality [~~using the instrument of evaluation approved by the State Textbook Commission~~]; and

(e) [~~(f)~~] Submit to the State Textbook Commission their recommendations for instructional resources [~~material~~] to be placed on the state's recommended [~~approved~~] list and shall submit the instruments used in the evaluation process.

[~~(5) Electronic instructional materials shall be reviewed and approved by the Kentucky Education Technology System and shall not be subject to approval by the State Textbook Commission.~~]

Section **14.** [~~13.~~] (1) A school [~~Schools~~] may use state instructional resource [~~textbook~~] funds for the purchase of recommended [~~adopted textbooks,~~] instructional resources [~~materials, or programs~~] in any combination based on identified pupil needs. Purchases may include the following:

[~~(a) Textbooks on the commission's approved list;~~

~~(b) Instructional materials on the commission's approved list;~~

~~(c) Electronic instructional materials on the Kentucky Education Technology System approved list; and~~

~~(d) Items not on the above-named approved lists but that meet selection criteria.~~]

(2) Instructional resources [~~material~~] not subject to state review but eligible for purchase shall include the following:

(a) Reference books, trade books, pamphlets, periodicals, and other supplemental print material for student use;

(b) Supplementary videotapes, [~~cassette tapes,~~] slides, and recordings;

(c) Graphic materials, transparencies, globes, maps, music material, math and science manipulatives, calculators, and similar material; [~~and~~]

(d) Supplementary electronic instructional materials; and

(e) Individualized learning programs.

(3) The following materials and services shall not be eligible to be purchased with state instructional resource [~~textbook~~] funds:

(a) Furniture, [~~personnel services,~~] testing programs, supplementary supplies and workbooks, [~~materials consumed in initial use such as workbooks,~~] raw and blank materials with exception of materials which are integral to the success of the original approved program as adopted by a school or district but not to include ancillary and gratis materials;

(b) Audio visual equipment, major audio-visual installations such as public address systems, sound laboratories, computers, televisions (including receiving sets and related equipment), and other equipment; and

(c) Reproducible [~~Teacher resources including teachers' guides, manuals, and backline~~] master books.

Section **15.** [~~14.~~] A school [~~(1) Every school in the Commonwealth~~] with grades primary through eight (8) shall complete an annual plan identifying purchases, including necessary replacements, to be made with instructional resource [~~textbook~~] funds according to the adoption cycle. The plan shall assure that an instructional resource is available in a format designed to provide any reading accommodation required for a student with an individual education program or a student identified as needing an accommodation in a Section 504 plan. Use of an electronic version of a text shall be limited to a student who has an individual education program or Section 504 plan and the electronic version shall not be used **as a substitute for** [~~in lieu of~~] purchasing a hard copy. The school shall maintain the original purchase pattern prior to access to the electronic file. The plan [~~These plans~~] may be revised.

[~~(2) Each school's plan shall be kept on file in the district's central office, and the superintendent shall certify by a letter to the Kentucky Department of Education that all approved plans have been received and meet Kentucky Department of Education standards.~~]

Section **16.** [~~15.~~] (1) A pupil [~~Pupils~~] in grades primary through twelve (12) with impaired vision shall be considered eligible for the use of instructional resources [~~textbooks and materials~~] in clear type of eighteen (18) to twenty-four (24) points upon certification by an eye specialist. [~~as follows:~~

~~(a) Pupils who cannot read more than 20/70 on a Standard Snellan Chart with the better eye after correction; and~~

~~(b) Pupils with progressive eye difficulties, including:~~

~~1. Pupils with progressive myopia, even though glasses may bring the vision nearly to normal; or~~

~~2. Pupils who suffer from;~~

~~a. Noncommunicable diseases of the eye; or~~

~~b. Diseases of the body that seriously affect the vision.~~]

(2) Certification of pupils' visual impairment shall be made by local school districts to the Department of Education.

(3) Request for large print textbooks and material shall be directed to the Kentucky School for the Blind.

(4) A [~~The~~] local board of education shall assume responsibility for the care of large print textbooks and return them to the Kentucky School for the Blind when no longer needed.

(5) Large print textbooks and instructional resources [~~materials~~] provided by the Kentucky School for the Blind shall not be charged to the instructional resource [~~textbook~~] account of the local school.

Section **17.** [~~16.~~] (1) The Department of Education shall prepare [~~textbook and~~] instructional resource [~~material~~] budgets annually and allocate funds to local school districts, based upon the Kentucky General Assembly biennial appropriation, for the purpose of purchasing [~~basal textbook and~~] instructional resources [~~material programs~~] during each adoption or funding cycle. The funds shall be used for students in primary through grade eight (8), exclusively.

(2) **If** [~~When~~] allocating funds for the purchase of [~~textbooks and~~] instructional resources [~~materials~~], the Department of Education shall use the pupil membership at the close of the second month of the current school year.

(3) After receiving a statement of funds allocated, the superintendent shall notify within thirty (30) days the school council, or if none exists, the principal, of the per-pupil allotment to be expended by each school.

(4) Money appropriated in the current fiscal year shall be spent

on [~~textbooks and~~] instructional resources [~~materials~~] in that year's adoption cycle. Money carried over to the next fiscal year may be spent by each school on [~~textbooks and~~] instructional resources [~~materials~~] in accordance with its plan.

[~~(5) After July 1, checks shall be issued to districts having on file in the Kentucky Department of Education a statement from the superintendent certifying the receipt of all approved plans.~~

~~(6) Local school districts shall establish and maintain accounts that reflect the receipt and expenditures of state textbook and instructional material funds. These accounts shall be subject to audit.~~]

Section 18. [~~17.~~] (1) A local school district [~~districts~~] shall:

(a) Establish and maintain an instructional resource [~~a textbook~~] rental program for grades nine (9) through twelve (12); or

(b) Use local funds to provide a free instructional resource [~~textbook~~] program.

~~(2)(a) Local school districts not providing a free textbook program for grades nine (9) through twelve (12) shall establish annually a textbook rental fee. The maximum rental fee shall be based on eight (8) dollars per one (1) Carnegie credit course that requires the use of basal textbooks.~~

~~(b) Local school districts may charge a deposit fee not to exceed four (4) dollars per one (1) Carnegie credit course to be refunded if textbooks are returned in satisfactory condition.~~]

(c) Instructional resource [~~Textbook~~] rental fees for pupils enrolled for less than a full school year shall be prorated based on the number of days of membership.

(3) A local school district [~~districts~~] shall establish and maintain accounts for the instructional resource [~~textbook~~] rental program subject to audit. The school council, or if none exists, the principal, shall be notified regarding the school's balance.

Section 19. [~~18.~~] (1) Instructional resources for high schools [~~All textbooks~~] shall be labeled as property of the Commonwealth of Kentucky. For economy in administration, the uniform label shall be affixed by the publishers in accordance with the "Manufacturing Standards and Specifications for Textbooks." The purchase date and the issue date shall be recorded on the uniform label.

(2) Instructional resource [~~Textbook~~] uniform labels shall not be completed until an examination of the shipment shows that it agrees in detail with the purchase order. An instructional resource [~~A textbook~~] with label completed shall be classified as [~~a~~] used [~~textbook~~].

(3) A complete record shall be kept by the school for all state-provided instructional resources [~~textbooks and instructional materials~~] for grades primary through eight (8) and all instructional resources [~~textbooks~~] purchased with pupil rental fees for grades nine (9) through twelve (12).

Section 20. [~~19.~~] (1) Pupils or parents shall compensate schools for [~~textbooks and~~] instructional resources [~~materials~~] lost, damaged, or destroyed while in their possession.

(2) [~~(1)~~] The method and rate of compensation shall be prorated based on the number of years the instructional resources have been in use. The total compensation charged to a pupil or parent shall not exceed the lowest wholesale price of the initial purchase. [~~as follows:~~

~~(a) 100 percent of retail cost for one (1) and two (2) year old textbooks and instructional materials;~~

~~(b) Seventy-five (75) percent of retail cost for three (3) and four (4) year old textbooks and instructional materials; and~~

~~(c) Twenty-five (25) percent of retail cost for five (5) and six (6) year old textbooks and instructional materials.~~]

(3) [~~(2)~~] Funds collected shall be credited to the school's instructional resource [~~textbook~~] account.

Section 21. [~~20.~~] (1) A [~~The~~] local superintendent shall assume responsibility for the disposal of instructional resources [~~textbooks~~] no longer suitable for classroom instruction. [~~:~~] [~~and shall dispose of them in one (1) or more of the following methods:~~

~~(a) Make the textbooks available to teachers for use in grouping, reference, supplementary and other classroom activities;~~

~~(b) Make the textbooks available to pupils within the school district;~~

~~(c) Publicize in the local newspaper that textbooks are available to individual residents of the local district. Textbooks disposed of in this manner shall not be made available to used textbook dealers;~~

~~(d) Make the textbooks available to civic organizations or others for the purpose of distribution to underdeveloped countries or disadvantaged students;~~

~~(e) Make the textbooks available to recycling operations;~~

~~(f) Sell textbooks to used textbook dealers; or~~

~~(g) Destroy textbooks in any manner that is practical and in the best interest of the state and local school district.~~]

(2) [~~Any~~] Funds from the sale of the instructional resources [~~textbooks~~] shall be credited to the school's instructional resource [~~textbook~~] account.

Section 22. [~~21.~~] (1) A child shall not be denied full participation in any educational program due to an inability to purchase [~~any~~] necessary instructional resources [~~textbooks~~]. A local school district [~~districts~~] shall make available free instructional resources [~~textbooks~~] to all children in grades nine (9) through twelve (12) who are unable to rent or purchase instructional resources, [~~textbooks,~~] using the eligibility guidelines for the free and reduced price lunch program. [~~The parents of these children may be asked to contribute financially toward the rental and deposit cost of their children's textbooks the same percentage that they contribute financially toward the cost of their children's lunches.~~]

(2) A local school district [~~districts~~] shall adopt policies and procedures so that, at the beginning of the school year, pupils or their parents are given written notice of how to obtain free and reduced rental instructional resources [~~textbooks~~]. The policies and procedures shall also insure that any written communication regarding payment of fees for instructional resources [~~textbooks~~] shall include a form that parents **may** [~~can~~] use to request waiver or partial waiver of instructional resource [~~textbook~~] fees.

(3) A local district [~~districts~~] shall keep records that include:

(a) The numbers of pupils in grades nine (9) through twelve (12) receiving free lunches and reduced price lunches;

(b) The number of pupils in grades nine (9) through twelve (12) who request or apply for, or whose parents request or apply for, free or reduced rental instructional resources [~~textbooks~~] and the number of pupils receiving free or reduced rental instructional resources [~~textbooks~~]; and

(c) Copies of any forms, notices, or instructions used by schools in the collection of instructional resource [~~textbook~~] fees or the provision of free or reduced rental instructional resources [~~textbooks~~].

(4) In the provision of instructional resources [~~textbooks~~] to indigent children, a child shall not be discriminated against because of race, sex, color, national origin, age, or disability and there shall not be an overt identification of any indigent children.

Section 23. [~~22.~~] (1) A [~~Every~~] public school student shall have access to necessary instructional resources [~~textbook(s) or instructional material(s)~~] which shall be furnished free of charge in grades primary through eight (8), and, except for students otherwise partially or wholly exempted from the rental fee, shall have the instructional resources [~~textbook(s)~~] available for the reasonable rental fee set forth in Section 17 of this administrative regulation for each subject studied in grades nine (9) through twelve (12).

(2) Quantities of [~~textbooks and~~] instructional resources [~~materials~~] needed for each student and each classroom shall be determined at the school level.

Section 24. [~~23.~~] Incorporation by Reference. (1) The "Manufacturing Standards and Specifications for Textbooks", dated August 15, 2002, [~~September 1, 1996,~~] is incorporated by reference.

(2) This document may be [~~it may be obtained, copied, and~~] inspected, copied or obtained, subject to applicable copyright law, at the Division of Extended Learning [~~Curriculum and Assessment Development~~], Department of Education, 17th [~~18th~~] Floor, Capital Plaza Tower, Frankfort, Kentucky, 40601, Monday-Friday, 8 a.m. through 4:30 p.m.

GENE WILHOIT, Commissioner of Education
HELEN MOUNTJOY, Chairperson
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EDUCATION, ARTS, AND HUMANITIES CABINET
Kentucky Board of Education
Kentucky Department of Education
(As Amended at ARRS, February 12, 2003)

704 KAR 3:510. Advanced placement.

RELATES TO: KRS 158.007, 158.622, **158.6451,** 160.348
STATUTORY AUTHORITY: KRS 158.622(1), 156.070(5)
NECESSITY, FUNCTION, AND CONFORMITY: **KRS 158.622(1)** **[~~This administrative regulation implements KRS 158.622(1) which~~]** requires the Kentucky Board of Education to promulgate an administrative regulation establishing the criteria a school shall meet in order to designate a course an advanced placement course, including content and program standards concerning student admission criteria, data collection, and reporting. **This administrative regulation establishes those criteria.**

Section 1. Criteria for Designating a Course Advanced Placement. A school may designate a course as advanced placement if it meets all of the following criteria:

(1) The course is identified as an advanced placement course by the college board;

(2) The course includes the content as described in the college board overview, description, and recommended course syllabus for the appropriate course;

(3) The course is aligned with Kentucky's Academic Expectations as established in KRS 158.6451 and Kentucky's Program of Studies as established in 704 KAR 3:303; and

(4) The course prepares a student to take and be successful on the appropriate advanced placement examination administered by the college board.

Section 2. Program Standards for Student Admission Criteria. Each high school school-based decision making council, or the principal if none exists, shall establish a policy on the recruitment and assignment of students to advanced placement courses. The policy shall:

(1) Provide equitable access for participation in advanced placement courses for all students using either or both on-site instruction or electronic instruction, including the Kentucky Virtual High School;

(2) Provide for sharing information with all students through the individual graduation plan process as established in 704 KAR 3:305 and other means regarding the benefits of taking advanced placement courses and advanced placement examinations including the potential for earning college credit;

(3) Establish an equitable process for recruitment of underrepresented students in advanced placement courses including:

(a) Racial minorities;

(b) Students with limited English proficiency;

(c) Students who qualify for free and reduced lunch;

(d) Students with disabilities; and

(e) Males or females;

(4) Provide for the assignment to advanced placement courses teachers certified in the appropriate content area and prepared through professional development to teach the advanced placement course.

Section 3. Data Collection and Reporting. Information about advanced placement classes offered and student performance shall be reported on the expanded school report card as required in 703 KAR 5:140. Data shall be used to make revisions to the comprehensive school improvement plan.

GENE WILHOIT, Commissioner of Education
HELEN MOUNTJOY, Chairperson
APPROVED BY AGENCY: December 12, 2002
FILED WITH LRC: December 12, 2002 at 4 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(As Amended at ARRS, February 12, 2003)

804 KAR 4:370. Entertainment destination center license.

RELATES TO: KRS 243.030(42), 243.040(15), 241.060(1)
STATUTORY AUTHORITY: KRS 241.060(1)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 243.030(42) and 243.040(15) authorize the Alcoholic Beverage Control Board to issue any other special licenses the board finds necessary for the proper regulation and control of traffic in alcoholic beverages. This administrative regulation creates a special license to facilitate convention and tourism business in the Commonwealth by permitting the retail sale of alcoholic beverages by the drink at entertainment destination centers.

Section 1. Definitions. (1) "Entertainment destination center" means a facility:

(a) Located in a city of the first class **or in a county containing a city of the first class**;

(b) Containing a minimum of 100,000 square feet of building space located within 2,000 feet of:

1. An existing tourism attraction; or

2. A major convention facility measured from closest property line to closest property line; and

(c) Containing a combination of entertainment destination venues including:

1. Nightclubs;

2. Restaurants;

3. Leisure time activities; or

4. Specialty retail stores.

(2) "Major convention facility" means: any establishment licensed under **KRS 243.050** **[~~the alcoholic beverage laws of Kentucky~~]** as a convention center.

(3) "Physical confines" of the center means:

(a) Any portion of a public thoroughfare that is adjacent to or within the entertainment destination center when it is closed to vehicular traffic;

(b) Any area designated by the lease as a common area; and

(c) Any area included in the leased space or common areas and defined by a physical barrier **which would preclude motor vehicle traffic and limit pedestrian accessibility,** as approved by the **Alcoholic Beverage Control Board** **[~~state administrators~~]**.

Section 2. An entertainment destination center license authorizes the licensee to sell alcoholic beverages by the drink at one (1) or more nonpermanent locations within common areas of the entertainment destination center over which the licensee, by lease or ownership has exclusive control.

Section 3. (1) Each lessee of premises located within an entertainment destination center that intends to sell alcoholic beverages by the drink at retail shall apply for and obtain the necessary on-premises licenses under KRS 243.030 and 243.040.

(2) **If** **[~~Where~~]** permitted by the owner or lessee of the entertainment destination center in the lease, a licensed retail drink licensee may also sell alcoholic beverages from one (1) nonpermanent facility if the facility is located 100 feet or less from the licensee's permanent premises.

(3) Each retail drink licensee shall obtain a supplemental bar license for the nonpermanent location.

Section 4. (1) On Thursday, Friday, and Saturday of each week, between the hours of 6 p.m. and up to 4 a.m., and during any other days and times as the owner or lessee of the entertainment destination center may determine **and which are permitted by local ordinance and state statute**, a licensee within the entertainment destination center may permit patrons to leave the individually licensed premises with an alcoholic beverage drink and enter other licensed premises and the common areas of the center**, if adequate security is provided by the entertainment destination center licensee at each point of ingress and egress**.

(2) Each licensee shall serve all alcoholic beverages in contain-

ers bearing the licensee's trademark, trade name, logo, or other identifying markings unique to that licensee.

(3) Each licensee, including the entertainment destination center licensee shall prohibit patrons from taking alcoholic beverages of any kind outside the physical confines of the center.

(4) At times other than those specified in subsection (1) of this section, **and in accordance with local ordinance and state statute,** the entertainment destination center licensee may permit alcoholic beverages to be consumed in nonpermanent locations and common areas if it provides adequate security at each point of ingress and egress.

(5) **During those times the entertainment destination center is operating pursuant to subsection (1) or (4) of this section, the entertainment destination center licensee shall insure that minors can be easily distinguished from other patrons through use of identity bracelets, hand stamps, badges or other visible means.**

(6) Each licensee of the center shall cause to be posted signs indicating the hours and days when alcoholic beverages may be consumed in the common areas **pursuant to subsection (1) of this section** and times when that consumption is prohibited[~~, as provided in subsection (1) of this section~~].

(7) [~~(6)~~] The entertainment destination center licensee shall be solely responsible for notifying the department of the dates and times during which alcoholic beverages shall be sold in the nonpermanent retail locations and common areas **pursuant to subsections (1) and (4) of this section**.

Section 5. The holder of the entertainment destination center license shall be subject to the restrictions and prohibitions contained in KRS Chapters 243 and 244.

Section 6. The annual license fee for the entertainment destination center license shall be $7,500 annually and the fee shall be prorated in the manner specified in KRS 243.090(2). The license shall expire at midnight on the last day of the renewal month as designated by the board when the license is issued.

Section 7. (1) The entertainment destination center license shall not be a quota license and shall not be transferable to any other premises.

(2) A licensee who obtains an alcoholic beverage license for permanent premises within the center shall not be prohibited from holding a retail drink quota license.

(3) A licensee in the center shall be prohibited from holding retail package alcoholic beverage licenses; **except** [~~however~~], this section shall not prohibit a liquor package licensee with an existing contractual commitment from remaining at its licensed premises after the entertainment destination center license is issued.

Section 8. (1) Except as provided in this administrative regulation, all statutes and administrative regulations governing the retail sale of alcoholic beverages by the drink and the consumption of alcohol by patrons shall be applicable to all retail establishments contained within the physical confines of the center.

(2) A licensee shall be solely responsible for alcohol violations occurring on its licensed premises, including its nonpermanent location and the entertainment destination center licensee shall be solely responsible for alcohol violations occurring at its nonpermanent locations, kiosks, or in any of the common areas.

(3) Proceedings relating to applications, renewals, suspensions, or revocations of the license created by this administrative regulation shall be conducted in the same manner as for any retail licensee**, in accordance with the provisions of KRS Chapters 243 and 13B**.

(4) If the board suspends the entertainment destination center license, all retail drink sales at its nonpermanent locations, kiosks or common areas shall be suspended.

(5) If the alcoholic beverage license of an individual tenant of the center is suspended, the retail licensee shall not be permitted to sell alcoholic beverages for the duration of the suspension from either its permanent or nonpermanent locations.

JANIE A. MILLER, Secretary
RICHARD N. JOHNSTONE, Commissioner
SUSAN GORMLEY TIPTON, General Counsel
APPROVED BY AGENCY: October 15, 2002
FILED WITH LRC: October 16, 2002 at 9 a.m.

CABINET FOR HEALTH SERVICES
Office of Certificate of Need
(As Amended by ARRS, February 12, 2003)

900 KAR 6:020. Certificate of need application fee schedule.

RELATES TO: KRS **216B.040(3)(c)** [~~216B.010 to 216B.131, 216B.990(2)~~]

STATUTORY AUTHORITY: KRS [~~13A.050,~~] 216B.040**(3)(c)** [~~, 1996 Ky. Acts ch. 371, EO 96-862~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216B.040**(3)(c)** authorizes the Cabinet for Health Services to establish, by administrative regulation, [~~and collect~~] reasonable application fees for certificates of need. [~~Executive Order 96-862, effective July 2, 1996, reorganizes the Cabinet for Human Resources and creates the Office of Certificate of Need under the Cabinet for Health Services.~~] This administrative regulation **establishes the** [~~provides a~~] fee schedule for certificate of need applications.

Section 1. (1) Certificate of need applications not proposing a capital expenditure or proposing a capital expenditure of **up to** $50,000 [~~$0 - $49,999~~] shall be assessed an application fee of $250 [~~$100~~].

(2) Certificate of need applications which propose a capital expenditure **greater than $50,000 up to** [~~of $50,000 -~~] $100,000 [~~$500,000~~] shall be assessed an application fee of $500 [~~at a rate of .002 of the capital expenditure~~].

(3) Certificate of need applications which propose a capital expenditure **greater than $100,000 up to** [~~of $100,001 -~~] $500,000 shall be assessed an application fee of $1,000 [~~$500,001 - $10,000,000 shall be assessed a base fee of $1,000 plus an additional fee of .001 of the capital expenditure~~].

(4) Certificate of need applications which propose a capital expenditure **greater than $500,000 up to** [~~of $500,001 -~~] $1,000,000 shall be assessed an application fee of $2,000. [~~$10,000,001 and above shall be assessed a base fee of $6,000 plus an additional fee of .0005 of the capital expenditure.~~]

(5) Certificate of need applications which propose a capital expenditure **greater than $1,000,000 up to** [~~of $1,000,001 -~~] $5,000,000 shall be assessed an application fee of $6,000.

(6) Certificate of need applications which propose a capital expenditure **greater than $5,000,000 up to** [~~of $5,000,001 -~~] $10,000,000 shall be assessed an application fee of $11,000.

(7) Certificate of need applications which propose a capital expenditure **greater than $10,000,000** [~~of $10,000,001 and above~~] shall be assessed an application fee of $11,000 plus an additional fee of .0005 **percent** of the capital expenditure and shall be computed to the nearest **dollar** [~~dollars~~].

Section 2. [~~All Fees Shall be Computed to the Nearest Dollars.~~] Application fees shall be submitted with the application. Applications shall not be deemed complete until the application fee has been paid. Application fees shall be refunded only if notice of withdrawal of the application is received by the cabinet within five (5) working days of the date the application is received by the Cabinet for Health Services.

JOHN H. GRAY, Executive Director
MARCIA M. MORGAN, Secretary
APPROVED BY AGENCY: November 19, 2002
FILED WITH LRC: November 20, 2002 at 11 a.m.

CABINET FOR HEALTH SERVICES
Department for Mental Health/Mental Retardation Services
Division of Mental Health
(As Amended at ARRS, February 12, 2003)

908 KAR 2:210. Domestic violence offender treatment certification standards.

RELATES TO: KRS Chapter 13B, 202A.011(12)(d), 202A.400, 209.030, 222.005, 309.130 to 309.1399, Chapters 311, 319, 335.080, 335.100, 335.300 to 335.399, 335.500 to 335.599, 403.715 to 403.785, 421.570, Chapters 506, 507 to 510, 511.020 to 511.040, 512.020, Chapter 515, 517.050, 529.020 to 529.050, 530.020, 530.060, 530.064, 530.065, 530.070, 531.030, 531.040, 531.300 to 531.370, 620.030

STATUTORY AUTHORITY: KRS 403.7505

NECESSITY, FUNCTION, AND CONFORMITY: KRS 403.7505 requires the Cabinet for Health Services to promulgate administrative regulations establishing certification standards for mental health professionals providing court-ordered treatment services for domestic violence offenders. This administrative regulation establishes provider certification requirements, [~~and~~] standards for services, and imposes reporting requirements on providers.

Section 1. Definitions. (1) "Appellant" means an applicant or a provider who requests:

(a) An informal resolution meeting in accordance with Section 13 of this administrative regulation; or

(b) An administrative hearing in accordance with Section 14 of this administrative regulation.

(2) "Application" means the Application for Certification as a Provider for Court-Ordered Domestic Violence Offender Treatment and [~~includes~~] required attachments.

(3) "Assessment" means the evaluation of an offender's:

(a) Characteristics;

(b) History of abusive behavior;

(c) Risk of harm to self or others; and

(d) Capacity to benefit from treatment.

(4) "Associate provider" means an individual certified by the cabinet to provide services, in accordance with **Sections 5 through 12** [~~the requirements~~] of this administrative regulation, only under the direct supervision of an autonomous provider.

(5) "Autonomous provider" means a professional certified by the cabinet in accordance with Section 2(1)(b) of this administrative regulation for unsupervised clinical practice in a domestic violence program.

(6) "Cabinet" means the Cabinet for Health Services or its designee.

(7) "Client" means an offender who has been admitted to a program.

(8) "Court" means a district, family, or circuit court of the Commonwealth of Kentucky.

(9) "Court-ordered" means subject to an order entered by a district, family, or circuit court judge for an offender to be assessed by a provider to determine the offender's eligibility for admission to a program, or to participate in a program.

(10) "Department" means the Department for Mental Health and Mental Retardation Services or its designee.

(11) "Domestic violence" is defined **by** [~~in~~] KRS 403.720(1).

(12) "Offender" means an individual who:

(a) Has been charged with or convicted of a criminal offense related to domestic violence; or

(b) Is a respondent in a protective order issued by a court pursuant to KRS **403.740, 403.750(1), or 508.155(4)** [~~Chapter 403~~].

(13) "Program" means the services provided in accordance with **Sections 5 through 12 of** this administrative regulation to offenders who have been referred by a court for assessment or treatment related to domestic violence.

(14) "Provider" means an associate provider or an autonomous provider.

(15) "Sanction" means a compulsory or restrictive action, **such as** [~~including~~]:

(a) A prohibition, requirement, limitation, or other condition affecting the freedom of a person;

(b) Withholding of relief;

(c) Imposition of a penalty or fine;

(d) Destruction, seizure, or withholding of property;

(e) Assessment of damages, reimbursement, restitution, compensation, costs, charges, or fees; or

(f) Revocation[~~,~~] or suspension of a license.

(16) "Screening" means the action taken by a provider to determine an offender's eligibility for admission to the program.

(17) "Treatment" means individual and group counseling and education based upon a core curriculum that focuses on cessation of domestic violence.

(18) "Victim advocate" is defined **by** [~~in~~] KRS 421.570.

Section 2. Certification Procedures. (1) If an applicant is not subject to denial or revocation for a reason established in Section 3 of this administrative regulation, the cabinet shall certify the applicant as:

(a) An associate provider, if the applicant meets the qualifications specified in Section 4(1) of this administrative regulation; or

(b) An autonomous provider, if the applicant meets the qualifications specified in Section 4(2) of this administrative regulation.

(2) An individual may apply to be certified as an associate provider or an autonomous provider by submitting a completed application to the Sexual and Domestic Violence Program Administrator, Department for Mental Health and Mental Retardation Services, Division of Mental Health.

(3) The cabinet shall notify an applicant in writing if certification is granted or denied no later than sixty (60) days after receiving an application or after receiving additional documentation, if the department retains the application in accordance with Section 3(2) of this administrative regulation. The notice shall:

(a) Specify the effective date of certification, if applicable;

(b) Specify the basis of the denial of the application, if applicable;

(c) Specify additional documentation that is required if the department retains the application in accordance with Section 3(2) of this administrative regulation; and

(d) Inform the applicant of the right to appeal a denial in accordance with the informal resolution process established in Section 13 of this administrative regulation, and the administrative hearing process established in Section 14 of this administrative regulation.

(4) Certification shall be effective for two (2) years.

(5) The cabinet shall renew the certification of a provider upon request if the provider submits verifiable documentation of completion of at least sixteen (16) [~~eight (8)~~] hours per year of continuing education related to domestic violence, **pursuant to Section 6(9) of this administrative regulation,** unless certification has been revoked in accordance with Section 3 of this administrative regulation.

(6) The cabinet may solicit recommendations from individuals outside the cabinet regarding the certification of providers.

Section 3. Denial or Revocation of Certification. (1) The cabinet shall deny certification to a provider if it determines that:

(a) The application is incomplete;

(b) The documentation of qualifications is insufficient to demonstrate that the applicant meets the applicable requirements in Section 4 of this administrative regulation;

(c) The department cannot verify the authenticity of the documentation of qualifications submitted in the application; or

(d) The core curriculum submitted fails to meet the requirements specified in Section 10(7) of this administrative regulation.

(2) The department may retain the application and permit the applicant to submit additional documentation in accordance with a notice provided pursuant to Section 2(3)(c) of this administrative regulation, if the department denies certification in accordance with subsection (1)(a) of this section.

(3) The cabinet shall deny certification to an applicant and shall revoke the certification of a provider upon its determination that the applicant or provider:

(a) Has been convicted of or pled guilty to:

1. Criminal homicide pursuant to KRS Chapter 507;

2. Assault or a related offense pursuant to KRS Chapter 508;

3. Kidnapping or a related offense pursuant to KRS Chapter 509;

4. A sexual offense pursuant to KRS Chapter 510;
5. Burglary or a related offense pursuant to KRS 511.020 through 511.040;
6. Criminal damage to property pursuant to KRS 512.020;
7. Robbery pursuant to KRS Chapter 515;
8. Falsifying business records as defined in KRS 517.050 if the conviction was in relation to the applicant's clinical practice;
9. Incest as defined in KRS 530.020;
10. Endangering the welfare of a minor as defined in KRS 530.060;
11. Unlawful transaction with a minor as defined in KRS 530.064, 530.065, or 530.070;
12. Sexual exploitation of a minor pursuant to KRS 531.300 to 531.370;
13. Criminal attempt as defined in KRS 506.010, to commit an offense identified in this paragraph;
14. Distribution of obscene materials involving a minor pursuant to KRS 531.030 or 531.040; or
15. Promoting prostitution pursuant to KRS 529.030, 529.040 or 529.050; [.]

(b) Has been the subject of a domestic violence protective order within the five (5) years prior to the date of the application or anytime after the effective date of certification [after being certified];

(c) Has had an alcohol or other drug abuse problem as defined in KRS 222.005(12) within the two (2) years prior to the date of the application, or engages in alcohol or drug abuse as defined in KRS 222.005**(12) anytime** after the effective date of certification [being certified];

(d) Is subject to a current court order restraining or enjoining the applicant from providing a service authorized by licensure or certification; or

(e) Has been convicted of an offense described in KRS Chapter 529 within the five (5) years prior to the date of the application or **anytime** after being certified.

(4) Depending on the severity or recency of the infraction the department may deny an application or revoke the certification of a provider who:

(a) Has had a sanction applied against or a revocation of a professional license or certification held by the applicant or provider at any time in the two (2) years prior to the date of an application or any time after being certified;

(b) Currently has a sanction applied against a professional license or certification;

(c) Has provided domestic violence offender assessment or treatment services in violation of Section 5(1) or (2) of this administrative regulation;

(d) [Has failed to meet the requirements for maintenance of certification established in Section 2(5) of this administrative regulation;

(e)] Has failed to implement a corrective action plan in accordance with Section 12(4)(a) or (b) of this administrative regulation;

(e) [(f)] Has failed to follow the curriculum submitted in the application or submitted and approved in accordance with Section 10(9) of this administrative regulation;

(f) [(g)] Has failed to meet a requirement established in Sections 2 through 11 of this administrative regulation; [or]

(g) [(h)] Has provided information that the department:

1. Is unable to verify; or
2. Has determined to be incorrect; or

(h) Has failed to meet the data submission requirements as specified in Section 6(10) of this administrative regulation.

(5) The department shall revoke the certification of a provider that fails to meet the maintenance requirement specified in Section 6(9) of this administrative regulation.

(6) [(5)] The department shall notify a provider in writing if certification is revoked. The notice shall:

(a) Specify the effective date that certification shall be revoked;

(b) Specify the basis of the determination to revoke a certification; and

(c) Inform the provider of the right to appeal the revocation in accordance with the informal resolution process established in Section 13 of this administrative regulation, and the administrative hearing process established in Section 14 of this administrative regulation.

(7) [(6)] A provider whose certification is revoked in accordance with subsection (3)(b) of this section shall be ineligible for certification until the fifth [second] anniversary of the effective date of the revocation[, except as provided in subsection (7) of this section].

(8) A provider whose certification is revoked in accordance with subsection (3)(c) of this section shall be ineligible for certification until the second anniversary of the effective date of the revocation.

(9) A provider whose certification is revoked in accordance with subsection (3)(e) of this section shall be ineligible for certification until the fifth anniversary of the effective date of the revocation.

(10) [(7)] The department shall renew the certification of a provider whose certification has been revoked in accordance with Section 6(9) of this administrative regulation [subsection (4)(d) of this section] upon the department's receipt of documentation that the provider has met the requirement of Section 2(5) of this administrative regulation.

Section 4. Qualifications of Certified Providers. (1) The qualifications of an associate provider shall be:

(a) A bachelors degree from an accredited university or college;

(b) Completion of twenty-four (24) clock hours of specialty training in domestic violence including:

1. Characteristics and dynamics of domestic violence;
2. Clinical profiling of domestic violence offenders;
3. Risk assessment and lethality of domestic violence offenders;
4. Treatment of offenders;
5. Effective services for victims and child witnesses of domestic violence;
6. Safety planning for victims; and
7. Criminal sanctions for domestic violence and legal remedies for victims; [.]

(c) Four (4) years of full-time postbachelors degree work experience totaling at least 8000 hours that shall include general clinical experience or direct case experience related to domestic violence;

(d) A written agreement to receive supervision, which shall include:

1. Case discussion;
2. Review of reading assignments;
3. Skill building; and
4. Review of an audio or video recording of assessment and treatment performed by the associate provider; and

(e) Written recommendations for certification from two (2) victim advocates, at least one (1) of whom works in an agency separate from the applicant.

(2) The qualifications of an autonomous provider shall be:

(a) At least a master's degree from an accredited university or college;

(b) Possession of a certificate or license to practice under the laws of the Commonwealth of Kentucky in one (1) of the following disciplines:

1. Psychology in accordance with KRS Chapter 319;
2. Social work in accordance with KRS 335.080 or 335.100;
3. Medicine in accordance with KRS Chapter 311 if board eligible in psychiatry and neurology;
4. Psychiatric nursing in accordance with KRS 202A.011(12)(d);
5. Marriage and family therapy in accordance with KRS 335.300 to 335.399;
6. Professional counseling in accordance with KRS 335.500 to 335.599; or
7. Art therapy in accordance with KRS 309.130 to 309.1399;

(c) 150 hours of clinical experience providing domestic violence services under the direct supervision of a professional who is licensed or certified in accordance with paragraph (b) of this subsection of which 120 hours [eighty (80) percent] of the time shall have been with offenders and thirty (30) hours [twenty (20) percent] with victims;

(d) Completion of the training specified in subsection (1)(b) of this section;

(e) A written recommendation for certification from the professional that provided the supervision required by paragraph (c) of this subsection; and

(f) Written recommendations for certification from two (2) victim advocates, at least one (1) of whom works in an agency separate from the applicant.

Section 5. Scope of Practice and Supervision Requirements. (1) an associate provider may, under the supervision of an autonomous provider:

(a) Screen, assess, plan, and provide treatment;

(b) Consult with a court, prosecutor, law enforcement official, mental health provider, and others regarding the assessment and treatment of a client; or

(c) Contact a victim of a client in accordance with Section 7 of this administrative regulation.

(2) An associate provider who provides a service in accordance with subsection (1) of this section shall participate in at least one (1) hour per week of face-to-face supervision pursuant to the written agreement established in Section 4(1)(d) of this administrative regulation.

(3) A certified autonomous provider may provide screening, assessment, treatment, and consultation independently and supervise an associate provider if an autonomous provider has:

(a) Participated in a three (3) hour training program in clinical supervision that has been approved by a professional licensing board specified in Section 4(2)(b) of this administrative regulation, or by the cabinet; and

(b) Practiced domestic violence offender treatment for a period of at least one (1) year.

(4) A certified autonomous provider who supervises an associate provider shall:

(a) Provide the supervision required by subsection (2) of this section; and

(b) Assure that an associate provider performs a service in accordance with Sections 4, 5(1), 6, 7, 8, 9, 10, and 11 of this administrative regulation.

(5) A supervisor shall not supervise more than six (6) associate providers concurrently.

Section 6. General Service Standards. (1) A court-ordered service shall be based on the following premises:

(a) Domestic violence constitutes a health hazard to a victim who may experience short and long-term effects from the abuse. Immediate and long-term cessation of the domestic violence is the priority purpose for treatment.

(b) Domestic violence in any form is criminal behavior.

(c) Treatment shall be designed to enhance and promote the safety of a victim including a spouse, a live-in partner, a child, or other family member.

(d) A victim is not responsible for the violent behavior of an offender and a provider shall not promote the concept of mutual responsibility in explaining domestic violence.

(e) The offender is accountable for domestic violence, which is the product of individual choice and learned traits. The offender's psychopathology, substance abuse, other disorder, or cultural background is not an explanatory cause of domestic violence but can influence the offender's behavior.

(f) Cooperation and service coordination between the criminal justice system, the Department for Community-Based Services, a victim's advocate, a spouse abuse center, and a chemical dependency or mental health professional may be required to assure effective treatment and the safety of a victim or a potential victim.

(2) A provider shall give each offender and client a written document that explains the complaint process of the program.

(3) A provider shall treat an offender and a client with respect and dignity at all times and shall not discriminate against an offender based on race, ethnicity, gender, age, religion, or disability.

(4) An offender and a client shall have the right to complain verbally or in writing to the provider, the referring court, or the cabinet. A provider shall not take adverse action against an offender or a client who makes a complaint.

(5) A provider shall:

(a) Comply with federal and state law pertaining to research with a human subject; and

(b) Protect the privacy of a client who gives consent to participate in provider sponsored research.

(6) A provider shall:

(a) Provide a clean and comfortable facility which shall be accessible to the handicapped; and

(b) Meet the **requirements of 815 KAR 10:060, relating to standards of fire safety** [~~applicable fire safety code~~].

(7) The provider shall comply with federal and state law applicable to the confidentiality of a client record.

(8) The provider shall establish an individual record for each offender who receives a court-ordered service. The record shall:

(a) Document each service provided to the offender; and

(b) Demonstrate that the services meet the requirements of Sections 6 through 11 of this administrative regulation.

(9) A provider shall accrue a minimum of sixteen (16) hours of continuing education related to domestic violence during the two (2) year period for renewal.

(10) Providers certified pursuant to **Section 2 of** this administrative regulation shall collect and submit information on a quarterly basis to the department or its designee for the purpose of tracking, monitoring, and evaluating the quality of services for court-ordered domestic violence offenders. A provider shall:

(a) Collect information required by KRS 403.7505 [~~using procedure(s) specified by the department~~]; and

(b) Submit information required by KRS 403.7505 [~~using procedure(s) and format(s) specified by the department~~].

Section 7. Contact with a Victim. (1) If an offender consents to a victim's participation in his assessment or treatment a provider shall:

(a) Attempt to contact the victim within five (5) days of the offender's admission to the program;

(b) Offer the victim an opportunity to participate in the assessment or treatment of the offender by disclosing information about the offender and the circumstances of the domestic violence;

(c) Interview a victim who consents to participate in an assessment or treatment of the offender;

(d) Provide the victim information about the program, its possible benefits, the limitations of treatment, and the degree to which the offender's participation may or may not result in increased safety for the victim; and

(e) Educate the victim about community support[,] available to assist in meeting a need for current or future protection of the victim or a family member.

(2) A provider shall document each effort to contact a victim.

(3) An interview of a victim shall not be conducted in the presence of the offender.

(4) A provider shall not attempt to coerce or persuade the victim to participate if a victim does not consent to participate, withdraws consent to participate, or refuses to participate or provide information about an offender or a client.

Section 8. Screening Procedures. (1) A provider shall establish:

(a) Eligibility criteria for participation in a program which:

1. Requires that an offender sign an authorization to disclose to a victim the offender's failure to participate in or discharge from the program;

2. May include an offender's admission of responsibility for a domestic violence related offense; and

3. May not be based solely on an offender's inability to pay for services;

(b) A procedure to accept a referral from a court following a charge of a domestic violence related offense or as a condition of a protective order issued pursuant to KRS **403.740, 403.750(1), or 508.155(4)** [~~Chapter 403~~]; and

(c) A procedure for notifying the referring court, if an offender is ineligible for the program. The notice shall:

1. Specify the reason an offender is determined to be ineligible in accordance with the eligibility criteria established by the provider pursuant to paragraph (a) of this subsection;

2. Specify each referral made in accordance with Section 9(3) and (4) of this administrative regulation, if any;

3. Be made no later than five (5) days after the determination is made;

4. Recommend a service more likely to benefit the offender, in the provider's professional opinion; and

5. Recommend that the court notify a victim pursuant to KRS 403.7505(3)(e) that the offender is ineligible for the program.

(2) A provider shall inform an offender of the following information prior to the offender receiving an assessment or treatment:

(a) The requirement for confidentiality of information and the

limit on confidentiality including:

1. The duty of a provider to warn and protect an intended victim of a threat to harm, as required by KRS 202A.400;

2. The requirement to report abuse in accordance with KRS 209.030 and 620.030; and

3. The fact that information disclosed to the provider or to another client may be used against him in a civil or criminal proceeding;

(b) The requirement of a court order, a statute, or an administrative regulation which imposes a duty upon the provider to disclose information or make a report pertaining to the offender or client to:

1. A court;

2. A prosecutor;

3. A probation or parole officer;

4. A law enforcement agent,

5. The victim; or

6. Another person or organization that may be involved in the assessment of the offender or treatment of the client;

(c) The information provided in accordance with paragraph (b) of this subsection, which shall include:

1. The name of the person if known, or the title of the agency or organization to whom information shall be disclosed or to whom a report shall be made;

2. The basis of the duty to disclose information or to make a report; and

3. The condition under which information shall be disclosed or a report made; [.]

(d) The offender's responsibility to pay for an assessment or treatment in accordance with KRS 403.7505(3)(g), the cost to the offender, and the provider's policy regarding failure to pay;

(e) The expected length of treatment and the procedure for voluntary and involuntary discharge from the program;

(f) An explanation of the provisions in Section 6 of this administrative regulation;

(g) A description of the assessment and treatment that will be provided to the offender including the requirements for participation; [~~and~~]

(h) Notification that, at the discretion of the court, failure to comply with the program may result in a citation for contempt of court; and

(i) An explanation of the procedures for a victim to participate in the program in accordance with Sections 7 and 10(13) of this administrative regulation.

Section 9. Assessment and Admission Procedures. (1) An assessment of the offender's treatment needs shall be performed if an offender is determined to be eligible for domestic violence treatment based on the eligibility criteria established in accordance with Section 8(1)(a) of this administrative regulation. The assessment shall include consideration of the offender's:

(a) History of abusive behavior including degree of harm and type of violent conduct;

(b) Criminal history;

(c) Risk of harm to self and others;

(d) Medical history;

(e) History of mental or emotional disorder;

(f) Current mental status;

(g) Presence of a mental illness, or a substance abuse disorder;

(h) Ability to benefit from the approved program curriculum; and

(i) Relevant public records, including a police report and other information about the offender.

(2) A provider may interview a victim in accordance with the provisions of Section 7 of this administrative regulation and may consider information provided by a victim in the assessment, if an offender consents for a victim to participate in an assessment.

(3) A provider shall refer an offender to a service which, in his or her professional opinion, is more likely to benefit the offender, if the provider determines, based on the assessment required by subsection (1) of this section, that the offender is unlikely to benefit from the program.

(4) A provider may require an offender to participate in mental health or substance abuse treatment as a prerequisite for admission to or completion of the domestic violence program.

(5) A provider shall notify the referring court whether the offender is admitted to the program or is referred to another program or service:

(a) No later than five (5) days after making the assessment required by subsection (1) of this section; and

(b) Within twenty-four (24) hours, if the provider chooses not to admit an offender to a program based on the offender's lethality or another factor related to the safety of the victim.

(6) An offender shall be admitted to a program if the offender:

(a) Meets Section 8(1)(a) of this administrative regulation;

(b) Signs a written consent for treatment;

(c) Signs a written agreement to comply with the program requirements; and

(d) Signs a written authorization for a provider to disclose information to a party identified in Section 8(2)(b) of this administrative regulation.

Section 10. Treatment Procedures. (1) A provider shall make individual and group treatment services available to a client at least once weekly.

(2) If a provider offers a group treatment program, the program shall provide separate groups for male and for female offenders.

(3) A group treatment service shall include:

(a) Between two (2) and twelve (12) clients, unless two (2) providers are present; and

(b) No more than fifteen (15) clients if two (2) providers are present.

(4) A group treatment session shall require a client to attend for ninety (90) minutes or longer.

(5) A client shall participate in the program for at least twenty (20) weeks.

(6) A person not referred by a court may participate in a group services provided for court-referred clients.

(7) A provider shall establish and follow a core curriculum for group participation that includes:

(a) The definition of domestic violence, including physical, sexual, psychological, and environmental abuse;

(b) Exploration of the effect of domestic violence on a victim and a witness to domestic violence;

(c) Discussion of civil and criminal law related to domestic violence;

(d) Description of the cycle of violence and other dynamics of domestic violence;

(e) Instruction of a client about personal responsibility for domestic violence;

(f) Confrontation of the client's use of power, control, and coercion in an intimate relationship;

(g) Confrontation of rigid sex role stereotyping;

(h) Challenge of the client's pattern of aggression in a conflict with a victim;

(i) Exploration of the actual and perceived role of alcohol and drug abuse in the domestic violence;

(j) Exploration of a constructive and nonviolent method for expressing anger and resolving conflict in a relationship, including:

1. A period of time-out;

2. Stress management;

3. Anger reduction; and

4. Constructive verbalization;

(k) Development of a relapse prevention technique; and

(l) Promotion of aftercare **if** [~~where~~] indicated.

(8) If group treatment is provided to a female client, the core curriculum required by subsection (7) of this section shall be implemented in a manner that relates to female gender specific issues.

(9) A provider may amend a core curriculum with the prior written approval of the department. The provider shall submit to the Sexual and Domestic Violence Program Administrator:

(a) A written request for approval of an amended core curriculum;

(b) An explanation of the purpose for the amendment; and

(c) The proposed amended core curriculum.

(10) The department shall notify the provider in writing if an amended curriculum is approved or disapproved no later than thirty (30) days after the date that the department receives the request. The notice shall:

(a) Specify the effective date of the approval, if granted;

(b) Specify which of the requirements of subsection (7) or (8) of this section that the amended curriculum does not meet, if it is disapproved; and

(c) Acknowledge the right to dispute a disapproval in accordance with Sections 13 and 14 of this administrative regulation.

(11) A provider shall comply with the warning requirements of KRS 202A.400 if an intended victim has been threatened by a client of the program.

(12) A provider shall notify a victim if a client who has signed an authorization to disclose information to a victim in accordance with Section 8(2)(b) of this administrative regulation is discharged from the program.

(13) A provider shall document each effort to notify a victim.

(14) A provider shall not offer or provide marital counseling or family therapy to a client or a victim unless the client:

(a) Has successfully completed the program; and

(b) Has not demonstrated violence in his relationship with a victim for at least six (6) months after successful completion of the program.

(15) A provider shall not offer or provide marital counseling or family therapy to a client or victim if:

(a) There is a foreseeable risk of harm to the victim which may result from the marital services; or

(b) The provider believes that the victim may agree to participate because of coercion or threat from the client.

Section 11. Involuntary Discharge from a Program. (1) A provider shall involuntarily discharge a client who:

(a) Fails to attend more than ten (10) percent of scheduled appointments;

(b) Fails to actively participate in services or to complete assignments;

(c) Violates a provision of a court order; or

(d) After admission to the program, perpetrates domestic violence or other behavior which, in the provider's professional judgment, is associated with increased risk of harm to the victim.

(2) A provider may involuntarily discharge a client who fails to pay for assessment or treatment:

(a) As agreed; or

(b) As ordered by a court.

(3) A provider shall notify the referring court in writing upon his determination that a client shall be discharged in accordance with subsection (1) or (2) of this section. The notice shall:

(a) Specify the reason for the discharge;

(b) Be made no later than five (5) days after the determination; or

(c) No later than twenty-four (24) hours if the determination is made in accordance with subsection (1)(d) of this section.

(4) A provider shall immediately notify the victim in accordance with Section 10(12) of this administrative regulation if the discharge is pursuant to subsection (1)(d) of this section.

(5) The provider shall document each effort to notify a victim.

Section 12. Monitoring. (1) The cabinet shall[:

~~(a)~~] investigate a signed written complaint which alleges that a provider has failed to adhere to **the requirements in Sections 2 through 11** [~~a requirement~~] of this administrative regulation or whose practice may endanger a client or domestic violence victim unless the cabinet determines that an investigation would endanger a client or domestic violence victim.

(2) The cabinet may investigate a verbal complaint which alleges that a provider has failed to adhere to **the requirements in Sections 2 through 11** [~~a requirement~~] of this administrative regulation or whose practice may endanger a client or domestic violence victim.

(3) The cabinet may conduct periodic provider reviews to determine if a provider is in compliance with the requirements established in **the requirements in Sections 2 through 11 of** this administrative regulation and to evaluate overall quality of services provided.

(4) A provider review or an investigation shall consist of one (1) or more of the following:

(a) An interview with a certified provider or other employee of the agency;

(b) A review of administrative records;

(c) A review of client records;

(d) Off-site monitoring by cabinet staff using data submitted quarterly in accordance with Section 6(10) of this administrative regulation; [~~,~~]

(e) Observation of an assessment, or treatment service, unless an offender objects to being observed;

(f) Interviews with one (1) or more of the following:

1. An offender who consents to an interview;

2. A victim who consents to an interview;

3. A judge or other personnel of the referring court or agency;

4. A probation or parole officer;

5. A case worker for the Cabinet for Families and Children; or

6. Personnel from any other agency that may make a referral for court-order domestic violence offender treatment services or who interacts with a provider or who has knowledge about the provider's practice; [~~,~~]

(g) Physical inspection of a provider's facility(ies); or

(h) The review of other materials necessary to determine compliance with **Sections 2 through 11 of this** administrative regulation and KRS 403.7505.

(5) [~~(4)~~] The cabinet shall[~~; and~~

~~(b)~~] refer an allegation that includes information which indicates that a provider may have [~~has~~] violated a requirement of a professional licensure or certification board to a board which has jurisdiction to regulate the provider.

[~~(2) The cabinet may:~~

~~(a) Interview an offender who consents to an interview;~~

~~(b) Interview a victim who consents to an interview;~~

~~(c) Review a record of an assessment or treatment service provided to an offender and a client;~~

~~(d) Observe the performance of an assessment or treatment service, unless an offender objects to being observed; and~~

~~(e) Interview an individual, including a judge, who interacts with a provider in relation to the program or who has knowledge about the provider's practice.~~]

(6) [~~(5)~~] [~~(3)~~] The cabinet may determine that a program does or does not meet **the requirements of Sections 2 through 11** [~~a requirement~~] of this administrative regulation and that a program is endangering a client or domestic violence victim based on the information obtained in accordance with subsection (1), (2) or (3) [~~or (2)~~] of this section.

(7) [~~(6)~~] [~~(4)~~] If the cabinet determines that a certified provider has failed to meet **the requirements of Sections 2 through 11** [~~a requirement~~] of this administrative regulation or is endangering a client or domestic violence victim the cabinet shall notify the provider in writing of its determination. Based upon findings of an investigation or provider review [~~Depending upon the severity of the failure or violation~~], the cabinet may:

(a) Require the provider to submit a corrective action plan;

(b) Impose a corrective action plan upon the provider; or

(c) Revoke a provider's certification in accordance with Section 3(3) or (4) of this administrative regulation.

(8) [~~(7)~~] [~~(5)~~] The cabinet shall notify an autonomous provider who supervises an associate provider if it determines that the associate provider has failed to meet a requirement specified in Section 5(4)(b) of this administrative regulation. The autonomous provider shall be responsible to assure that corrective action is taken.

Section 13. Informal Resolution of Disputes Prior to Hearing. (1) An applicant or provider may request an informal resolution meeting if the applicant or provider wishes to appeal:

(a) The denial of an application;

(b) The revocation of certification;

(c) A determination made in accordance with Section 12(3) of this administrative regulation; or

(d) A determination, which is specified in a notice, provided in accordance with Section 10(10)(b) of this administrative regulation.

(2) A request for an informal resolution meeting shall:

(a) Identify the disputed determination or action;

(b) State the basis on which the department's action is believed to be unwarranted or erroneous;

(c) Summarize the appellant's position;

(d) Provide the name, address, and telephone number of each individual who is expected to attend an informal resolution meeting

on the appellant's behalf, if a meeting is held; and

(e) Include documentary evidence that the appellant wishes the department to consider in relation to the dispute.

(3) A request for an informal resolution meeting shall not be considered a request for an administrative hearing.

(4) The department shall, within thirty (30) days of receipt of a request made in accordance with subsection (1) of this section, notify the appellant in writing of the following:

(a) The time and place at which the informal resolution meeting shall be held;

(b) The name and title of the department's representative who is expected to attend the meeting;

(c) The provisions of subsections (3) and (9) of this section; and

(d) The provisions of Section 14(1) of this administrative regulation.

(5) The informal resolution meeting shall be scheduled for a date no later than sixty (60) days after receipt of a request submitted in accordance with subsection (1) of this section.

(6) Prior to an informal resolution meeting, the department may rescind the disputed action or determination based on the contents of the request.

(7) The department may cancel an informal resolution meeting if:

(a) It rescinds the disputed action or determination in accordance with subsection (6) of this section;

(b) It informs the appellant of the decision to rescind the disputed determination or action at least three (3) business days prior to the scheduled date of the meeting; and

(c) The appellant agrees to cancellation of the meeting.

(8) The department shall document the actions taken in accordance with subsection (7) of this section.

(9) If an informal resolution meeting is held, the department shall notify the appellant in writing no later than thirty (30) days after the meeting if it shall rescind, modify, or enforce the disputed action, and the facts upon which its decision is based.

(10) An appellant may request an administrative hearing in accordance with Section 14(1) of this administrative regulation at any time during the informal resolution process established in this section.

Section 14. Administrative Hearing Process. (1) A written request for an administrative hearing shall be received by the department no later than thirty (30) calendar days after the date of notice of a determination or a resolution decision, whichever is later. The request shall be sent to the Sexual and Domestic Violence Program Administrator, Department for Mental Health and Mental Retardation Services, Cabinet for Health Services, 100 Fair Oaks Lane, 4th Floor, Frankfort, Kentucky 40621.

(2) An administrative hearing shall be conducted by a hearing officer who is knowledgeable of cabinet policy. The secretary of the cabinet, in accordance with KRS 13B.030, shall appoint the hearing officer.

(3) The department shall forward to the hearing officer an administrative record, which shall include:

(a) A copy of the notice of action taken;

(b) A copy of the request for an informal resolution meeting, if applicable;

(c) The documentation required by Section 13(8) of this administrative regulation if applicable;

(d) A copy of the notice provided by the department in accordance with Section 13(9) of this administrative regulation; and

(e) Documentary evidence provided by the appellant to the department.

(4) The hearing officer shall provide notice of a hearing in accordance with KRS 13B.050.

(5) A prehearing conference may be held at least seven (7) calendar days in advance of the hearing date. Conduct of the prehearing conference shall comply with KRS 13B.070. Each party shall disclose the evidence that the party intends to introduce at the hearing, including documentary evidence and identification of witnesses.

(6) A request for a hearing shall be considered to be abandoned, if the appellant does not appear at the hearing on the scheduled date and the hearing has not been previously rescheduled. A hearing request shall be withdrawn only under the following circumstances:

(a) The hearing officer receives a written statement from the appellant stating that the request is withdrawn; or

(b) The appellant states on the record at the hearing that the request is withdrawn.

(7) Documentary evidence to be used at the hearing shall be made available in accordance with KRS 13B.090.

(8) The hearing officer shall conduct the hearing in accordance with KRS 13B.080.

(9) The hearing officer shall consider the facts as presented at the hearing, including supplementary material, if requested, and prepare a recommendation in accordance with KRS 13B.110.

(10) The hearing officer's recommendation shall be submitted to the secretary of the cabinet and to the department. The department and the appellant shall have fifteen (15) calendar days within which to file with the secretary exceptions to the hearing officer's recommendation in accordance with KRS 13B.110(4). The secretary shall make the final decision of the cabinet pursuant to KRS 13B.120, supported by findings of fact and conclusions of law.

(11) In the correspondence transmitting the decision, clear reference shall be made to the availability of judicial review pursuant to KRS 13B.140 and 13B.150.

(12) The department shall maintain an official record of the hearing in compliance with KRS 13B.130.

Section 15. Incorporation by Reference. (1) "Application for Certification as a Provider for Court-Ordered Domestic Violence Offender Treatment, November 15, 2002 [~~August 1, 2000~~]" is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Mental Health and Mental Retardation Services, 100 Fair Oaks Lane, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.

MARGARET PENNINGTON, Commissioner
MARCIA R. MORGAN, Secretary
APPROVED BY AGENCY: December 13, 2002
FILED WITH LRC: December 13, 2002 at 11 a.m.

CABINET FOR FAMILIES AND CHILDREN
Department for Community Based Services
Division of Policy Development
(As Amended at ARRS, February 12, 2003)

921 KAR 2:520. Work INcentive or "WIN".

RELATES TO: KRS 205.200[~~(2)~~], 205.211, 205.2003, 45 CFR Parts 260-265, 42 USC 601-**619** [~~et seq.~~]

STATUTORY AUTHORITY: KRS 194B.050(1), 205.200(2), 205.2003[~~, 42 USC 601 et seq.~~]

NECESSITY, FUNCTION, AND CONFORMITY: **KRS 194B.050(1) requires the secretary to promulgate administrative regulations necessary to implement programs mandated by federal law or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs.** KRS Chapter 205 requires the Cabinet for Families and Children to administer the public assistance programs. KRS 205.200(2) requires **the cabinet to prescribe, by administrative regulation,** [~~that~~] the conditions of eligibility **for** [~~to receive~~] public assistance, [~~be prescribed by administrative regulations~~] in conformity with **the Social Security Act,** 42 USC 601 **to 619** [~~et seq.~~] and federal regulations. KRS 205.2003 requires **the cabinet to promulgate** administrative regulations **to develop** [~~for the development of~~] a work program for recipients of public assistance to provide for immediate employment or preparation for employment, and to provide supportive services to assist in the pursuit of work and self-sufficiency. This administrative regulation **establishes** [~~sets forth the~~] requirements for receiving the work incentive payment.

Section 1. Definitions. (1) "Benefit group" means a group that meets the eligibility requirements established in 921 KAR 2:016.

(2) "Cabinet" means the Cabinet for Families and Children.
(3) "Employed" means a person performs a physical or mental activity in exchange for direct monetary compensation.
(4) "Family Alternatives Diversion Program" or "FAD" means a money payment diversion program for families in need in accordance with 921 KAR 2:500.
(5) "Kentucky Transitional Assistance Program" or "K-TAP", means Kentucky's Temporary Assistance for Needy Families or "TANF" money payment program for a child in accordance with 921 KAR 2:006.
(6) "Overpayment" means a work incentive payment received by an individual who after an initial determination of eligibility:
(a) Is determined to be ineligible for the program; and
(b) Received erroneous benefits.
(7) "Work expense" means costs or charges accumulated as a result of items or services necessary for employment.

Section 2. Eligibility for WIN. (1) To qualify for WIN, a member of the benefit group [~~as defined in Section 1 of this administrative regulation~~] shall:
(a) Be discontinued from K-TAP with earnings;
(b) Report and provide written verification to the cabinet within ten (10) calendar days of obtaining employment;
(c) Have an eligible child as defined in 921 KAR 2:006, Section 1;
(d) Be employed;
(e) Have a work expense;
(f) Be a resident of Kentucky; and
(g) Have total gross earned and unearned income at or below 200 percent of federal poverty level.
(2) An individual is not eligible for WIN if:
(a) Employment is obtained after the K-TAP case is discontinued; or
(b) The individual has previously received a WIN payment.
(3) An eligible recipient shall not receive K-TAP, FAD, or WIN concurrently.

Section 3. Eligibility Period. (1)(a) The potential WIN eligibility period for an approved WIN recipient shall be a nine (9) consecutive month period beginning with the first month of discontinuance of K-TAP.
(b) Eligibility shall be redetermined monthly.
(2) A recipient discontinued from K-TAP shall be eligible for one (1) lifetime WIN eligibility period.
(a) An eligible WIN recipient shall be eligible for up to nine (9) months of WIN payments.
(b) If an eligible recipient loses employment, the WIN payment shall stop unless:
1. New employment is obtained within one (1) month; and
2. Written verification is provided to the cabinet within ten (10) calendar days of obtaining new employment.
(c) If eligibility in accordance with Section 2(1) of this administrative regulation is no longer met, the WIN payment shall stop even if months are remaining in the eligibility period.
(d) If the eligible WIN recipient reapplies and is eligible for K-TAP, the WIN payment shall stop even if months remain in the WIN eligibility period.
(3) An eligible recipient shall not waive receipt of the WIN payment in order to receive the payment at a later date.

Section 4. Payment Amount and Authorization. (1) **To the extent funds are available,** the payment amount shall be $130 **per month** per eligible adult.
(2) The first payment shall be automatically issued on the tenth day of the effective month of the discontinuance of K-TAP benefits.
(3) Each subsequent payment may be issued upon the cabinet receiving:
(a) A completed "WIN-1, **Work INcentive (WIN) Report** [~~Post K-TAP Work INcentive Report, First Notice~~]", within ten (10) calendar days of issuance; or
(b) A completed "WIN-2, **Second Notice for Work INcentive (WIN) Report** [~~Post K-TAP Work INcentive Report, Second Notice~~]", within ten (10) calendar days of issuance.

Section 5. Overpayments. (1) **The cabinet shall recover the amount of an overpayment, including assistance paid pending the outcome of a hearing, from the claimant-payee.** [~~A WIN overpayment, as defined in Section 1 of this administrative regulation including assistance paid pending a hearing decision, shall be recovered from the adult responsible for the overpayment.~~]
(2) An overpayment shall be recovered through:
(a) Repayment by the **claimant-payee** [~~individual~~] to the cabinet; or
(b) **Cabinet initiation of a** civil action in the court of appropriate jurisdiction after **the claimant-payee has exhausted or abandoned the administrative and judicial remedies specified in 921 KAR 2:055.** [~~:~~
~~1. Notice and an opportunity for a fair hearing as specified in 921 KAR 2:055 is given; and~~
~~2. The administrative and judicial remedies have been exhausted or abandoned.~~]

Section **6.** [~~7.~~] Hearings and Appeals. An applicant or recipient of WIN payments who is dissatisfied with an action or inaction on the part of the cabinet **may seek** [~~shall have the right to~~] a hearing pursuant to 921 KAR 2:055.

Section **7.** [~~8.~~] Incorporation by Reference. (1) The following material is incorporated by reference:
(a) "WIN-1, **Work INcentive (WIN) Report, edition 3/03** [~~Post K-TAP Work INcentive Report, First Notice, edition 11/02~~]"; and
(b) "WIN-2, **Second Notice for Work INcentive (WIN) Report, edition 3/03** [~~Post K-TAP Work INcentive Report, Second Notice, edition 11/02~~]".
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Community Based Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.

DIETRA PARIS, Commissioner
VIOLA P. MILLER, Secretary
APPROVED BY AGENCY: August 12, 2002
FILED WITH LRC: August 13, 2002 at 1 p.m.

CABINET FOR FAMILIES AND CHILDREN
Department for Community Based Services
Division of Policy Development
(As Amended at ARRS, February 12, 2003)

922 KAR 1:460. Standards for a private child-caring facility youth wilderness camp program [~~camps~~].

RELATES TO: KRS 199.011, 199.640, 199.645 to 199.670, 214.034(4), 600.020, 610.110(6), 615.010, 615.030, 615.040
STATUTORY AUTHORITY: KRS 194B.050(1), 199.640(5), 199.645, 615.050
NECESSITY, FUNCTION, AND CONFORMITY: KRS 199.640(5)(a) requires the Cabinet for Families and Children to promulgate administrative regulations relating to standards of care and service for child-caring facilities. This administrative regulation establishes standards of care and services for a youth wilderness **camp, which is a program of a licensed private child-caring facility** [~~camps~~].

Section 1. Definitions. (1) **"Accrediting body" means the:**
(a) Joint Commission on Accreditation of Healthcare Organizations; and
(b) Association for Experiential Education; or
(c) Council on Accreditation for Children and Family Services.
(2) "Base camp" means **a structure that is part of, or located off of, the campus of a child-caring facility.** ~~the site designated for the administration and operation of a youth wilderness camp program, including:~~
~~(a) Recordkeeping and communications; and~~
~~(b) Orientation provided to a child prior to entry into a field program.~~

~~(2) "Cabinet" means the Cabinet for Families and Children.~~]

(3) "Child" is defined at KRS 199.011(4) **and includes a child whose commitment has been extended in accordance with KRS** [~~, 600.020(8) and~~] 610.110(6).

(4) "Child-caring facility" is defined at KRS 199.011(6) and 199.641(1)(b).

(5) **"Division of Licensed Child Care" or "DLCC" means a division within the Cabinet for Health Services, Office of the Inspector General.** [~~"College or university" means an institution accredited by one (1) of the eleven (11) regional accrediting organizations recognized by the U.S. Department of Education, Office of Postsecondary Education, and, in the case of a Kentucky institution, licensed by the Kentucky Council on Postsecondary Education or the Kentucky Board for Proprietary Education. In the case of an out-of-state institution, it must be licensed in its home state if licensure is required in that state.~~

~~(6) "Field administrator" means a person who is responsible for the:~~

~~(a) Management of a base camp and field program;~~

~~(b) Supervision of staff in the youth wilderness camp program; and~~

~~(c) Daily operation of the program.~~

~~(7) "Field program" means the outdoor [a] phase of the youth wilderness camp program conducted away from base camp to therapeutically address the child's goals as outlined in the ITP [for a period greater than seventy-two (72) hours and not to exceed sixty (60) consecutive days].~~

~~(8) "Field staff" means staff who meet the required qualifications and training as specified in this administrative regulation.~~]

(6) [~~(9)~~] "Individual treatment plan" or "ITP" means a plan of action developed and implemented to address the needs of a child.

(7) "Office of the Inspector General" or "OIG" means the entity established by authority of KRS 224.10-025.

(8) [~~(10)~~] "Optional solo experience" is a phase of a **private child-caring facility** youth wilderness camp program **in which** [~~that may be included as part of the program where~~] a child is placed alone at a camp site to therapeutically address [~~the child's~~] goals [~~as~~] outlined in the **child's** ITP.

(9) "Private child-caring facility youth wilderness camp" means a specific program of a licensed child-caring facility designed to provide an outdoor experience that:

(a) Includes a base camp;

(b) Includes a field program; and

(c) May include an optional solo experience consistent with a child's ITP.

[~~(11) "Single-service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, straws, napkins, wrapping material, bags, toothpicks and similar articles which are designed for one (1) time, one (1) person use and then discarded.~~

~~(12) "Treatment director" is defined in 922 KAR 1:390, Section 1(18).~~

~~(13) "Treatment team" means a representative group of people who provide services to the child and the child's family.~~

~~(14) "Youth wilderness camp" means a specific program of a licensed child-caring facility that is designed to provide an outdoor experience to include a base camp, field program, and solo experience consistent with a child's ITP.~~

~~(15) "Wilderness first responder" means an individual that has a minimum of seventy-two (72) hours of specialized training in wilderness emergency first aid.~~]

Section 2. Administration and Operation. (1) A **private child-caring facility** youth wilderness camp shall:

(a) Be **a program of** [~~licensed as~~] a child-caring facility **licensed** as required by 922 KAR 1:305;

(b) Meet the requirements of 922 KAR 1:300, Sections 3(1) through **(5), (6)(a) through (c),** (7), 4(1), (2) and (5), **and** 5 through 7**, except the staffing requirements of Section 3(5)(b)8(iii) of this administrative regulation;**

(c) Have at least three (3) staff members with each group of ten (10) children at all times, if operating away from base camp; and

(d) [~~(c)~~] Meet the requirements of 922 KAR 1:390 **except Section 4(2)(a)**; and

(e) Provide a copy of youth wilderness camp component accrediting body correspondence, notices, and reports to the OIG, DLCC within two (2) working days of receipt.

[~~(d) Comply with the additional requirements set forth in this administrative regulation.~~]

(2) **A licensed private child-caring facility with an operational** [~~(a) A~~] youth wilderness camp [~~program~~] shall:

(a) Obtain accreditation on the youth wilderness camp component from an accrediting body, within one (1) year of the effective date of this administrative regulation; and

(b) Apply for a youth wilderness camp component license with the OIG, DLCC, upon receipt of youth wilderness camp accreditation.

(3) Prior to operating a youth wilderness camp program, a licensed private child-caring facility without an operational youth wilderness camp shall:

(a) Obtain a provisional accreditation from an accrediting body which includes:

1. Review by the accrediting body of the private child-caring facility's plan to operate a youth wilderness camp program, including review of proposed policy and procedure; and

2. Standards and timeframes for performance, established by the accrediting body;

(b) Achieve full accreditation from an accrediting body; and

(c) Apply for a youth wilderness camp component license, as specified in subsection (2)(b) of this section.

Section 3. Decertification. (1) Upon notice from an accrediting body that a youth wilderness camp program is decertified, the private child-caring facility shall:

(a) Notify the cabinet immediately upon notification from the accrediting body;

(b) Cease operating the youth wilderness camp program;

(c) Notify each parent or guardian that the wilderness camp program has been closed; and

1. Advise each displaced child's cabinet staff member of bed availability within the private child-caring facility and assist in transitioning the child to the new placement; or

2. Discharge each noncommitted child to a parent or guardian;

(d) Return the youth wilderness camp program component license, on the following business day, to the OIG, DLCC.

(2) Recertification by an accrediting body following decertification and written notification from the OIG, DLCC to the private child-caring facility shall be required in order to reinstate the youth wilderness program component.

Section 4. Special Provisions. (1) A child committed to the cabinet by a court of competent jurisdiction shall not be permitted to:

(a) Participated in an optional solo experience; or

(b) Leave the state of Kentucky without obtaining prior consent from a cabinet staff member responsible for the case.

(2) Before a child may enter the optional solo experience, a parent or guardian of a noncommitted child shall review and sign a document that:

(a) Is provided by the private child-caring facility;

(b) Describes the optional solo experience, including risks; and

(c) Shall be retained the private child-care facility for five (5) years. [~~obtain accreditation from a nationally accredited organization approved by the cabinet within one (1) year of licensure; or~~

~~(b) For programs operating prior to January 1, 2002, the youth wilderness camp shall obtain accreditation within one (1) year of the effective date of this administrative regulation.~~

~~(3) A youth wilderness camp shall, upon one (1) month of the effective date of the implementation of this administration regulation, apply for a license and shall meet all of the requirements specified in this administrative regulation within six (6) months of application.~~

~~Section 3. Field Staff Qualifications and Training. (1) A youth wilderness camp shall have:~~

(a) A field administrator, who has a bachelor's degree from a college or university, supplemented by a minimum of two (2) years of outdoor program experience;

(b) A wilderness first responder who meets the requirements in accordance with KAR 1:300, Section 3(4)(d), and has a current:

1. Cardiopulmonary resuscitation (CPR) certificate; and

2. Certification in wilderness first responder that includes a minimum of seventy-two (72) hours of specialized training approved by the cabinet;

(c) Wilderness direct child care staff that meets the requirements in accordance with 922 KAR 1:300, Section 3(4)(d); and

(d) A treatment director as required in 922 KAR 1:300, Section 4(2)(b).

(2) Field staff training requirements. Before direct supervision of a child occurs, wilderness direct child care staff shall have completed the following requirements:

(a) Initial wilderness staff training consisting of a minimum of fifty-six (56) hours, which may be met in part by [meet part of] the forty (40) hours of annual training requirements set forth in 922 KAR 1:300, Section 3(6)(c) [(n)];

(b) Training in medication administration approved by the Board of Nursing; and

(c) A supervised field course experience by the field administrator consisting of a minimum of forty (40) hours completed in no less than five (5) days.

(3) The initial field staff training and supervised field course experience training shall include written documentation of instruction in the following topics:

(a) Counseling, teaching and supervisory skills;

(b) Water, food, and shelter procurement, preparation and conservation;

(c) An outdoor awareness program on environmental conservation skills approved by the cabinet;

(d) Instruction in safety procedures including:

1. Safe equipment use;

2. Maintenance and storage of fuel;

3. [Fuel;

4.] Fire safety; and

4. [5.] Risk management;

(e) Instruction in [emergency] procedures for [in] the following:

1. Medical emergencies;

2. Evacuation emergencies;

3. Weather emergencies;

4. Signaling;

5. Communication equipment;

6. Fire safety;

7. Runaway children;

8. Lost children;

9. Response to adverse situations;

10. [Emergency evacuation;

11.] Leadership and judgement;

11. [12.] Sanitation procedures; and

12. [13.] Food and water preparation and storage;

(f) Navigation skills including:

1. Map and compass use;

2. Topography; and

3. Local environmental hazards including:

a. Terrain;

b. Weather;

c. Insects;

d. Animals; and

e. Poisonous plants;

(g) Report writing including development and maintenance of:

1. Incident reports;

2. Logs; or

3. Journals;

(h) Certification in:

1. Cardiopulmonary resuscitation (CPR);

2. Standard first aid;

3. Wilderness first aid; and

(i) Training in the prevention of:

1. Hyperthermia;

2. Hypothermia;

3. Hydration; and

4. Dehydration.

(4) A volunteer or an intern who functions as a wilderness direct child care staff shall meet the same requirements and qualifications as required in Section 4(1) of this administrative regulation.

(5) Personnel and training records that field staff completed the initial field staff training and supervised field course experience including Red Cross or comparable certification in standards of cardiopulmonary resuscitation (CPR) shall be maintained at the child caring facility.

(6) Documentation of field staff's skill and experience in wilderness activity specialty training shall be maintained in the child caring facility's records.

(7) The youth wilderness camp program shall have written policies and procedures on any specialty training including equipment used during the activity.

Section 4. Staff Health Requirements. (1) Wilderness staff, interns, and volunteers who perform functions as direct child care staff shall have an annual physical examination and health history evaluation to include an assessment of the staff's ability to fulfill the physical requirements of the job and signed by a:

(a) Licensed physician; or

(b) Qualified person under the supervision of a licensed physician.

(2) Documentation of physical examinations shall be reviewed by the field administrator and maintained in the staff personnel files at the base camp.

Section 5. Youth Wilderness [Youth] Camp Program. (1) A youth wilderness camp shall comply with 815 KAR 10:060, Kentucky Standards of Safety, pertaining to local fire codes, fire safety, fuel supply, and fuel connections.

(2) A youth wilderness base camp with an electrical system, wiring, fixtures, and equipment shall be installed and maintained in accordance with 815 KAR 10:060, Kentucky Standards of Safety.

(3) With the exception of sleeping hours, a youth wilderness camp program shall maintain a minimum of staff-to-child ratios as established in 922 KAR 1:300, Section 3(5)(b)8.

(4) Based upon an approved assessment by the treatment team to the youth wilderness camp program, and prior to participation in the field program, a child shall:

(a) Receive a minimum of five (5) days at the base camp; and

(b) Additional base time shall be required when weather conditions as predicted by the five (5) day forecast by the National Weather Service does not meet the requirements in Section 12 of this administrative regulation.

(5) Written documentation of the child's orientation at base camp shall be maintained at the base camp.

(6) A [The base camp or] field program shall be located no more than four (4) hours walking distance from the base camp [from staff].

(7) A child shall have adequate weather appropriate clothing, supplies, and equipment to ensure that the child is protected against seasonal changes in the environment to include:

(a) Sunscreen;

(b) Insect protection;

(c) Personal hygiene items; and

(d) Sufficient combination of bedding and shelter.

(8) When weight to be carried by each child exceeds twenty (20) percent of his body weight, a child shall have a backpack. A child shall not be required to carry a load of more than thirty (30) percent of his body weight.

(9) Bedding provided to a child by the camp shall be [given to a child that is];

(a) Clean and in good repair; and

(b) Appropriate for the temperature of the season.

(10) Clothing, supplies, and equipment shall not be denied, and made unavailable to a child for the purposes of behavioral management.

(11) A child shall be provided adequate clean clothing to maintain personal hygiene.

(12) A child shall be provided a means to bathe or otherwise clean his body with warm water a minimum of twice weekly.

(13) Individual and clean cups, glasses, and vessels shall be provided for each child, staff, and volunteer.

(14) Water and fuel containers shall be labeled and clearly distinguishable from a fuel bottle.

(15) Natural hazards within the boundary of the camp shall be plainly marked, and measures shall be followed to insure the safety of the campers.

(16) Unless a child is under the direct visual supervision of field staff, he shall not have access to a utility knife[, and staff shall assume responsibility for the child].

(17) Physical activities shall not exceed the physical capability of the weakest child of the group as documented in the child's record in accordance with Section 9(6)(d) of this administrative regulation.

(18) Actions shall be taken by the field program to ensure the health and safety of the children participating in the field program when weather conditions exceed the requirements specified in Section 12(4)(b)1 and 2 of this administrative regulation.

(19) When weather conditions are approaching the maximum and minimum as specified in Section 12(4)(b)1 and 2 of this administrative regulation, hiking and physical activities shall be permitted only to seek appropriate shelter or return to base camp.

(20) [Hiking and other physical activities shall be prohibited at temperatures greater than the heat index of ninety-five (95) degrees Fahrenheit or below a wind-chill factor of twenty (20) degrees Fahrenheit.

(19)] A first aid kit shall be:

(a) Kept at the base camp; [,]

(b) Carried by staff in the field program; and

(c) Be carried by staff in the field program when checking on a child on a solo expedition.

(21) [(20)] A first aid kit shall contain the following:

(a) Rubber gloves;

(b) Assorted adhesive bandages;

(c) Butterfly bandages or sterile strips;

(d) Triangular bandage or sling;

(e) Elastic bandage;

(f) Ace wrap;

(g) Gauze pads;

(h) Nonadherent dressings;

(i) Gauze roll;

(j) Tape;

(k) Cotton-tipped applicators;

(l) Eye patches;

(m) Povidone-iodine solution ten (10) percent;

(n) Benzalkonium chloride antiseptic wipes;

(o) Tincture of benzoin;

(p) Antibacterial soap;

(q) Alcohol wipes;

(r) Bulb syringe;

(s) Nonmercury [Digital] thermometer;

(t) A thermometer for low reading for cold weather and high altitude;

(u) Scissors;

(v) Tweezers;

(w) Water proof sunscreen with a sun protective factor (SPF);

(x) Insect repellent [thirty-five (35) percent (DEET)];

(y) Safety pins;

(z) Flashlight;

(aa) Nonaspirin-based over-the-counter pain medications; and

(bb) Diphenhydramine [Tylenol;

(cc) Benadryl; and

(dd) Scissors].

(22) [(21)] First aid treatment shall be provided promptly by the wilderness direct care staff. The wilderness first responder or other health care professional shall assess the need for further treatment and obtain medical treatment.

(23) Field [(22)] Staff shall maintain a daily log of a summary of the events and activities including:

(a) Date of departure and arrival times;

(b) Current weather and weather predictions for the next twenty four (24) hours;

(c) Trail information to inclue:

1. Distance;

2. Location;

3. Potential dangers;

4. Any inconveniences encountered;

5. Campsites; and

6. Water availability;

(d) Group assessment;

(e) Unusual occurrences including:

1. Incidents; and

2. Accidents;

(f) Equipment and supplies; and

(g) Itinerary changes.

(24) Wilderness [(23)] Staff shall maintain documentation on each child on a daily basis, and shall contain information of the child's progress and treatment including:

(a) Accidents;

(b) Injuries;

(c) Behavioral problems;

(d) Unusual occurrences or incident;

(e) Illness; and

(f) Emotional behavior.

(25) [(24)] A youth wilderness camp program shall have written policy on an evacuation plan and emergency procedures.

(26) [(25)] All documentation shall be:

(a) Recorded in permanent ink; and

(b) Available to staff of the cabinet, the Cabinet for Health Services, or the Department for Juvenile Justice.

(27) [(26)] The youth wilderness camp program shall have a written procedure for the administration of medication in accordance with a physician's orders and the administration of medication shall be recorded for each child.

(28) [(27)] A copy of the child's current physical, permission for medical treatment and medication administration record shall be maintained at the base camp and another copy carried [by a staff member] in a waterproof container throughout the duration of the field program by a field staff member.

(29) [(28)] A youth wilderness camp program shall have written policy and procedures for:

(a) Visitation; and

(b) Contact with:

1. A child's family;

2. Cabinet's social worker;

3. Legal custodian; and

4. The Department for Juvenile Justice.

(30) [(29)] Incoming and outgoing mail shall not be restricted but shall be delivered in a prompt manner as the location and circumstances dictate.

(31) [(30)] A swimming pool, beach, and natural bathing place shall comply with administrative regulation 902 KAR 10:120, Kentucky public swimming and bathing facility.

(32) [(31)] Swimming shall be under the supervision of a person holding a lifesaving certificate or its equivalent as required in 902 KAR 10:120.

(33) [(32)] Any sports or outdoor equipment shall be maintained in good condition and checked regularly:

(a) Prior to each field trip by conducting:

1. Equipment inspections;

2. Routine servicing;

3. Preventative maintenance;

4. Repair; and

(b) At base camp.

(34) [(33)] A child shall not camp in an area that is heavily populated with poisonous plants including:

(a) Poison sumac; and

(b) Poison ivy.

(35) [(34)] Insecticides, pesticides and chemical poisons shall be plainly labeled and stored in a secure place in accordance with 922 KAR 1:300, Section 4(6)(f).

(36) [(35)] Gasoline and other highly flammable fluids shall be:

(a) Plainly marked; and

(b) Stored in a locked container; or

(c) Stored in a building not occupied by residents of the camp, at a minimum of fifty (50) feet from sleeping quarters or buildings where people congregate.

(37) [(36)] The camp shall conform to fire prevention and protection requirements of local fire departments in the locality of the camp.

~~(38) [(37)] Emergency telephone numbers shall be posted at the base camp including:~~

~~(a) Local fire and law enforcement agencies;~~

~~(b) Rescue unit; and~~

~~(c) National or state forest service office; or~~

~~(d) Lookout station.~~

~~(39) [(38)] An itinerary or an arrangement may be filed with the national or state forest service.~~

~~(40) [(39)] If the base camp or the field program pass onto private land, an agreement shall be made with the individual responsible for that land prior to access.~~

~~(41) [(40)] In tent structures that have a platform floor, beds or bunks shall be arranged so that no camper who might fall from a bed or bunk could fall through the sides of the tent to the ground below.~~

~~(42) [(41)] A youth wilderness camp program shall be in compliance with applicable federal, state, and local regulations.~~

~~Section 6. Water and Nutritional Requirements. (1) Six (6) quarts potable water shall be available for each child and field staff each day.~~

~~(2) Field staff shall ensure that a child's water intake is sufficient to prevent dehydration.~~

~~(3) An electrolyte replacement shall be available with each group at all times.~~

~~(4) Location of a water source shall be determined before the group leaves camp each day.~~

~~(5) The youth wilderness camp program shall have a written menu describing food supplied to a child that shall meet the nutritional guidelines of the U.S. Department of Agriculture.~~

~~(6) Food and water shall not be withheld from a child for behavioral management.~~

~~(7) If no cooking source is available, other food of equal nutritional value that does not require cooking shall be provided.~~

~~(8) Forage items shall not be used toward the determination of nutritional intake.~~

~~Section 7. Sanitation. (1) Food and beverages shall be of safe quality and stored to prevent contamination and spoilage.~~

~~(2) Except during food preparation, food that is removed from the container or package in which it was obtained, shall be stored in a clean covered container.~~

~~(3) Except during periods of food preparation, potentially hazardous foods shall be stored below forty-five (45) degrees Fahrenheit for cold foods, and above 140 degrees Fahrenheit for hot foods.~~

~~(4) Frozen foods shall be kept frozen and shall be stored at a temperature of zero degrees Fahrenheit or below.~~

~~(5) Raw fruits and vegetables shall be washed thoroughly before being cooked or served.~~

~~(6) Single service articles shall be used only once.~~

~~(7) Cast iron may be used as a food contact surface only if the surface is heated, such as in grills and skillets.~~

~~(8) Equipment and utensils, including single service articles, shall be designed and fabricated for durability under conditions of normal use, and shall be resistant to denting, buckling, pitting, chipping, and crazing.~~

~~(9) If manual dishwashing is used, a three (3) compartment vat or three (3) containers shall be used to clean, rinse and sanitize.~~

~~(10) If manual cleaning and sanitizing is used, sinks or containers shall be cleaned prior to use. Equipment and utensils shall be:~~

~~(a) Preflushed;~~

~~(b) Prescraped; or~~

~~(c) Presoaked to remove:~~

~~1. Gross food particles; and~~

~~2. Soil.~~

~~(d) Thoroughly washed in:~~

~~1. A hot detergent solution at a temperature of a minimum of ninety-five (95) degrees Fahrenheit; and~~

~~2. The first compartment or container;~~

~~(e) Rinsed in the second compartment or container; and~~

~~(f) Sanitized in the third compartment according to one (1) of the methods included in subsection (12)(a) through (d) of this section.~~

~~(11) Food contact surfaces shall be:~~

~~(a) Easily cleanable;~~

~~(b) Smooth; and~~

~~(c) Free of breaks including:~~

~~1. Open seams;~~

~~2. Cracks;~~

~~3. Chips;~~

~~4. Pits and similar imperfections; and~~

~~5. Free of difficult to clean internal corners and crevices.~~

~~(12) Food contact surfaces of all equipment and utensils shall be sanitized by:~~

~~(a) Immersion for at a minimum of one (1) minute in a clean solution containing at least fifty (50) parts per million of available chlorine as a hypochlorite and having a temperature of a minimum of seventy-five (75) degrees Fahrenheit;~~

~~(b) Immersion for at least one (1) minute in a clean solution containing at least twelve (12) and five-tenths (12.5) parts per million of available iodine and having a potential hydrogen (pH) level not higher than five (5.0) and having a temperature of at least seventy-five (75) degrees Fahrenheit;~~

~~(c) Immersion in a clean solution containing other chemical sanitizing agents approved by the Cabinet for Health Services that shall provide the equivalent bactericidal effect of a solution containing at least fifty (50) parts per million of available chlorine as a hypochlorite at a temperature of a minimum of seventy-five (75) degrees Fahrenheit for one (1) minute; or~~

~~(d) Rinsing, spraying, or swabbing with a chemical sanitizing solution of a minimum of twice the strength required for that particular sanitizing solution under this subsection [if used for immersion sanitation] in the case of equipment too large to sanitize by immersion.~~

~~(13) If chemicals are used for sanitation, concentrations shall not exceed the maximum permitted under 21 CFR Chapter 1, Subchapter B, Food for Human Consumption, Part 178, Subpart 178. 1010, Sanitizing Solutions, and a test kit or other device that accurately measures the parts per million concentration of the solution shall be provided and used.~~

~~(14) Food contact surfaces of utensils and equipment shall be kept free of encrusted grease that is used for cleaning food contact and nonfood contact surfaces shall be clean, and used for no other purpose.~~

~~(15) Moist cloths used for cleaning shall be:~~

~~(a) Clean and rinsed frequently; or~~

~~(b) Stored in one (1) of the sanitizing solutions specified in subsection (12) of this section.~~

~~(16) Garbage and refuse shall be kept in durable insect proof and rodent proof containers that are leak proof and do not absorb liquids.~~

~~(17) The storage, collection and disposal of refuse shall be conducted to not create a health hazard, rodent harborage, insect breeding area, accident or fire hazard, or air pollution.~~

~~(18) Refuse containing garbage shall be collected at least one (1) time per week or more often if deemed necessary.~~

~~Section 8. Building and Tent Safety. (1) Each building, tent, or other shelter, and camp premises shall:~~

~~(a) Be kept in good repair, and be maintained in a fire safe condition; and~~

~~(b) Comply with the 815 KAR 10:060, Kentucky Standards of Safety.~~

~~(2) A fabric structure, tent, tarpaulin, temporary fabric shelter, insect netting, sleeping bag and bedding materials shall be of a fire and flame retardant material.~~

~~(3) If a fabric structure is used, no plastic material shall be permitted.~~

~~(4) Cooking and heating units fueled by gas, electric or wood shall be installed and maintained in accordance with the manufacturer's instructions with safety devices to prevent fire, explosions, and other hazards.~~

~~(5) Fire hazards and combustible materials such as paper and rags shall not be permitted to accumulate upon the premises, and shall not be stored near:~~

~~(a) Water;~~

~~(b) Heaters;~~

~~(c) Furnaces;~~

~~(d) [Heaters;~~

(e)] Stoves; and
(e) [(f)] Fireplaces; or
(f) [(g)] Campfires.

(6) Rubbish that is combustible shall be disposed of daily in a manner approved by local, state, or federal authorities.

(7) During periods of the year when the danger of fire is high, or when the county having jurisdiction bans open burning or open fires, no open campfires or other fires shall be permitted.

(8) The local fire authorities shall be notified of the location of base camp, and dates of the camp sessions.

(9) Within twenty-four hours (24) after arrival at the base camp, the group shall be made familiar with the methods of fire safety and evacuation, and with procedures to be followed upon notification of fire.

(10) An area used for ground-based campfires shall be cleared of combustible materials for a distance of at least ten (10) feet beyond the edge of the fire and all campfires shall be away from overhanging branches.

(11) Campfires shall never be left unattended and shall be thoroughly extinguished.

(12) Matches, lighters and other devices capable of producing fire or flame shall be kept away from children, and only designated field staff members may possess these devices. When not in use, these devices shall be secured and under the direct control of field staff members.

Section 9. Admission Requirements for a Youth Wilderness Camp. (1) A child who participates in a youth wilderness camp program shall be at least eleven (11) years old and no older than eighteen (18) years of age.

(2) The admission screening for the youth wilderness camp program shall be conducted at the child-caring facility.

(3) The admission screening shall be supervised by a treatment director prior to a child's entrance into the base camp and shall include the following:

(a) A review of the child's social and psychological history with the parent or legal guardian prior to participation;

(b) An interview with the child prior to entrance into the youth wilderness [youth] camp; and

(c) A review of the child's health history, weight, and physical examination prior to entrance into the youth wilderness [youth] camp.

(4) A child shall have a physical examination within sixty (60) days prior to entrance into the field program signed by a licensed physician or a qualified person under the supervision of a licensed physician.

(5) The youth wilderness camp program staff shall provide the licensed physician or the qualified person under the supervision of a licensed physician with description of the physical demands and environment of the program.

(6) Written documentation of a physical examination shall be provided by the licensed physician or the qualified person under the supervision of the licensed physician, and include the following information:

(a) A urinalysis drug screen when appropriate as indicated by case history;

(b) A urinalysis for possible infections;

(c) A pregnancy test for a female child;

(d) An assessment of a child's ability to participate in a youth wilderness field program based on climate, temperature, age, weight, physical ability, and gender;

(e) An evaluation of a child's prescription and nonprescription medications for appropriate storage;

(f) A determination if detoxification is indicated for the child prior to entrance into youth wilderness field program; and

(g) Any known allergies.

(7) Prior to admission to the youth wilderness camp, the treatment director shall provide a written assessment of a child's ability to participate that includes current risk of the following behaviors:

(a) Runaway;

(b) Sexual acting out;

(c) Fire setting; or

(d) Threat to self or others.

Section 10. Base Camp. (1) A youth wilderness camp program shall maintain a base camp that includes an administrative office located at the base camp or the child-caring facility when used as a base camp.

(2) A child shall be housed in a tent, building or other shelter at a base camp and shall be:

(a) Of an adequate size to ensure the group's protection from the environment; and

(b) Large enough to accommodate the number of individuals using it.

(3) A base campsite shall be located on land that is:

(a) Well drained; and

(b) Not located on a swamp or similar locale in which mosquitoes may breed.

(4) The base camp shall have assigned supervision and maintain adequate child-staff ratios as established in 922 KAR 1:300, Section 3(5)(b)8, during program activities.

(5) Field staff shall be within the range of each child's voice and each child shall be within the sight of the field staff person at all times.

(6) Field staff need not be awake during sleeping hours when there is a group of children of the same sex.

(7) Field staff shall be awake during sleeping hours when there is a mixed gender group.

(8) Periodic monitoring of residents [shall be conducted] during sleeping hours shall be conducted and documented to ensure safety and security.

(9) In the base camp, the field administrator or designee shall:

(a) Maintain current wilderness staff and children's files, which include documentation of demographics, eligibility, case plans, and medical forms at a minimum;

(b) Maintain a current list of names of staff and children in each field program group;

(c) Maintain a master map of all base camp activity areas;

(d) Maintain a copy of each field program route with its schedule and itinerary;

(e) Maintain a log of communications between the base camp and field program group at all times;

(f) Be responsible for training and orientation, management of field personnel, related files and records;

(g) Be responsible for maintaining communications with field program groups;

(h) Be responsible for documenting medical incidents and signing report;

(i) Document all equipment maintenance and inspections; and

(j) Provide all information upon request for review by the cabinet or the Cabinet for Health Services.

(10) A base camp shall have shower facilities that are in good repair and clean at all times.

(11) A lavatory or hand-washing facility shall be conveniently located to a toilet facility, and be in good repair and clean at all times.

(12) Common drinking cups, glasses, vessels and eating utensils shall be prohibited at a base camp.

Section 11. Field Program. (1) A field program shall have a minimum of one (1) wilderness first responder per group.

(2) There shall be one (1) field staff per group that has a life saving certificate or its equivalent from an organization or an agency approved by the cabinet, when out in a field program.

(3) A field administrator shall lead the field program, or designate a field staff member as a field program leader.

(4) The designated field program leader shall:

(a) Complete the training program as required in Section 3 of this administrative regulation; and

(b) Have one (1) year of field experience.

(5) A field program shall have a written plan for each field trip that addresses:

(a) Safety procedures relating to illness, injury, inclement weather, and other conditions on the field trip;

(b) Evacuation plans and procedures; [and]

(c) Contingencies for providing additional field staff or supervision to the field program; and

(d) Location of field program from base camp as specified in Section 5(6) of this administrative regulation.

(6) A child that is assessed by the treatment team as unable to participate in the field program shall be relocated based upon the needs of the child.

(7) A child's prescription and nonprescription medication shall be:

(a) Maintained in its original package;

(b) In a waterproof double-locked container;

(c) Properly secured; and

(d) Stored in a waterproof container.

(8) Field staff shall maintain a common, signed, daily log or dictate a recorded log to be transcribed and signed immediately following termination of the activity.

(9) Map routes, including anticipated schedules and times shall be carried by field staff.

(10) Field staff shall carry a weather radio at all times.

(11) Field [program] staff carry an operational device for constant communication with base camp at all times.

(12) A field program shall not extend outside the state of Kentucky.

(13) A field program shall not exceed sixty (60) consecutive days.

(14) A trip away from the base camp that does not exceed forty-eight (48) hours shall be:

(a) Exempt from the field program requirements specified in this section; and

(b) Comply with 922 KAR 1:300, Section 6(3).

Section 12. Optional Solo Experience. (1) A child committed to the cabinet shall not participate in an optional solo experience.

(2) Upon completion of a field program, a child shall be taken back to the base camp and be reassessed by the treatment team for participation in the optional solo experience.

(3) A child who is under the age of thirteen (13) years old shall not participate in an optional solo expedition.

(4) The appropriateness of a optional solo experience for a child shall be determined by the following:

(a) Upon completion of the field group program prior to an optional solo experience occurring during the hours of darkness; and

(b) Weather conditions including:

1. Lightning; and

2. Temperatures greater than heat index of ninety-five (95) degrees Fahrenheit or below a wind-chill factor of twenty (20) degrees Fahrenheit.

(5) The site for an optional solo experience shall be approved by the field administrator.

(6) An optional solo experience shall not exceed seventy-two (72) hours.

(7) An optional solo experience that exceeds twenty-four (24) hours shall include a minimum of two (2) face-to-face contacts by field staff for a minimum duration of one (1) hour during a twenty-four (24) hour period.

(8) An optional solo experience shall not exceed twenty-four (24) hours for a child age thirteen (13) or fourteen (14).

(9) A child shall be placed within a commonly-known boundary area that is located within three (3) minutes of time from field staff.

(10) During an optional solo experience:

(a) A field staff person shall:

1. Know the whereabouts of the child; and

2. Be within the range of:

a. The child's voice;

b. A whistle signal;

c. A flashlight signal; and

(b) Each child shall be within the sight of the field staff person.

(11) A child shall be spaced so he is not in sight of another optional solo wilderness participant but close enough to permit easy field staff monitoring and communication by whistle signals or a flashlight.

(12) Field staff shall draw a sketch map of the solo sites with the names of the children on it and the map shall be maintained by field staff for monitoring purposes.

(13) An assessment for an optional solo experience shall be:

(a) Conducted by the treatment team; and

(b) Authorized by a child's legal custodian and a treatment director or other equivalent designee.

(14) A solo site shall not be located within one (1) mile of natural hazards including:

(a) Swift moving water;

(b) Water over waist deep; or

(c) A cliff.

(15) Except between the hours of 10 p.m. and 6 a.m., field staff shall have face-to-face contact with a child on an optional solo experience:

(a) Throughout the day at a minimum of one (1) minute contact every two (2) hours; and

(b) Include a minimum of a one (1) hour session of face-to-face contact to:

1. Assess progress;

2. Assess risk factors; and

3. Continue appropriateness of the optional solo experience.

(16) If an optional solo experience needs to be suspended based upon the needs of the child, field staff shall contact the treatment director or equally-qualified designee as soon as possible.

(17) During nighttime, a child on an optional solo experience shall be visually checked:

(a) A minimum of once every half hour until asleep; and

(b) Three (3) hours after asleep.

(18) A child shall receive a minimum briefing that includes:

(a) Duration of the optional solo expedition;

(b) Whistle and flashlight safety rules;

(c) Boundary areas;

(d) Equipment and activity rules;

(e) The location of field staff; and

(f) Emergency procedures.

(19) Each child on an optional solo experience shall have the following to use in case of an emergency:

(a) Flashlight and whistle; or

(b) Radio transmitters.

(20) The following activities shall not be allowed on an optional solo expedition:

(a) Wading or swimming;

(b) Climbing trees;

(c) Going beyond the boundary area; and

(d) Hiking.

(21) The flashlight may be removed during a child's sleeping hours.

(22) A child on an optional solo expedition shall have the following:

(a) Water bottle;

(b) Tarp and string or tent;

(c) Sleeping bag;

(d) Rain gear;

(e) Appropriate clothing for the season;

(f) [(d) Allotted and] Adequate food for the duration of the optional solo;

(g) [(e)] A journal and pencil;

(h) [(f)] Toothbrush and toothpaste;

(i) [(g)] Toilet paper;

(j) [(h)] Soap; and

(k) [(i)] Feminine hygiene items.

(23) The following equipment shall not be given to a child on an optional solo:

(a) Watch;

(b) Fire making equipment;

(c) A stove; or

(d) Other potentially dangerous items.

(24) A child shall be given a treatment assignment related to his individual issues as addressed in the ITP.]

DIETRA PARIS, Commissioner
HIREN DESAI, Attorney at Law
VIOLA P. MILLER, Secretary
APPROVED BY AGENCY: March 7, 2002
FILED WITH LRC: March 7, 2002 at 3 p.m.

ADMINISTRATIVE REGULATIONS AMENDED AFTER PUBLIC HEARING OR RECEIPT OF WRITTEN COMMENTS

TRANSPORTATION CABINET
Department of Highways
Division of Traffic
(Amended After Hearing)

603 KAR 4:045. Cultural and recreational supplemental guide signs and boundary signs.

RELATES TO: KRS 189.337, 177.037, 23 CFR Subpart F
STATUTORY AUTHORITY: KRS 177.037, 189.337(2)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 189.337(2) and 177.037 authorize [~~authorizes~~] the Transportation Cabinet to promulgate standards and specifications for uniform system of traffic control devices. This administrative regulation sets forth standards to be used in the erection and maintenance of cultural and recreational supplemental guide signs and boundary signs.

Section 1. Definitions. (1) **"Agritourism" means an agricultural-elated activity such as a pumpkin festival or corn maze held on a working farm as a seasonal activity.**

(2) "Boundary" means the official beginning or end of any political subdivision, national scenic byway or established corridor that is recognized by a state or national publication including but not limited to maps and getaway guides.

(3) [~~(2)~~] "Boundary sign" means a sign placed on or off right-of-way that marks the boundaries of a city, unincorporated urban place, national scenic byway or established corridor. A boundary sign for a city or an unincorporated urban places may include events or accomplishments important to that area and may also honor the birthplace of a person important to that area.

(4) [~~(3)~~] "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 a certain distance from the edge of the traveled way as specified by the AASHTO Roadside Design Guide (current edition).

(5) [~~(4)~~] [~~(2)~~] "Cover" means a protective shield over a cultural and recreational supplemental guide sign which prohibits viewing of the sign.

(6) [~~(5)~~] [~~(3)~~] "Cultural and recreational supplemental guide sign panel" means an official sign placed within the highway right-of-way with space for one (1) or more individual signs to be attached to it.

(7) [~~(6)~~] [~~(4)~~] "Cultural or recreational" means a public or private activity which provides a tourist attraction, cultural or recreational activity to the traveling public.

(8) [~~(7)~~] [~~(5)~~] "Cultural or recreational activity" means a cultural, historical, recreational, agricultural, educational or entertainment activity.

(9) [~~(8)~~] [~~(6)~~] "Department" is defined by KRS 189.010(1).

(10) [~~(9)~~] [~~(7)~~] "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 activity.

(11) [~~(10)~~] [~~(8)~~] "Illegal sign" means an advertising device which has been determined by the cabinet to be illegal according to the provisions of 603 KAR 3:080.

(12) [~~(11)~~] [~~(9)~~] "Intersection" is defined by KRS 189.010(4).

(13) [~~(12)~~] [~~(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.

(14) [~~(13)~~] [~~(11)~~] "MUTCD" means the Federal Highway Administration's "Manual on Uniform Traffic Control Devices" incorporated by reference in 603 KAR 5:050.

(15) [~~(14)~~] [~~(12)~~] "Public road" means all state-maintained roads other than interstate or and parkways.

(16) [~~(15)~~] [~~(13)~~] "Ramp" means the on- or off-access road from an interstate highway or parkway to or from the first public road.

(17) [~~(16)~~] "Trailblazing" means to provide directional guidance to a particular cultural or recreational site from other highways in the vicinity.

Section 2. General Provisions. The Department of Highways shall control the erection and maintenance of cultural and recreational supplemental guide signs in accordance with the MUTCD and this administrative regulation.

Section 3. Applications and Contracts for Cultural and Recreational Supplemental Guide Signs. An application for cultural and recreational supplemental guide signs shall be made to the Department of Highways by the city or community preparing the signage program.

Section 4. Information Panels for Cultural and Recreational Supplemental Guide Signs. (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 cultural and recreational supplemental guide signs shall not be erected:

1. On interstates or parkways;
2. On the on ramp or off ramp of an interstate or parkway;
3. Where there is insufficient space to locate both other traffic control devices and the information panels; or
4. So that the traffic is directed onto an interstate or parkway;

(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 on the approach to 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 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 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 cultural and recreational supplemental guide signs will be placed for the identification of cultural and recreational activities. The directions of traffic are the following:

1. A left turn;
2. A right 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 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.

Section 5. Cultural and Recreational Supplemental Guide Sign Design and Composition. (1) Each cultural and recreational supplemental guide sign shall:

(a) Be rectangular in shape;
(b) Have a white legend and border on a brown 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 cultural and recreational supplemental guide sign 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 may be shown beneath the arrow;

(c) Arrows pointing to the right at the extreme right of the cultural and recreational supplemental guide sign; and

(d) Arrows pointing to the left or up at the extreme left of the cultural and recreational supplemental guide sign.

(3)(a) The arrangement of the cultural and recreational supplemental guide 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 size as legends shall be placed on the advance information panels above the cultural and recreational supplemental guide sign.

(c) The legend "RIGHT X MILE", "LEFT X KILOMETERS", or similarly worded legend may be used if there are intervening minor roads.

(4) There shall not be more than four (4) cultural and recreational supplemental guide signs installed on a single information panel.

(5) Cultural and recreational supplemental guide signs shall be arranged vertically on the information panels. Information panels shall be located so that the right turn signs are closer to the intersection. If no more than four (4) cultural and recreational supplemental guide signs are to be installed on an approach to an intersection, the cultural and recreational supplemental guide signs may be combined on the same information panel with the cultural and recreational supplemental guide sign for left turns placed above the cultural and recreational supplemental guide signs for right turns.

(6) The standard lettering for cultural and recreational supplemental guide signs shall be in upper case letters of the type provided in the "Standard Alphabets for Highway Signs and Pavement Markings" book published in 1977 by the U.S. Department of Transportation. Capital letters shall be six (6) inches in height.

(7)(a) A cultural and recreational supplemental guide sign shall not exceed seventy-two (72) inches wide and eighteen (18) inches tall.

(b) The cultural and recreational supplemental guide 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 twelve (12) inches wide and sixteen (16) inches tall.

(d) Cultural and recreational interstate area symbols may be used. These symbols shall be consistent with the MUTCD.

(e) There shall be a one (1) inch white border surrounding the sign and separating the directional arrow and legend.

(f) There shall be a one (1) inch spacing between the border and legend and two (2) inch spacing between lines of legend.

(g) The maximum length of the legend shall be five (5) feet and four (4) inches per line.

(h) In areas of reduced speeds or forty-five (45) mph or less the size of the cultural and recreational supplemental guide signs and lettering shall be set by the State Highway Engineer's Office, considering the location and terrain of the area.

(8) Clearance of panels should be governed by Sections 2A and 2D of the MUTCD.

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 cultural and recreational 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 of the entrance.

Section 7. Cultural and Recreational Activity Eligibility. A cultural and recreational activity shall meet the following requirements to qualify for cultural and recreational signing. A cultural and recreational supplemental guide sign shall not be erected until the activity or site has been approved in accordance with this administrative regulation.

(1) The activity shall be open to the general public during regular and reasonable hours, and not by appointment or reservation only.

(2) Approval shall not be granted if the cultural and recreational activity is using an illegal sign at any location in the Commonwealth of Kentucky.

(3) Each 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 activity identified on a cultural and recreational supplemental guide sign shall provide assurance of its conformance with all applicable federal, state or local laws and regulations. If a cultural and recreational 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.

(4) The 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 cultural and recreational 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.

(5) Any activity which operates on a seasonal basis shall make provisions to remove or cover the activity's sign during the off season. The Transportation Cabinet shall be notified at least thirty (30) days before the opening or closing occurs and proper arrangements made to remove or cover the sign or signs.

(6) A cultural and recreational supplemental guide sign 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 cultural and recreational activity.

(7) The Transportation Cabinet shall not be responsible for business lost due to signs or information panels becoming temporarily out of service.

(8) The display of the activity sign on the cultural and recreational structure shall not be considered an endorsement or recommendation by the state of Kentucky on behalf of the cultural and recreational activity.

(9) To qualify for a cultural and recreational supplemental guide 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 sign is displayed or receives a waiver from the Transportation-Tourism Interagency Committee;

(b) Have adequate parking on site or nearby for the facility;

(c) **Meets the criteria set forth in the Cultural Heritage Certified Sites Program if it is a permanent activity and a cultural heritage certified site.**

(d) Be listed on or eligible for listing on the National Register of Historic Places if the cultural and recreational activity is an historic site; and

(e) [~~(d)~~] Have an eligibility distance of twenty (20) miles or less. If there is a corresponding limited supplemental sign, the eligible distance shall be fifty (50) miles or less. [~~fifteen (15) miles or less.~~]

Section 8. Changes. Any changes to the original approved set of signs as it relates to the location and or approved activities shall be permitted by the cabinet according to criteria set forth in Section 7 of this administrative regulation.

Section 9. Measurements. Measurements for the qualification of activities for display of a cultural and recreational supplemental guide sign shall begin at the point of measurement described in this section to the nearest point of vehicle travel to the exit from the crossroad to the activity.

Section 10. **Agritourism. (1) Agritourism facilities approved by the Kentucky Department of Agriculture may be placed on temporary nonbillboard off-premise advertising devices off the right-of-way.**

(2) The Kentucky Department of Agriculture shall submit a written request to the cabinet's Department of Highways District Office.

(3) There shall be only one (1) sign erected on a road in each direction of travel and shall display the Kentucky Department of Agriculture approved logo for the activity.

(4) The Agritourism facility shall provide written proof to the cabinet and the Kentucky Department of Agriculture that they have authorization from the property owner where the sign is to be erected.

(5) The signs may be placed two (2) weeks prior to the start of an event and shall be removed within forty-eight (48) hours after the event is concluded.

Section 11. Permits. The city or local community wishing to install **cultural and recreational supplemental guide** signs shall apply for an encroachment permit pursuant to 603 KAR 5:150 for each information panel proposed to be erected, changed or removed from the state-owned right-of-way.

Section **12.** **[~~11.~~]** General Provisions for Boundary Signs. (1) Boundary signs may be placed on the right-of-way if the entire sign is located beyond the clear zone.

(2) Boundary signs shall be located off the right-of-way if insufficient right-of-way exists to provide a safe and convenient Travelways for motorists. The Transportation Cabinet shall use the ASTHMA publication, "The Roadside Design Guide" to make this determination.

(3) Boundary signs shall be no more than 200 square feet and may include a welcome message in addition to any other message as permitted by KRS 177.037. The appropriate Transportation Cabinet Department of Highways District Office shall advise the person requesting the sign as to the number and size that will properly fit within the right-of-way as necessary for the subject area.

(4) The Transportation Cabinet shall install these signs upon written request if all requirements of this regulation are followed. The Transportation Cabinet shall invoice the appropriate community, byway or corridor.

(5) If more than one (1) community, byway or corridor requests the same general area for a sign or group of signs, the community shall have preference. These signs shall be limited to one (1) per direction of travel per roadway for entering and one (1) per direction of travel per roadway for leaving the area.

(6) Boundary signs may include sports accomplishments, events important to the city or unincorporated urban place and honoring the birthplace of a person important to the city.

(7) Upon completion of installation of a boundary sign, all existing signs that have been placed by the cabinet to commemorate a similar message or events shall be removed, at the expense of the community, byway, or corridor. If a community has placed signs on or off the right-of-way that are similar in nature, they shall be removed or incorporated into the new signs.

Section **13.** **[~~12.~~]** Incorporation by Reference. (1) The following material is incorporated by reference:

(a) ASTHMA publication, "The Roadside Design Guide", copyright 1989;

(b) "TC 99-1 Encroachment Permit", (3/99 Edition), Transportation Cabinet; **[~~and~~]**

(c) **[~~(b)~~]** "Standard Alphabets for Highway Signs and Pavement Markings", (1977 Edition), U. S. Department of Transportation**; and**

(d) Cultural Heritage Certified Sites Program Guide".

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Transportation Cabinet, 501 High Street, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:30 p.m.

J. M. YOWELL, P. E., State Highway Engineer
JAMES C. CODELL, III, Secretary
ELIZABETH D. BAKER, Assistant General Counsel

APPROVED BY AGENCY: February 11, 2003
FILED WITH LRC: February 12, 2003 at 4 p.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Elizabeth D. Baker

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets forth the criteria to be followed in the erection and maintenance of cultural and recreational supplemental guide signs and boundary signs designed to inform motorists where cultural and recreational sites are located.

(b) The necessity of this administrative regulation: KRS 189.337 authorizes the Transportation Cabinet to promulgate standards and specifications for a uniform system of traffic control devices.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administration sets forth standards to be used in the erection and maintenance of cultural and recreational supplemental guide signs.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This amendment will expand eligibility requirements to allow some attractions to qualify for this signage program that would not qualify under the existing regulation.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment amends the provisions regarding qualifications for limited supplemental guide signs to allow for greater eligibility distance and to accommodate additional signage.

(b) The necessity of the amendment to this administrative regulation: It is necessary to promulgate an amendment to this administrative regulation in order to fulfill the directive of the legislature in SB 238 as enacted by the 2002 GA.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment amends the provisions regarding qualifications for limited supplemental guide signs to allow for greater eligibility distance and to accommodate additional signage.

(d) How the amendment will assist in the effective administration of the statutes: This will provide policy and procedures for application and approval of boundary signs as mandated by SB 238.

(3) List and type the number of individuals, businesses, organization, or state and local governments affected by this administrative regulation: This administrative regulation will affect all cultural and recreational sites in the interest of the traveling public.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment. This amended administrative regulation will have a positive impact as it will provide directional information regarding cultural and recreational sites increasing business for those sites and making access for citizens more efficient.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No known cost.

(b) On a continuing basis: There are on-going costs related to administration of the program within the cabinet and enforcement of the regulation. These amendments should not increase the current cost for these programs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Road funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The cabinet has not increased fees and does not anticipate a need for increased funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increase any fees: No

(9) TIERING: Is tiering applied? Tiering is not applied because all cultural and recreational sites affected by this regulation are treated the same.

DEPARTMENT OF STATE
Registry of Election Finance
(Amendment)

32 KAR 1:100. Slate software.

RELATES TO: KRS 121.180
STATUTORY AUTHORITY: KRS 121.140(4), 121A.020(7)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 121.140(4) and 121A.020(7) require the Kentucky Registry of Election Finance to adopt official forms and perform other duties necessary to implement the provisions of KRS Chapters 121 and 121A. KRS 121.120(6) requires the Kentucky Registry of Election Finance to develop or acquire a system for electronic reporting for use by individuals and entities required to file campaign finance reports under KRS Chapter 121A. KRS 121.120(6) also requires the Kentucky Registry of Election Finance to promulgate a filer format, to provide free filer software, and to post campaign finance data for statewide candidates on the Internet within ten (10) days of filing. KRS 121.180(12)(c) specifically requires that electronic reporting be made available for all statewide candidates, including slates of candidates for Governor and Lieutenant Governor. To effectuate this legislative mandate, the Kentucky Registry of Election Finance has developed a system of electronic reporting, promulgated the Electronic Reporting Data Transmission Format and has contracted to provide free filer software to slates of candidates. The Kentucky Registry of Election Finance encourages the use of the free filer-side software, which is tailored to assist slates of candidates comply with the reporting provisions. By encouraging electronic reporting for slates of candidates, the Kentucky Registry of Election Finance will be better able to manage, analyze, and post electronically-massive quantities of data within the time frame required by statute. This administrative regulation will encourage electronic reporting for slates of candidates using the designated Electronic Reporting Data Transmission Format for gubernatorial elections.

Section 1. (1) All slates of candidates, their treasurers, and all campaign committees for slates of candidates, including those slates of candidates rejecting public financing, that elect to use filer-side software to compile, store or transmit electronically campaign finance data shall:

(a) Use only the filer-side software for electronic reporting that has been determined to comply with the "Electronic Reporting Data Transmission Format, 2002 Edition", promulgated under 32 KAR 2:220; and

(b) Submit an electronic version generated by the compliant filer-side software of all campaign finance reports required under KRS 121.180, 121A.020(5) and 32 KAR 1:180 by filing on diskette or via the Kentucky Registry of Election Finance's online Internet filing system, accompanied by the original paper copy.

(2) A slate of candidates that elects to compile, store and transmit campaign finance data without the assistance of filer-side software shall use the "Gubernatorial Election Finance Statement, September 2002 Edition," promulgated under 32 KAR 1:190E.

Section 2. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) The "Electronic Reporting Data Transmission Format, 2002 Edition";

(b) The "Electronic Reporting Software Vendor List, 2002 Edition"; and

(c) The "Gubernatorial Election Finance Statement, September 2002 Edition".

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Registry of Election Finance, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m., local time, or at http://www.kref.ky.gov. ~~[KRS 121.140(4) requires the Registry of Election Finance to "adopt official forms and perform other duties necessary to implement the provisions of this chapter and KRS Chapter 121A." With the reduction in contribution limits and increased disclosure requirements, as well as the requirement that slates of candidates report with much greater frequency, the amount of data which slates will file with the registry will be much greater than has been true of past campaigns. It is the registry's belief that the best way for the agency to implement the Public Financing Campaign Act of 1992 is through the use of the Election Information Management System, a software program tailored to assist slates in complying with the specific provisions of Kentucky law. The government side of the program will allow the registry to analyze massive quantities of data within the time frame required by statute. Because slates may begin to file to run in the 1995 race on July 15, 1994, it is necessary to promulgate this administrative regulation to adopt this program as the filing form for the 1995 gubernatorial campaign.~~

~~Section 1. (1) As authorized by KRS 121.140(4), the Registry of Election Finance hereby prescribes KREF 94-006/G, the Election Information Management Systems software (Copyright 1993-4, Election Technology Company) as the report form to be utilized by all slates of candidates for Governor and Lieutenant Governor. The software shall be made available at no charge to each slate of candidates which files with the Secretary of State and registers a slate campaign committee with the registry.~~

~~(2) All slates shall file campaign finance reports by filing on diskette, accompanied by one (1) paper copy.~~

~~Section 2. Material Incorporated by Reference. Form KREF 94-006/G, Election Information Management Systems (Copyright 1993-94, Election Technology Company) and accompanying documentation is hereby incorporated by reference and is on file with the Administrative Regulations Compiler or may be obtained from the Registry of Election Finance, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m., local time.]~~

RICHARD BELILER, Member
APPROVED BY AGENCY: February 13, 2003
FILED WITH LRC: February 13, 2003 at 4 p.m.

PUBLIC HEARING: A public hearing of this administrative regulation shall be held on March 21, 2003, at 9:30 a.m. at the Kentucky Registry of Election Finance, 140 Walnut Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by March 14, 2003, five workdays 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 be heard at the public hearing or written comments on the proposed amended administrative regulation to the contact person.

CONTACT PERSON: Rosemary F. Center, General Counsel, Kentucky Registry of Election Finance, 140 Walnut Street, Frankfort, Kentucky 40601, phone (502) 573-2226, fax (502) 573-5622.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Rosemary F. Center

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation encourages the electronic filing of campaign finance data for slates of candidates for Governor and Lieutenant Governor by requiring any filer-side software used by a slate of candidates to conform to the format promulgated by the Kentucky Registry of Election Finance under 32 KAR 2:220.

(b) The necessity of this administrative regulation: The Kentucky Registry of Election Finance encourages the use of the free filer-side software, which is tailored to assist slates of candidates comply with the reporting provisions.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to

KRS 121.140(4) and 121A.020(7), which authorize the Kentucky Registry of Election Finance to adopt offical forms and perform other duties to implement the provisions of KRS Chapters 121 and 121A.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will encourage electronic filing for slates of candidates and will assist the Kentucky Registry of Election Finance manage, analyze and post electronically massive quantities of data within the time frame required by statute.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment will change the requirement that slates of candidates use a now defunct software program for managing campaign finance and replace it with the requirement that, if a slate elects to use filer-side software, it should conform to the Kentucky Registry of Election Finance's format.

(b) The necessity of the amendment to this administrative regulation: The Kentucky Registry of Election Finance encourages the use of the free filer-side software, which is tailored to assist slates of candidates comply with the reporting provisions.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation conforms to KRS 121.140(4) and 121A.020(7), which authorize the Kentucky Registry of Election Finance to adopt offical forms and perform other duties to implement the provisions of KRS Chapters 121 and 121A.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation will encourage electronic filing for slates of candidates and will assist the Kentucky Registry of Election Finance manage, analyze and post electronically massive quantities of data within the time frame required by statute.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All slates of candidates for Governor and Lieutenant Governor, their treasurers, slate campaign committees and those wishing to file as a slate of candidates.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: This administrative regulation will provide the necessary guidance for slates of candidates regarding using filer-side software to manage, store and transmit campaign finance date.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No additional costs anticipated.

(b) On a continuing basis: No additional costs anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A, See number 5 above.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation establishes no fees either directly or indirectly.

(9) TIERING: Is tiering applied? This adminitrative regulation applies tiering pursuant to KRS 13A.210 to simplify reporting and recordkeeping requirements. The Kentucky Registry of Election Finance has used technological ability to tier the administrative regulation. Only slates of candidates who elect to use filer-side software to keep records and generate reports are required to use the electronic format promulgated and to provide electronic versions of their reports. Slates of candidates that do not elect to use filer-side software may continue filing on paper forms.

REVENUE CABINET
Department of Law
Division of Tax Policy
(Amendment)

103 KAR 1:050. Forms manual.

RELATES TO: KRS 42.470, 61.870-61.884, 131.020, 131.030, 131.041-131.081, 131.081(2), 131.081(9), 131.081(15), 131.110, 131.130, 131.130(3), (10), 131.155, 131.170, 131.181, 131.183, 131.190, 131.190(1), 131.340, 131.500, 131.500(1), (2), (3), (10), 131.510(1), (2)(a), 131.540, 132.020, 132.043, 132.060-132.090, 132.130-132.180, 132.190, 132.200, 132.215, 132.216, 132.220-132.270, 132.290, 132.310, 132.320, 132.450, 132.487, 132.510, 132.820, 132.990, 133.045, 133.110, 133.120, 133.130, 133.240, 134.420, 134.430, 134.500, 134.580(4), 134.590, 134.800, 134.805, 134.810, 134.815, 134.820, 134.825, 134.830, 135.010, 135.020, 135.050, 136.020, 136.030, 136.040, 136.050, 136.070, 136.090, 136.100, 136.115-136.180, 136.181-136.187, 136.1873, 136.310, 136.320, 136.330, 136.335, 136.377, 136.392, 136.545, 136.575, 137.130, 137.160, 138.195, 138.210, 138.240, 138.250, 138.260, 138.270, 138.341, 138.342, 138.344-138.355, 138.358, 138.320, 138.450, 138.460, 138.464, 138.470(4), (5), (6), 138.480, 138.530, 138.870, 138.876, 138.880, 138.885, 139.095, 139.170, 139.185, 139.210, 139.230, 139.240, 139.250, 139.260(1), (2), (3), 139.270, 139.410, 139.420, 139.470(1), (7), (10), (11), (14), 139.480, 139.483, 139.495, 139.497, 139.5382(1)(a), 139.550(1), (2), (4), 139.560, 139.590(1), 139.620(1), 139.770(2), 140.010, 140.060, 140.080(1)(a), 140.100, 140.130, 140.160, 140.165, 140.190, 140.222, 140.240, 140.250, 140.260, 140.265, 140.300-140.360, 140.350, 141.010(11), 141.0105, 141.011, 141.020, 141.0202, 141.0205, 141.021, 141.0215, 141.030, 141.040, 141.041, 141.042, 141.044, 141.050(4), 141.065, 141.070, 141.120, 141.150, 141.151, 141.160, 141.170, 141.180, 141.190, 141.200, 141.206, 141.210, 141.235, 141.300, 141.305, 141.315, 141.325, 141.330, 141.335, 141.340, 141.347, 141.370, 141.390, 141.400, 141.403, 141.407, 141.990, 142.010, 142.040, 142.050, 142.321, 142.327, 142.357, 143.030(1), 143.037, 143.040, 143.050, 143.060(1), 143.085, 143.990, 143A.010, 143A.030, 143A.035, 143A.037, 143A.080, 143A.090, 143A.100(1), 143A.991, 144.120(4), 154.12-219, 154.22-050, 154.22-060, 154.22-070, 154.24-110, 154.24-130, 154.26-090, 154.28-090, 154.45-090, 154.45-100, 154.45-110(1), 155.170, 209.160, 224.01-310(1), 224.50-822, 224.50-823, 224.60, 234.321, 234.370, 243.710, 243.720, 243.730, 243.850, 243.884, 299.530, 304.4-030, 304.11-050, 351.175, 395.470(3), 413.120, 11 USC 501, PL 105-261, Section 170 of the Kentucky Constitution

STATUTORY AUTHORITY: KRS 131.130(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 131.130(3) authorizes the Revenue Cabinet to prescribe forms necessary for the administration of any revenue law by the promulgation of an administrative regulation incorporating the forms by reference. This administrative regulation incorporates by reference the required revenue forms.

Section 1. Administrative - Required Forms. (1) Revenue Form KY-1345, "Handbook for Electronic Filers of Individual Income Tax Returns, Tax Year 2002 [~~2001~~]" shall provide information to assist tax preparers and transmitters in the submission of 2002 [~~2001~~] Federal and Kentucky Individual Income Tax Returns.

(2) Revenue Form 10A001, "Request to Inspect Public Records", shall be completed by the public to request access to public records specified on the form.

(3) Revenue Form 10A020, "Waiver of Appeal Rights", shall be completed by a taxpayer to reopen an audit that has become final if the taxpayer has failed to timely file a protest with the Revenue Cabinet.

(4) Revenue Form 10A070, "Authorization Agreement for Electronic Funds Transfer", shall be completed by taxpayers to authorize the Revenue Cabinet to move funds by electronic means from taxpayer accounts to the Revenue Cabinet as payment for taxes.

(5) Revenue Form 10A100, "Kentucky Tax Registration Application for Withholding, Corporation, Coal, Sales and Use Taxes", shall be used to apply for tax registration of the following taxes:

(a) Employer's Kentucky withholding;

(b) Corporation income and license;
(c) Coal severance and processing; and
(d) Sales and use.

(6) Revenue Form 10A100CS, "Kentucky Tax Registration Application for Withholding, Corporation, Coal, Sales and Use Taxes", shall be used to apply for tax registration of the following taxes:
(a) Employer's Kentucky withholding;
(b) Corporation income and license;
(c) Coal severance and processing; and
(d) Sales and use.

(7) Revenue Form 10A100-I, "Instructions for Kentucky Tax Registration Application for Withholding, Corporation, Coal, Sales and Use Taxes" provides instructions for the proper completion of Revenue Form 10A100, Kentucky Tax Registration Application for Withholding, Corporation, Coal, Sales and Use Taxes.

(8) Revenue Form 10A100CS-I, "Instructions for Kentucky Tax Registration Application for Withholding, Corporation, Coal, Sales and Use Taxes", provides instructions for the proper completion of Revenue Form 10A100CS, "Kentucky Tax Registration Application for Withholding, Corporation, Coal, Sales and Use Taxes".

(9) Revenue Form 10A101, "Kentucky General Business License Application", shall be completed by every person required to obtain a seller's permit as provided in KRS 139.210 and every person required to register and collect Kentucky use tax under KRS 139.340.

(10) Revenue Form 10A700, "Kentucky Tax Amnesty Application", shall be completed as application for the Tax Amnesty Program offered between August 1, 2002 and September 30, 2002.

(11) Revenue Form 10F100, "Your Rights As A Kentucky Taxpayer", shall provide the public with information describing taxpayer rights provided by KRS Chapters 131, 133 and 134.

(12) Revenue Form 10F710, "Important Information Regarding Your Tax Amnesty Application", shall provide the public with information relating to the Kentucky Tax Amnesty Program.

(13) [~~(11)~~] Revenue Form 12A012, "Receipt of Seized Property", shall be presented for execution to the taxpayer receiving returned property from the Kentucky Revenue Cabinet that was previously seized for failure to pay taxes in order to establish documentation that the property was returned to the taxpayer.

(14) [~~(12)~~] Revenue Form 12A018, "Kentucky Revenue Cabinet Offer in Settlement", shall be presented for execution to persons requesting to settle their tax liabilities for less than the delinquent tax liability based upon doubt as to collectibility or doubt as to liability.

(15) [~~(13)~~] Revenue Form 12A104, "Notice of Seizure", shall be presented to the owner or officer of the entity from which the Kentucky Revenue Cabinet is seizing property for failure to pay taxes owed to the Commonwealth.

(16) [~~(14)~~] Revenue Form 12A107, "Notice of Sale", shall be presented to the owner of seized property, the newspaper with the highest circulation for that area, and posted at the courthouse, at three (3) other public places within the county, and where the seizure was made, for the purpose of notifying the property owner, and advertising to the public the sale of the seized property.

(17) [~~(15)~~] Revenue Form 12A109, "Release of Levy", shall be presented to the bank or third party on which the levy was served for the purpose of releasing the seized property.

(18) [~~(16)~~] Revenue Form 12A110, "Release of Levy on Wages, Salary, and Other Income", shall be presented to an employer for the purpose of releasing a wage levy.

(19) [~~(17)~~] Revenue Form 12A500, "Certificate of Partial Discharge of Tax Lien", shall be presented to anyone who makes a proper application for a lien release on a specific piece of property if the Revenue Cabinet's lien attaches no equity or if the equity that the lien encumbers is paid to the Revenue Cabinet.

(20) [~~(18)~~] Revenue Form 12A501, "Certificate of Subordination of Kentucky Revenue Tax Lien", shall be presented to anyone who makes proper application requesting that the Revenue Cabinet subordinate its lien position to a new mortgage and demonstrates that the subordination is in the Commonwealth's best interest.

(21) [~~(19)~~] Revenue Form 12A502, "Application for Certificate of Subordination of Kentucky Revenue Lien", shall be presented to anyone who requests to have the Revenue Cabinet subordinate its lien position to a new mortgage.

(22) [~~(20)~~] Revenue Form 12A503, "Application for Specific Lien Release", shall be presented to anyone who requests that the Revenue Cabinet release its tax lien so that a specific piece of property can be sold.

(23) [~~(21)~~] Revenue Form 12A504, "Personal Assessment of Corporate Officer", shall be presented to a corporate officer for the purpose of establishing responsibility of payment of trust taxes owed to the Commonwealth.

(24) [~~(22)~~] Revenue Form 12A505, "Waiver Extending Statutory Period for Assessment of Corporate Officer", shall be presented to the corporate officers for the purpose of entering into a payment agreement to pay the trust taxes owed to the Commonwealth, and the terms of the payment agreement shall extend past the statutory period for assessing responsible corporate officers.

(25) [~~(23)~~] Revenue Form 12A506, "Waiver Extending Statutory Period for Collections", shall be presented to the taxpayer for the purpose of extending the period in which the liability can be collected.

(26) [~~(24)~~] Revenue Form 12A507, "Table for Figuring the Amount Exempt From Levy On Wages, Salary, and Other Income", shall be presented to employers with a wage levy on an employee for the purpose of calculating the dollar amount of wages due to the employee.

(27) [~~(25)~~] Revenue Form 12A508-1, "Notice of Assessment", shall be presented to an officer of a corporation who is personally liable for trust taxes for the purpose of assessing an officer for trust taxes owed to the Commonwealth.

(28) [~~(26)~~] Revenue Form 12A509, "Notification of Delinquent Taxpayer", shall be presented to the Mines and Minerals district office and the Mines and Mineral's office located in Frankfort, for the purpose of notifying the Mines and Mineral's Department that the Kentucky Revenue Cabinet is requesting that a mine license not be renewed, and notification to the entity itself for nonpayment or filing of taxes owed to the Commonwealth.

(29) [~~(27)~~] Revenue Form 12A510, "Guidelines for Wage Levy Processing", shall be presented to employers to explain how to process a wage levy on an employee.

(30) [~~(28)~~] Revenue Form 12A511, "Guidelines for Bank Levy Processing", shall be presented to banks to explain how to process a bank levy.

(31) [~~(29)~~] Revenue Form 12A512, "Confidential Agent Appointment", shall be presented to an agent of the taxpayer who desires to represent a taxpayer for the purpose of resolving tax issues.

(32) [~~(30)~~] Revenue Form 12A513, "Nexus Questionnaire", shall be presented to companies who are unsure if they have a Kentucky tax presence for the purpose of establishing nexus with the state.

(33) [~~(31)~~] Revenue Form 12A514, "Questionnaires for Persons Relative to a Notice of Assessment", shall be presented to an officer of a corporation for the purpose of resolving responsibility of the trust taxes owed to the Commonwealth.

(34) [~~(32)~~] Revenue Form 12A516, "Requirements for Agreed Judgments", shall be presented to a business owner against whom the Kentucky Revenue Cabinet has a judgment for taxes for the purpose of allowing the business owner to make installment payments approved through the Franklin Circuit Court.

(35) [~~(33)~~] Revenue Form 12A517, "Notice of State Tax Lien", shall be presented to the county clerk for appropriate recording and to the taxpayer against whom the lien is filed for the purpose of filing and recording the tax lien in the county clerk's office and giving notification to the taxpayer.

(36) [~~(34)~~] Revenue Form 12A518, "Certificate of Release of Tax Lien", shall be presented to the county clerk and to the taxpayer against whom the tax lien is filed for the purpose of releasing the lien and notifying the taxpayer of the release.

(37) [~~(35)~~] Revenue Form 12A519, "Proof of Claim", shall be presented to the bankruptcy courts for the purpose of asserting the Kentucky Revenue Cabinet's claim upon the taxpayer's assets for the payment of delinquent taxes.

(38) [~~(36)~~] Revenue Form 12A638, "Statement of Financial Condition for Individuals and Instructions", shall be presented to individuals requesting to make payments or settle their tax liability to the Commonwealth for the purpose of establishing the financial ability to make payments or settle.

(39) [~~(37)~~] Revenue Form 12A639, "Statement of Financial Condition for Business and Instructions", shall be presented to business

owners requesting to make payments or settle a tax liability to the Commonwealth for the purpose of establishing the financial ability to make payments or settle.

(40) [~~(38)~~] Revenue Form 12B019, "Notice of Levy on Wages, Salary, and Other Income", shall be presented to employers for the purpose of levying wages from an employee who owes taxes to the Kentucky Revenue Cabinet.

(41) [~~(39)~~] Revenue Form 12B020, "Notice of Levy", shall be presented to banks for the purpose of levying bank accounts of taxpayers who owe taxes to the Kentucky Revenue Cabinet.

(42) [~~(40)~~] Revenue Form 12F020, "Understanding the Kentucky Revenue Cabinet Collection Process", shall be presented to persons who owe delinquent taxes or anyone interested in information on delinquent taxes for the purpose of explaining the collection process on delinquent taxes owed to the Commonwealth.

(43) [~~(41)~~] Revenue Form 12F030, "Voluntary Disclosure Program", shall be presented to persons requesting to enter into a voluntary disclosure agreement with the Kentucky Revenue Cabinet for the purpose of resolving tax liabilities with the state of Kentucky.

(44) [~~(42)~~] Revenue Form 21A020, "Request for Copy of Tax Refund Check", shall be completed and submitted to the Revenue Cabinet in order to obtain a copy of a cashed refund check.

(45) [~~(43)~~] Revenue Form 21A050, "Business Account Numbers", shall be issued to business taxpayers to confirm processing of the Kentucky Tax Registration Application for Individual Income Tax Employer Withholding, Corporation Income and License, Coal Severance and Processing and Sales and to advise as to the account numbers assigned by the cabinet.

(46) [~~(44)~~] Revenue Form 31A001, "Vendor Contact Authorization", shall be used by a Revenue Cabinet representative to obtain permission from a taxpayer to contact his vendors concerning the issuance of exemption certificates.

(47) [~~(45)~~] Revenue Form 31A012, "Interstate Sales/Income Tax Questionnaire", shall be used to establish possible taxing jurisdiction for sales and use tax and income tax for the states of Ohio and Indiana.

(48) [~~(46)~~] Revenue Form 31A014, "SEATA - Southeastern Association of Tax Administrators Nexus Questionnaire", shall be used to establish possible taxing jurisdiction for sales and use tax and income tax for the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, Virginia and West Virginia.

(49) [~~(47)~~] Revenue Form 31A149, "Agreement Fixing Period of Limitation Upon Assessment of Sales, Use or Severance Tax" ,shall be completed by a taxpayer and a representative of the Kentucky Revenue Cabinet whereby both parties consent and agree that certain sales, use or severance tax deficiencies or overpayments for specific periods may be assessed or refunded beyond the normal four (4) year statute of limitations.

(50) [~~(48)~~] Revenue Form 31A685, "Authorization to Examine Bank Records", shall be used by the Revenue Cabinet to obtain permission from a taxpayer to examine records in connection with transactions at the taxpayer's bank.

(51) [~~(49)~~] Revenue Form 31A725, "Statute of Limitations Agreement", shall be completed by a taxpayer and a representative of the Kentucky Revenue Cabinet whereby both parties consent and agree that certain income tax deficiencies or overpayments for specific periods may be assessed or refunded beyond the normal four (4) year statute of limitations.

(52) [~~(50)~~] Revenue Form 42F102, "Large Employer Program Electronic File Fact Sheet", shall provide employers with information on the "ELF" Federal/State Electronic Tax Filing Program.

Section 2. Alcoholic Beverage Tax. (1) Revenue Form 73A504, "Acknowledgment of Tax Liability on Imported Alcoholic Beverages", shall be used by persons importing distilled spirits, wine and malt beverages into Kentucky through the United States Bureau of Customs for personal consumption in this state to acknowledge liability for the alcoholic beverage excise tax.

(2) Revenue Form 73A525, "Monthly Report of Distillers, Rectifiers or Bottlers", shall be used by distillers, rectifiers or bottlers of distilled spirits to report liability for distilled spirits excise tax and wholesale sales tax.

(3) Revenue Form 73A526, "Wholesaler's Monthly Distilled Spirits Tax Report", shall be used by wholesalers of distilled spirits to report liability for distilled spirits excise tax, wholesale sales tax and case sales tax.

(4) Revenue Form 73A527, "Wholesaler's List of Individual Spirits Shipments Acquired", shall be used by wholesalers of distilled spirits to itemize monthly receipts of distilled spirits from all sources.

(5) Revenue Form 73A530, "Consignor's Report of Alcoholic Beverages Shipped", shall be used by consignor's of distilled spirits and wine to report trafficking in alcoholic beverages during the previous month.

(6) Revenue Form 73A531, "Transporter's Report of Alcoholic Beverages Delivered", shall be used by transporters of distilled spirits, wine and malt beverages to report shipments of alcoholic beverages delivered into the state during the previous month.

(7) Revenue Form 73A535, "Report on Destruction of Alcoholic Beverages", shall be used by governmental officials to certify quantities of tax-paid alcoholic beverages no longer suitable for consumption that are destroyed in the officials' presence.

(8) Revenue Form 73A575, "Wholesaler's Monthly Wine Tax Report", shall be used by wine wholesalers to report liability for wine excise tax and wine wholesale sales tax.

(9) Revenue Form 73A576, "Vintner's Wine Report", shall be used by vintners to report liability for wine excise tax and wine wholesale sales tax.

(10) Revenue Form 73A577, "Wholesaler's List of Individual Wine Shipments Acquired", shall be used by wine wholesalers to report shipments of wine received during the previous month.

(11) Revenue Form 73A626, "Brewer's Monthly Report Schedule", shall be used by brewers of malt beverages to report sales and distribution of malt beverages into Kentucky.

(12) Revenue Form 73A627, "Beer Distributor's Monthly Report", shall be used by beer distributors to report shipments of malt beverages received during the previous month.

(13) Revenue Form 73A628, "Distributor's Monthly Malt Beverage Excise Tax and Wholesale Sales Tax Report", shall be used by distributors of malt beverages to report liability for malt beverage excise tax and malt beverage wholesale sales tax.

(14) Revenue Form 73A629, "Beer Distributor's Sales to Federal Agencies", shall be used by beer distributors to report shipments of malt beverages to federal military agencies.

Section 3. Bank Franchise Tax - Required Forms. (1) Revenue Form 73A800, "Kentucky Registration Application for Bank Franchise Tax", shall be used by financial institutions which are regularly engaged in business in Kentucky to register for the Kentucky Bank Franchise Tax.

(2) Revenue Form 73A801, "2002 [~~1998~~] Bank Franchise Tax Return", shall be used by financial institutions to determine the net capital and Kentucky Bank Franchise Tax due for the calendar year 2002 [~~2001~~].

(3) Revenue Form 73A801I, "2002 [~~2001~~] Kentucky Bank Franchise Tax Forms and Instructions Packet", provides in a single packet the forms used by financial institutions to register for the Kentucky Bank Franchise Tax, to determine the net capital and annual tax due, and to request a ninety (90) day extension of time to file the Kentucky Bank Franchise Tax Return.

(4) Revenue Form 73A802, "Application for Ninety (90) Day Extension of Time to File Kentucky Bank Franchise Tax Return", shall be used by financial institutions to request a ninety (90) day extension of time to file the Kentucky Bank Franchise Tax Return.

Section 4. Cigarette Tax - Required Forms. (1) Revenue Form 73A181, "Cigarette Licenses Application", shall be used by persons interested in acting as a cigarette wholesaler, subjobber, vending machine operator, or unclassified acquirer to apply for the necessary license.

(2) Revenue Form 73A190, "Cigarette License", shall be used by the Revenue Cabinet to give evidence to cigarette wholesalers, subjobbers, vending machine operators, transporters and unclassified acquirers that they have been granted the appropriate license.

(3) Revenue Form 73A404, "Cigarette Tax Stamps or Meter Units Order Form", shall be used by licensed cigarette wholesalers or unclassified acquirers to order cigarette tax stamps.

(4) Revenue Form 73A406, "Cigarette Tax Credit Certificate",

shall be used by the Revenue Cabinet to give credit to a licensed cigarette wholesaler or unclassified acquirer for cigarette tax stamps returned or destroyed.

(5) Revenue Form 73A420, "Monthly Report of Cigarette Wholesaler and Wholesaler's Monthly Report of Nonparticipating Manufacturer Cigarettes Sold in Kentucky", shall be used by a licensed cigarette wholesaler to report cigarette inventory, tax stamp reconciliation, and liability for cigarette administration and enforcement fee and to report cigarettes that were purchased from manufacturers and importers of cigarettes who did not sign the Master Settlement Agreement (nonparticipating manufacturers).

(6) Revenue Form 73A420(I), "Instructions for Monthly Report of Cigarette Wholesaler" shall be used by cigarette wholesalers and nonparticipating manufacturers to file Revenue Form 73A420.

Section 5. Corporation Income and License Taxes. (1) Revenue Form 41A720, "Form 720, 2002 [~~2001~~] Kentucky Corporation Income and License Tax Return", shall be used by corporations to determine corporation income and license tax due in accordance with KRS 141.040 and 136.070, respectively, for years beginning in 2002 [~~2001~~].

(2) Revenue Form 41A720A, "Schedule A, Apportionment and Allocation", shall be used by corporations which have property or payroll both within and without of Kentucky to apportion and allocate net income to Kentucky in accordance with KRS 141.120.

(3) Revenue Form 41A720CC "Schedule CC, Coal Conversion Tax Credit", shall be used by corporations to compute the credit allowed by KRS 141.041 for coal used or substituted for other fuels in an eligible heating facility as described by KRS 141.041(1).

(4) Revenue Form 41A720CI, "Schedule CI, Application for Coal Incentive Tax Credit", shall be used by taxpayers to request approval for the amount of credit allowed by KRS 141.0405 for the purchase of Kentucky coal used by the company to generate electricity.

(5) Revenue Form 41A720ES, "Form 720ES, 2003 [~~2002~~] Kentucky Corporation Income Tax Estimated Tax Voucher", shall be used by corporations to submit payments of estimated corporation income tax as required by KRS 141.044.

(6) Revenue Form 41A720EZC, "Schedule EZC, Enterprise Zone Tax Credit shall be used by corporations to determine the credit allowed to qualified businesses in accordance with KRS 154.45-100.

(7) Revenue Form 41A720HH, "Schedule HH, Kentucky Housing for Homeless Families Deduction", shall be used by individuals, corporations, fiduciaries, and partnerships to determine the credit allowed by KRS 141.0202.

(8) Revenue Form 41A720I, "Instructions, 2002 [~~2001~~] Kentucky Corporation Income and License Tax Return", shall be used by corporations to file the 2002 [~~2001~~] Kentucky Corporation Income and License Tax Return and related schedules.

(9) Revenue Form 41A720RC, "Schedule RC, Application for Income Tax Credit for Recycling and/or Composting Equipment", shall be used by individuals, corporations, fiduciaries, and partnerships to request approval for the amount of credit allowed by KRS 141.390 for the purchase and installation of recycling or composting equipment. This form shall also be used by individuals, corporations and fiduciaries to substantiate and keep a record of the amount of approved credit claimed on their income tax return.

(10) Revenue Form 41A720RC(C), "Schedule RC - Part I Continuation", shall be used by individuals, corporations, fiduciaries, and partnerships to list additional equipment for which approval of the credit allowed by KRS 141.390 is being requested.

(11) Revenue Form 41A720RC (K-1), "Schedule RC (K-1), Pro Rata/Distributive Share of Approved Recycling and/or Composting Equipment Tax Credit", shall be used by S corporations and partnerships to report to each shareholder/partner their pro rata/distributive share of approved income tax credit for the purchase and installation of recycling or composting equipment. This form shall also be used by shareholders/partners to substantiate and keep a record of the amount of approved credit claimed on their income tax return.

(12) Revenue Form 41A720S, "Form 720S, 2002 [~~2001~~] Kentucky S Corporation Income and License Tax Return", shall be used by S corporations to determine the amount of ordinary income or (loss) and to determine total shareholders' shares of income, (loss), credits, deductions, etc. for tax years beginning in 2002 [~~2001~~]. This form shall also be used to determine the S corporation's income tax liability in accordance with KRS 141.040(5), if applicable and to determine license tax due in accordance with KRS 136.070.

(13) Revenue Form 41A720S1, "2002 [~~2001~~] Kentucky Corporation Income and License Tax Forms and Instructions Packet", provides in a single packet Form 720, Kentucky Corporation Income and License Tax Return, other forms commonly used by corporations in conjunction with Form 720 and instructions for filing these forms. The packet also contains Revenue Form 62A376, Kentucky Intangible Property Tax Return, and a brochure entitled "Your Rights as a Kentucky Taxpayer".

(14) Revenue Form 41A720S2, "2002 [~~2001~~] Kentucky S Corporation Income and License Tax Forms and Instructions Packet", provides in a single packet Form 720S, Kentucky S Corporation Income and License Tax Return, other forms commonly used by S corporations in conjunction with Form 720S and instructions for filing these forms. The packet also contains Revenue Form 62A376, Kentucky Intangible Property Tax Return, and a brochure entitled "Your Rights as a Kentucky Taxpayer".

(15) Revenue Form 41A720-S4, "Instructions for Filing Corporation Estimated Income Tax Voucher", are instructions used by corporations to determine the amount of estimated corporation income tax that is required to be paid in accordance with KRS 141.044.

(16) Revenue Form 41A720-S16, "Schedule KREDA, Tax Credit Computation Schedule (for A KREDA Project of C Corporations)", shall be used by corporations which have a Kentucky Rural Economic Development Act (KREDA) project to determine the credit allowed against the Kentucky corporation income tax liability in accordance with KRS 141.347. Instructions shall be included on the back of the form.

(17) Revenue Form 41A720-S17, "Schedule KREDA-T, Tracking Schedule for A KREDA Project", shall be used by corporations which have a Kentucky Rural Economic Development Act (KREDA) project to maintain a record of the debt service payments, wage assessment fees and income tax credits for the duration of the project. Instructions shall be included on the back of the form.

(18) Revenue Form 41A720-S18, "Schedule KREDA-SP, Tax Computation Schedule (for A KREDA Project of S Corporations or Partnerships)", shall be used by S corporations and partnerships which have a Kentucky Rural Economic Development Act (KREDA) project to determine the credit allowed against the Kentucky income tax liability in accordance with KRS 141.347. Instructions shall be included on the back of the form.

(19) Revenue Form 41A720-S20, "Schedule KIDA, Tax Credit Computation Schedule (for A KIDA Project of C Corporations)", shall be used by corporations which have a Kentucky Industrial Development Act (KIDA) project to determine the credit allowed against the Kentucky corporation income tax liability in accordance with KRS 141.400. Instructions shall be included on the back of the form.

(20) Revenue Form 41A720-S21, "Schedule KIDA-T, Tracking Schedule for A KIDA Project", shall be used by corporations which have a Kentucky Industrial Development Act (KIDA) project to maintain a record of the debt service payments and income tax credits for the duration of the project. Instructions shall be included on the back of the form.

(21) Revenue Form 41A720-S22, "Schedule KIDA-SP, Tax Computation Schedule (for A KIDA Project of S Corporations or Partnerships)", shall be used by S corporations and partnerships which have a Kentucky Industrial Development Act (KIDA) project to determine the credit allowed against the Kentucky income tax liability in accordance with KRS 141.400. Instructions shall be included on the back of the form.

(22) Revenue Form 41A720-S24, "Schedule KIRA, Tax Credit Computation Schedule (for A KIRA Project of C Corporations)", shall be used by corporations which have a Kentucky Industrial Revitalization Act (KIRA) project to determine the credit allowed against the Kentucky corporation income tax liability in accordance with KRS 141.403. Instructions shall be included on the back of the form.

(23) Revenue Form 41A720-S25, "Schedule KIRA-T, Tracking Schedule for A KIRA Project", shall be used by corporations which have a Kentucky Industrial Revitalization Act (KIRA) project to maintain a record of the approved costs, wage assessment fees and

income tax credits for the duration of the project. Instructions shall be included on the back of the form.

(24) Revenue Form 41A720-S26, "Schedule KIRA-SP, Tax Computation Schedule (for A KIRA Project of S Corporations or Partnerships)", shall be used by S corporations and partnerships which have a Kentucky Industrial Revitalization Act (KIRA) project to determine the credit allowed against the Kentucky income tax liability in accordance with KRS 141.403. Instructions shall be included on the back of the form.

(25) Revenue Form 41A720-S27, "Schedule KJDA, Tax Credit Computation Schedule (for A KJDA Project of C Corporations)", shall be used by corporations which have a Kentucky Jobs Development Act (KJDA) project to determine the credit allowed against the Kentucky corporation income tax liability in accordance with KRS 141.407. Instructions shall be included on the back of the form.

(26) Revenue Form 41A720-S28, "Schedule KJDA-T, Tracking Schedule for A KJDA Project", shall be used by corporations which have a Kentucky Jobs Development Act (KJDA) project to maintain a record of the approved costs, wage assessment fees, in-lieu-of credits and income tax credits for the duration of the project. Instructions shall be included on the back of the form.

(27) Revenue Form 41A720-S29, "Schedule KJDA-SP, Tax Computation Schedule (for A KJDA Project of S Corporations or Partnerships)" shall be used by S corporations and partnerships which have a Kentucky Jobs Development Act (KJDA) project to determine the credit allowed against the Kentucky income tax liability in accordance with KRS 141.407. Instructions shall be included on the back of the form.

(28) Revenue Form 41A720-S30, "Schedule TCS, Tax Credit Summary Schedule (for C Corporations with More than One (1) Economic Development Project)", shall be used by corporations which have more than one (1) economic development project to reflect the amount of credit claimed for each project for the taxable year. Instructions shall be included on the back of the form.

(29) Revenue Form 41A720-S31, "2001 [~~1998~~] Kentucky Schedule K for S Corporations with Economic Development Project(s)", shall be used by S corporations which have one or more economic development projects to determine total shareholders' share of income, credits, deductions, etc., excluding the amount of each item of income, credit, deduction, etc., attributable to the projects. Instructions shall be included on the back of the form.

(30) Revenue Form 41A720-S32, "Schedule KIRA-L, Tax Credit Computation Schedule, License Tax (For a KIRA Project of Corporations", shall be used by corporations which have entered into a revitalization agreement for a Kentucky Industrial Revitalization Act (KIRA) project to compute the allowable KIRA license tax credit.

(31) Revenue Form 41A720SI, "Instructions for 2002 [~~2001~~] Kentucky S Corporation Income and License Tax Return", shall be used by S corporations to file the 2002 [~~1999~~] Kentucky S Corporation Income and License Tax Return and related schedules.

(32) [~~(31)~~] Revenue Form 41A720S (K-1), "Schedule K-1 (Form 720S), 2002 [~~2001~~] Kentucky Shareholder's Share of Income, Credits, Deductions, Etc.", shall be used by S corporations to report to their shareholders the amount of income, credit, deduction, etc., that the shareholder should report for Kentucky income tax purposes. Instructions shall be included on the back of the form to assist the shareholder in preparing their Kentucky individual income tax return.

(33) [~~(32)~~] Revenue Form 41A720SL, "Application for Six (6) Month Extension of Time to File Kentucky Corporation Income and License Tax Return", shall be used by corporations to request a six (6) month extension of time to file the Kentucky Corporation Income and License Tax Return. Instructions shall be included on the back of the form.

(34) [~~(33)~~] Revenue Form 41A720X, "Form 720X, Amended Kentucky Corporation Income Tax and Corporation License Tax Return", shall be used by corporations to report changes to the Kentucky Corporation Income and License Tax Return, as previously filed.

(35) [~~(34)~~] Revenue Form 41A722, "Form 722, Election to File Consolidated Kentucky Corporation Income Tax Return" shall be used by corporations to elect to file a consolidated Kentucky income tax return in accordance with KRS 141.200.

(36) [~~(35)~~] Revenue Form 41A750, "Business Development Corporation Tax Return", shall be used by corporations organized under the provisions of KRS Chapter 155 to determine the excise tax due in accordance with KRS 155.170.

(37) [~~(36)~~] Revenue Form 41A851K, "Form 851-K, Kentucky Affiliations and Payment Schedule", shall be used by corporations which are filing a consolidated Kentucky income tax return to identify the members of the affiliated group which are subject to the Kentucky corporation license tax and to list the amount of tax being paid for each corporation if payment is being submitted by a single check.

(38) [~~(37)~~] Revenue Form 42A799, "Kentucky Information Return for Calendar Year ____", shall be used by corporations, in accordance with KRS 141.150 and 103 KAR 19:030, to report distributions of assets as a result of dissolution or liquidation. A separate form shall be prepared for each payee and filed with the Revenue Cabinet, and a copy shall be provided to the payee.

(39) [~~(38)~~] Revenue Form 42A799-S1, "Form 796, Annual Income Information Return, shall be used by corporations, in accordance with KRS 141.150 and 103 KAR 19:030, to summarize the reports of distributions of assets as a result of dissolution or liquidation.

Section 6. Health Care Provider Tax. (1) Revenue Form 73A060, "Health Care Provider Tax Return" shall be used by taxpayers to file the gross revenues and compute the tax for the health care provider tax.

(2) ~~[Revenue Form 73A060(A), "Health Care Provider Tax Return-Keep this Copy" shall be used by the taxpayers to compute the tax on the gross revenues.~~

~~(3)~~] Revenue Form 73A060(I), "Instructions-Kentucky Health Care Provider Tax Return" shall be used by the taxpayers to determine if the service they provide is taxable, what tax rate is applicable, and which line to use for reporting.

(3) [~~(4)~~] Revenue Form 73A061, "Kentucky Health Care Provider Application for Certificate of Registration" shall be completed by the taxpayer to register for the health care provider tax.

Section 7. Individual Income and Withholding Taxes. (1) Revenue Form 12A200, "Kentucky Individual Income Tax Installment Agreement Request" shall be submitted to the Revenue Cabinet to request an installment agreement to pay tax due.

(2) Revenue Form 40A100, "Application for Refund of Income Taxes" shall be presented to the Revenue Cabinet to request a refund of income taxes paid.

(3) Revenue Form 40A102, "Application for Extension of Time to File Individual, Partnership and Fiduciary Income Tax Returns for Kentucky" shall be submitted to the Revenue Cabinet by individuals, partnerships, and fiduciaries prior to the date prescribed by law for filing a return to request as six (6) months extension to file the return or to remit payment of tax prior to the date the return is due.

(4) Revenue Form 40A727, "Kentucky Income Tax Forms Requisition" shall be used to order income tax forms.

(5) Revenue Form 42A680, "Kentucky Individual Income Tax Return Audit Report" shall be [~~is~~] used by the Revenue Cabinet to advise an individual of an adjustment to income tax credits on an individual income tax return which may result in an underpayment or overpayment.

(6) Revenue Form 42A701B, "Kentucky Individual Income Tax Return Audit Report" shall be issued by the Revenue Cabinet to advise an individual of an adjustment to income tax and credits on an individual income tax return which may result in an underpayment or overpayment.

(7) Revenue Form 42A705, "Kentucky Income Tax Withholding Audit Report" shall be used by the Revenue Cabinet to explain an adjustment to withholding tax reported and to the credits claimed on a withholding income tax return.

(8) Revenue Form 42A740, "2002 [~~2001~~] Kentucky Individual Income Tax Return Full-Year Residents Only" shall be completed by resident individuals to report taxable income and income tax liability for taxable years beginning after December 31, 2001 [~~2000~~], and shall be filed within three and one-half (3 1/2) months after the closer of the taxable year.

(9) Revenue Form 42A740-EZ, "2002 [~~2001~~] Kentucky Individual Income Tax Return for Single Persons with No Dependents" shall be completed by resident individuals to report taxable income and income tax liability for taxable years beginning after December 31,

2001, and shall be filed within three and one-half (3 1/2) months after the closer of the taxable year.

(10) Revenue Form 42A740-J (12-00), "Schedule J, Kentucky Farm Income Averaging Schedule", shall be completed by individuals and attached to Form 740 to compute tax liability by averaging farm income for taxable years beginning December 31, 1997.

(11) Revenue Form 42A740-L, "2000 Kentucky Income Tax Postcard" shall be used to mail labels and information to resident individuals.

(12) Revenue Form 42A740-M, "Schedule M, 2002 [~~2001~~] Kentucky Federal Adjusted Gross Income Modifications", shall be completed by individuals and attached to Form 740 in support of additions to and subtractions from federal adjusted gross income.

(13) [~~Revenue Form 42A740-S, "2001 Kentucky Individual Income Tax Return, Full-Year Residents Only" shall be completed by resident individuals to report taxable income and income tax liability for taxable years beginning December 31, 2000, and shall be filed within three and one-half (3 1/2) months after the close of the taxable year.~~

~~(14)~~] Revenue Form 42A740-S9, "2002 [~~2001~~] Kentucky Income Tax Return, Nonresident or Part Year Resident" shall be completed by part-year or full-year nonresident individuals to report taxable income and income tax liability for taxable years beginning December 31, 2001 [~~2000~~], and shall be filed within three and one-half (3 1/2) months after the closer of the taxable year.

(14) [~~(15)~~] Revenue Form 42A740-NP-A, "Schedule A, 2002 [~~2001~~] Kentucky Schedule A Itemized Deductions" shall be completed and attached to Form 42A740-S9 by part-year or full-year nonresidents in support of itemized deductions claimed for 2002 [~~2001~~].

(15) [~~(16)~~] Revenue Form 42A740-NP-ME, "Schedule ME, 2002 [~~2001~~] Moving Expense Reimbursement" shall be completed and attached to Form 42A740-S9 by part-year or full-year nonresidents in support of moving reimbursement income and expenses claimed for 2002 [~~2001~~].

(16) [~~(17)~~] Revenue Form 42A740-S9-R, "2002 [~~2001~~] Kentucky Income Tax Return Nonresident-Reciprocal State" shall be completed by resident individuals of reciprocal states to request a refund of withholding for 2002 [~~2001~~].

(17) [~~(18)~~] Revenue Form 42A740-S10, "2002 [~~2001~~] Kentucky Income Tax Return, Nonresident or Part-Year Resident forms and instructions" packet shall be mailed to nonresident and part-year resident individuals for use in determining taxable income and income tax liability for 2002 [~~2001~~].

(18) [~~(19)~~] Revenue Form 42A704-S11, "2002 [~~2001~~] Kentucky Individual Income Tax Instructions for Forms 740[~~, 740-S,~~] and 740-EZ" shall be provided for use by residents in determining taxable income and income tax liability for 2002 [~~2001~~].

(19) [~~(20)~~] Revenue Form 42A740-ES, "2003 [~~2002~~] Individual Income Tax Kentucky Estimated Tax Voucher" shall be submitted to Revenue Cabinet by individuals with payment of quarterly estimated tax.

(20) [~~(21)~~] Revenue Form 42A740-S1, "2210-K, 2002 [~~2001~~] Underpayment of Estimated Tax by Individuals" shall be filed by individuals to request a waiver of estimated tax penalty or to compute and self assess an estimated tax penalty for 2002 [~~2001~~].

(21) [~~(22)~~] Revenue Form 42A740-S4, "2003 [~~2002~~] Instructions for Filing Estimated Tax Vouchers" shall be used to compute the amount of estimated tax owed for 2002 [~~2001~~].

(22) [~~(23)~~] Revenue Form 42A740-T, "2002 [~~2001~~] Kentucky Individual Income TeleFile Tax Record and Instructions" shall be completed by resident individuals who choose to file their individual income tax return by telephone.

(23) [~~(24)~~] Revenue Form 42A740-X, "Amended Kentucky Individual Income Tax Return for Tax Year [~~1998,~~] 1999, 2000, 2001, 2002" shall be completed by individuals and filed with the Revenue Cabinet to amend a previously filed return.

(24) [~~(25)~~] Revenue Form 42A740-A, "Kentucky Schedule A, 2002 [~~2001~~] Itemized Deductions" shall be completed by resident individuals and attached to Form 740 in support of itemized deductions claimed for 2002 [~~2001~~].

(25) [~~(26)~~] Revenue Form 42A740-P, "Schedule P, 2002 [~~2001~~] Kentucky Pension Income Exclusion" shall be completed by individuals and attached to Form 740 to compute the amount of allowable pension exclusion for 2002 [~~2001~~].

(26) [~~(27)~~] Revenue Form 42A740-TC, "Schedule TC, 2002 [~~2001~~] Tax Computation Schedule" shall be completed by individuals and attached to Form 740 to claim credit for tax paid to another state, the hiring of an unemployed person, purchasing (installing) recycling or composting equipment, and to compute tax liability using five (5) or ten (10) year averaging for 2002 [~~2001~~].

(27) [~~(28)~~] Revenue Form 42A740-UTC, "Schedule UTC, 2002 [~~2001~~] Unemployment Tax Credit" shall be completed by individuals and attached to Form 740, or Form 740-NP to provide Department for Employment Services Certificate Numbers in support of credit claimed for hiring an unemployed person(s).

(28) [~~(29)~~] Revenue Form 42A740-S18, "8582-K, 2002 [~~2001~~] Kentucky Passive Activity Loss Limitations" shall be completed by individual taxpayers and attached to their individual tax return in support of allowable deductions and loss carryovers of a passive activity.

(29) [~~(30)~~] Revenue Form 42A740-S20, "1045-K, 2002 [~~2001~~] Kentucky Net Operating Loss Application for Income Tax Refund" shall be used by individuals to compute and carry back a net operating loss deduction.

(30) [~~(31)~~] Revenue Form 42A740-S20(I), "Instructions - Form 1045-K" shall be provided to individuals to explain the purpose of Form 1045-K and provide line by line instructions on how to complete the form.

(31) [~~(32)~~] Revenue Form 42A740-S21, "4972-K, 2002 [~~2001~~] Kentucky Tax on Lump-Sum Distributions" shall be completed by individuals to compute tax liability on lump sum distributions and attached to their income tax return.

(32) [~~(33)~~] Revenue Form 42A740-S22, "8453-K, 2002 [~~2001~~] Kentucky Individual Income Tax Declaration for Electronic Filing" shall be completed, signed by individual taxpayer(s) and submitted to Revenue Cabinet in support of an electronically filed return.

(33) [~~(34)~~] Revenue Form 42A740-S23, "740-V, 2002 [~~2001~~] Kentucky Electronic Payment Voucher" shall be used by individual taxpayers and submitted to the Revenue Cabinet with payment of additional tax due on an electronically filed return.

(34) [~~(35)~~] Revenue Form 42A741, "Form 741, 2002 [~~2001~~] Kentucky Fiduciary Income Tax Return" shall be completed and filed with the Revenue Cabinet within three (3) months and fifteen (15) days after the close of the taxable year by the fiduciary of an estate or trust to report income and tax liability of the estate or trust.

(35) [~~(36)~~] Revenue Form 42A741(I), "Instructions - Form 741, 2002 [~~2001~~] Kentucky Fiduciary Income Tax Return" is an instruction guide provided by the Revenue Cabinet for completing the 2002 [~~2001~~] Form 741.

(36) [~~(37)~~] Revenue Form 42A741-D, "Schedule D, Form 741, 2002 [~~2001~~] Kentucky Capital Gains and Losses" shall be completed and attached to Form 741 by a fiduciary to report income from capital gains and losses.

(37) [~~(38)~~] Revenue Form 42A741(K-1), "Schedule K-1 Form 741, 2002 [~~2001~~] Kentucky Beneficiary's Share of Income, Deduction, Credits, etc." shall be filed by the fiduciary with Form 741 to report each beneficiary's share of income, deductions, credits.

(38) [~~(39)~~] Revenue Form 42A765, "Form 765, 2002 [~~2001~~] Kentucky Partnership Income Return" shall be completed and filed with the Revenue Cabinet within three (3) months and fifteen (15) days after the close of the taxable year by a partnership to report income, deductions and credits of a partnership for 2002 [~~2001~~].

(39) [~~(40)~~] Revenue Form 42A765(I), "Instructions-Form 765, 2002 [~~2001~~] Kentucky Partnership Income Return" shall be provided to assist the partnership in completing a partnership return.

(40) [~~(41)~~] Revenue Form 42A765(K-1), "Kentucky Schedule K-1 Form 765, 2002 [~~2001~~] Partner's Share of Income, Credits, Deductions, etc." shall be filed by the partnership with Form 765 to report each partner's share of income, deductions, credits.

(41) [~~(42)~~] Revenue Form 42A765-S1, "2002 [~~2001~~] Kentucky Schedule K for Partnerships with Economic Development Project(s)", shall be used by partnerships which have one (1) or more economic development projects to determine total partner or partners share of income, credits, deductions, etc., excluding the amount of each item of income, credit, deduction, etc., attributable to the projects. Instructions shall be included on the back of the form.

(42) [~~(43)~~] Revenue Form 42A800, "Withholding Kentucky In-

come Tax Instructions for Employers and Withholding Tax Tables" shall be used by employers to determine the amount of Kentucky tax to withhold from wages.

(43) [~~(44)~~] Revenue Form 42A801, "Form K-1, Kentucky Employer's Return and Worksheet of Income Tax Withheld" shall be used by employers to report wages and taxes withheld for the filing period.

(44) [~~(45)~~] Revenue Form 42A801-D, "Form K-1, Amended Kentucky Employer's Return of Income Tax Withheld", shall be used by employers to correct wages and taxes reported for the filing period.

(45) [~~(46)~~] Revenue Form 42A801-E, "Form K-1E, Kentucky Employer's Return and Worksheet of Income Tax Withheld - Electronic Funds Transfer" shall be used by employers who remit taxes withheld electronically to report wages and tax withheld for the filing period.

(46) [~~(47)~~] Revenue Form 42A802, "W-2/ K-2, 2002 [~~2001~~] Wage and Tax Statement" shall be used by employers to report wages and Kentucky tax withheld.

(47) [~~(48)~~] Revenue Form 42A803, "Form K-3, Kentucky Employer's Return and Worksheet of Income Tax Withheld" shall be used by employers to report wages and tax withheld for the filing period and annually reconcile wages and taxes reported.

(48) [~~(49)~~] Revenue Form 42A803-D, "Form K-3, Amended Kentucky Employer's Return of Income Tax Withheld", shall be used by employers to correct wages and taxes reported for the filing period and annually reconcile wages and taxes reported.

(49) [~~(50)~~] Revenue Form 42A803-E, "Form K-3E, Kentucky Employer's Income Tax Withheld Return and Worksheet - Electronic Funds Transfer" shall be used by employers to report wages and tax withheld for the filing period and to annually reconcile wages and taxes reported.

(50) [~~(51)~~] Revenue Form 42A804, "Form K-4, Kentucky Revenue Cabinet Employee's Withholding Exemption Certificate" shall be used by employees to inform employers of the number of exemptions used to determine the amount of Kentucky tax to withhold from wages.

(51) [~~(52)~~] Revenue Form 42A804-A, "Form K-4A, Kentucky Revenue Cabinet Withholding Exemptions for Excess Itemized Deductions" shall be used by employees to determine additional withholding exemptions.

(52) [~~(53)~~] Revenue Form 42A804-E, "Form K-4E, Special Withholding Exemption Certificate" shall be used by employees to inform employers of special tax exempt status.

(53) [~~(54)~~] Revenue Form 42A806, "Transmitter Report for Filing Kentucky Wage Statements" shall be used by employers to annually submit Forms W-2/K-2 Wages and Tax Statements.

(54) [~~(55)~~] Revenue Form 42A807, "Form K-4FC, Fort Campbell Exemption Certificate" shall be completed by nonresident employees working at Fort Campbell Kentucky to inform employers of special tax exempt status.

(55) [~~(56)~~] Revenue Form 42A808, "Authorization to Submit Annual Employee Wage and Tax Statements Via File Transfer Protocol", shall be used by employers to request authorization to annually submit wages and tax statements via file transfer protocol.

(56) [~~(57)~~] Revenue Form 42A809, "Certificate of Nonresidence" shall be used by employees to inform employers of special tax exempt status.

(57) [~~(58)~~] Revenue Form 42A810, "Nonresident's Affidavit - Kentucky Individual Income Tax" shall be used by individuals to submit sworn statement concerning residency status.

(58) [~~(59)~~] Revenue Form 42A811, "KREDA Report - 2001" shall be completed by employers to report KREDA employee wage assessment fee information to the Revenue Cabinet.

(59) [~~(60)~~] Revenue Form 42A812, "KIDA Report - 2001" shall be completed by employers to report KIDA employee wage assessment fee information to the Revenue Cabinet.

(60) [~~(61)~~] Revenue Form 42A813, "KJDA Report - 2001" shall be completed by employers to report KJDA employee wage assessment fee information to the Revenue Cabinet.

(61) [~~(62)~~] Revenue Form 42A814, "KIRA Report - 2001" shall be completed by employers to report KIRA employee wage assessment fee information to the Revenue Cabinet.

(62) [~~(63)~~] Revenue Form 42A815, "Withholding Tax Refund Application" shall be completed by employers to request a refund of withholding tax paid.

(63) [~~(64)~~] Revenue Form 42A820, "Address Correction Request", shall be used by employers to verify correct mailing address for withholding returns.

(64) [~~(65)~~] Revenue Form 42D003, "Kentucky Order Form for W-2/K-2", shall be used by employers to order wage and tax statements.

(65) [~~(66)~~] Revenue Form 42F010, "Should I Be Making Estimated Tax Payments" shall be a brochure provided to individuals to answer common questions about estimated tax filing requirements in Kentucky.

Section 8. Inheritance Tax - Required Forms. (1) Revenue Form 92A101, "Kentucky Nonresident Inheritance and Estate Tax Return and Instructions", shall be used by the personal representative or beneficiary of a nonresident estate to establish the inheritance and estate tax due the Commonwealth.

(2) Revenue Form 92A110, "Real Estate Data Report", shall be used by the personal representative or beneficiary of an estate to establish the taxable value of real estate for inheritance tax purpose

(3) Revenue Form 92A120, "Kentucky Resident Inheritance and Estate Tax Return Packet", shall be used by the personal representative or beneficiary of a resident estate to establish the inheritance and estate tax due the Commonwealth.

(4) Revenue Form 92A120I, "Instructions 92A120 Packet", is an instruction booklet to be used by the personal representative or beneficiary of a resident estate to prepare the appropriate inheritance and estate tax return.

(5) Revenue Form 92A120S, "Inheritance and Estate Tax Short Form Packet" shall be used by the personal representative or beneficiary of a resident estate to establish the appropriate inheritance and estate tax due the Commonwealth.

(6) Revenue Form 92A120X, "Kentucky Spousal Inheritance Tax Return", shall be used by the personal representative or beneficiary of a resident estate to establish there is no inheritance and estate tax due the Commonwealth.

(7) Revenue Form 92A121, "Acceptance of Inheritance & Estate Tax Return", shall be sent by the inheritance and estate tax section to the personal representative or beneficiary of an estate to certify that all death taxes due the Commonwealth have been paid.

(8) Revenue Form 92A200, "Kentucky Inheritance and Estate Tax Return", shall be used by the personal representative or beneficiary of a resident or nonresident estate to establish the inheritance and estate tax due the Commonwealth.

(9) Revenue Form 92A201, "Kentucky Inheritance and Estate Tax Return - No Tax Due", shall be used by the personal representative or beneficiary of a resident or nonresident estate to establish that there is no inheritance and estate tax due the Commonwealth.

(10) Revenue Form 92A202, "Kentucky Estate Tax Return", shall be used by the personal representative or beneficiary of a resident or nonresident estate to establish the estate tax due the Commonwealth.

(11) Revenue Form 92A204, "Real Estate Valuation Information Sheet", shall be used by the personal representative or beneficiary of an estate to establish the taxable value of real estate for inheritance tax purposes.

(12) Revenue Form 92A205, "Kentucky Inheritance Tax Return (Simplified Format)" shall be used by the personal representative or beneficiary of a small or uncomplicated resident or nonresident estate to establish the inheritance and estate tax due the Commonwealth.

(13) Revenue Form 92A500, "Notice of Insurance Payment", shall be used by insurance companies to notify the Revenue Cabinet when proceeds of a life insurance policy are paid following a death.

(14) Revenue Form 92A926, "Notice of Benefits Paid by Employer/Insurance Company", shall be used by insurance companies to notify the Revenue Cabinet when proceeds of a life insurance policy are paid following a death.

(15) Revenue Form 92A928, "Election to Defer the Payment of Inheritance Tax through Installments", shall be used by the beneficiary or beneficiaries of an estate to defer the payment of inheritance tax through installments.

(16) Revenue Form 92A929, "Notice of Agricultural and Horticultural Inheritance Tax Lien", shall be used to request the county clerk place a lien on a particular piece of real estate due to the personal representative, on behalf of an estate, electing the use of agricultural or horticultural value.

(17) Revenue Form 92A930, "Certificate of Release of Agricultural and Horticultural Inheritance Tax Lien", shall be used by the inheritance and estate tax section to request the county clerk release the five (5) year lien that guaranteed collection of tax if terms of agreement not met.

(18) Revenue Form 92A931, "Certificate of Partial Discharge of the Agricultural and Horticultural Inheritance Tax Lien", shall be used by the inheritance and estate tax section to request the county clerk do a partial release of the five (5) year lien that guaranteed collection of tax if terms of agreement not met.

(19) Revenue Form 92A932, "Receipt of Inheritance and Estate Taxes", is a receipt given to taxpayer when tax payment is received in the office.

(20) Revenue Form 92A936, "Election to Qualify Terminable Interest Property and/or Power of Appointment Property", shall be used by personal representative or beneficiary to elect to qualify terminable interest property or power of appointment property if proper criteria exists.

(21) Revenue Form 92F101, "A Guide to Kentucky Inheritance and Estate Taxes", shall be used by the general public for information purposes concerning Kentucky inheritance and estate tax.

Section 9. Insurance Tax - Required Forms. (1) Revenue Form 74A100, "Insurance Premiums Tax Return", shall be used by foreign life insurance companies, stock insurance companies other than life, and foreign mutual companies other than life to report liability for foreign life insurance tax, other than life insurance tax, fire insurance tax and retaliatory taxes and fees.

(2) Revenue Form 74A101, "Insurance Tax Return - Domestic Mutual, Domestic Mutual Fire, or Cooperative and Assessment Fire Insurance Companies", shall be used by domestic mutual, domestic mutual fire or cooperative and assessment fire insurance companies to report liability for premiums tax on amounts paid to authorized and unauthorized reinsurance companies.

(3) Revenue Form 74A105, "Unauthorized Insurance Tax Return", shall be used by insurers not authorized to conduct business in the Commonwealth of Kentucky by the Department of Insurance to report liability for insurance premiums tax.

(4) Revenue Form 74A110, "Kentucky Estimated Insurance Premiums Tax", shall be used by insurance companies to remit estimated premiums tax payments.

(5) Revenue Form 74A116, "Tax Election for Domestic Life Insurance Companies", shall be used by domestic life insurance companies to make an irrevocable election to pay state capital and reserves tax, premiums tax, and the county and city capital and reserves tax or to pay state premiums tax and local government premiums tax.

(6) Revenue Form 74A117, "Monthly Insurance Surcharge Report - Domestic Mutual, Cooperative and Assessment Fire Insurer", shall be used by domestic mutual, cooperative and assessment fire insurers to report liability for insurance premium surcharge.

(7) Revenue Form 74A118, "Monthly Insurance Surcharge Report", shall be used by domestic, foreign and alien insurers, other than life and health insurers, to report liability for insurance premium surcharge.

Section 10. Legal Process - Required Forms. Revenue Form 73A200, "County Clerk's Monthly Report of Legal Process Tax Receipts", shall be used by the county clerks to report the county's liability for the legal process tax and spouse abuse shelter fund.

Section 11. Marijuana and Controlled Substance - Required Forms. (1) Revenue Form 73A701, "Instructions for Affixing Marijuana and Controlled Substance Tax Evidence (Stamp)", shall be used by the Kentucky Revenue Cabinet to provide persons ordering marijuana and controlled substance tax stamps with the appropriate instructions on affixing the stamps.

(2) Revenue Form 73A702, "Notice of Seizure and Tax Lien KRS 138.870 Marijuana and Controlled Substance Tax", shall be used by law enforcement officials to notify the Kentucky Revenue Cabinet and county clerk of the seizure of marijuana and other controlled substances.

(3) Revenue Form 73A703, "Marijuana or Controlled Substance Stamps Order Form", shall be used by taxpayers to order stamps for marijuana or controlled substances.

Section 12. Motor Fuels - Required Forms. (1) Revenue Form 72A004, "Motor Fuels Tax Watercraft Refund Bond", shall be used by an approved surety to establish surety obligation upon the payment to the Commonwealth of any refunds to which the public boat dock refund applicant was not entitled.

(2) Revenue Form 72A005, "Application for Approval to Sell Watercraft Refund Motor Fuels - Public Boat Dock", shall be used by a public boat dock to make application.

(3) Revenue Form 72A006, "Motor Fuel Tax Refund Application - Public Boat Dock", shall be used by public boat dock refund applicant to make application for refund of liquid fuel tax on purchases of liquid fuel delivered directly to the fuel tanks attached to the watercraft and used exclusively in watercraft motors.

(4) Revenue Form 72A010, "Motor Fuel Tax Refund Permit Holder's Bond", shall be used by an approved surety to establish surety obligation upon the payment of all taxes, penalties, and fines for which designated refund applicant may become liable under KRS 138.344 to 138.355.

(5) Revenue Form 72A011, "Petroleum Storage Tank Environmental Assurance Fee Monthly Report", shall be used by licensed gasoline or special fuels dealers to report and remit monthly petroleum storage tank environmental assurance fee amounts due.

(6) Revenue Form 72A052, "Kentucky Motor Fuels Tax Refund Permit", shall be used by the KRC to issue Kentucky Motor Fuels Tax Refund Permits.

(7) Revenue Form 72A053-A, "Application for Refund of Kentucky Motor Fuel Tax Paid on Nonhighway Motor Fuels", shall be used by Kentucky Motor Fuels Tax Refund Permit holders to apply for refund of Kentucky motor fuel tax paid on nonhighway motor fuel.

(8) Revenue Form 72A054-A, "Kentucky Motor Fuels Tax Refund Invoice", shall be used by licensed Kentucky gasoline or special fuels dealers to authorize purchases of nonhighway agricultural use or nonhighway special fuels for refund of Kentucky motor fuel tax paid.

(9) Revenue Form 72A065, "Aviation Gasoline Tax Refund Bond", shall be used by an approved surety to establish surety obligation upon the payment to the Commonwealth of any refunds to which the aviation gasoline refund applicant was not entitled.

(10) Revenue Form 72A066, "Application for Refund of Kentucky Tax Paid on Gasoline Used in Operation of Aircraft", shall be used by aviation gasoline refund applicant to make application for refund of Kentucky tax paid on gasoline used in operation of aircraft.

(11) Revenue Form 72A067, "Application for Approval to Receive a Refund of Aviation Motor Fuels", shall be used by aviation gasoline tax refund applicants seeking approval to receive a refund of aviation gasoline tax.

(12) Revenue Form 72A071, "Motor Fuels Tax Refund Bond - City and Suburban Bus, Nonprofit Bus, Senior Citizen Transportation, or Taxicabs", shall be used by a surety company authorized to do business in Kentucky to establish surety obligation upon the payment to the Commonwealth of any refunds to which a city and suburban bus, nonprofit bus, senior citizen transportation or taxicab refund applicant was not entitled.

(13) Revenue Form 72A072, "Application for Motor Fuel Refund - City and Suburban Bus Companies, Nonprofit Bus Companies, Senior Citizen Transportation and Taxicab Companies", shall be used by refund applicants to make application for refund of Kentucky tax paid on fuel used in the operation of city and suburban bus companies, nonprofit bus companies, senior citizen transportation and taxicab companies.

(14) Revenue Form 72A073, "Application for Approval to Receive a Refund of Tax on Motor Fuels Consumed by City and Suburban Buses, Nonprofit Buses, Senior Citizen Transportation and Taxicabs", shall be used by qualifying applicants to make application for approval to receive a refund of tax on motor fuels consumed by city and suburban buses, nonprofit buses, senior citizen transportation and taxicabs.

(15) Revenue Form 72A077, "Licensed Gasoline Dealer's Monthly Report of Gasoline Sales to U.S. Government", shall be used by licensed gasoline dealers to report gasoline sales to U.S. government on their monthly reports.

(16) Revenue Form 72A078, "Statement of Claim for Accountable Loss of Motor Fuel", shall be used by licensed gasoline or special fuels dealers to make claim for accountable loss of motor fuel.

(17) Revenue Form 72A080, "Report of Gasoline Received from Licensed Kentucky Dealers", shall be used by licensed gasoline dealers to report receipt of tax free gasoline from licensed Kentucky dealers on the gasoline dealer's monthly report.

(18) Revenue Form 72A081, "Report of Gasoline Imported from Other States" shall be used by licensed gasoline dealers to report gasoline imported from other states, on the gasoline dealer's monthly report.

(19) Revenue Form 72A081-P, "Purchaser's Report Gasoline Imported into Kentucky - Kentucky Tax Paid to Suppliers", shall be used by licensed gasoline dealers to report gasoline imported into Kentucky where the Kentucky tax was paid to the supplier, on the gasoline dealer's monthly report.

(20) Revenue Form 72A081-S, "Supplier's Report Gasoline Imported into Kentucky - Kentucky Tax Paid by Supplier", shall be used by licensed gasoline dealers to report gasoline imported into Kentucky where the Kentucky tax was paid by the supplier, on the gasoline dealer's monthly report.

(21) Revenue Form 72A082, "Report of Gasoline Imported", shall be used by licensed gasoline dealers to report gasoline imported, on the gasoline dealer's monthly report.

(22) Revenue Form 72A083, "Report of Gasoline Received from Terminal or Refinery", shall be used by licensed gasoline dealers to report gasoline received from terminal or refinery, on the licensed gasoline dealer's monthly report.

(23) Revenue Form 72A084, "Report of Gasoline Exported", shall be used by licensed gasoline dealers to report gasoline exported, on the gasoline dealer's monthly report.

(24) Revenue Form 72A085, "Report of Gasoline Sold to Licensed Kentucky Dealers", shall be used by licensed gasoline dealers to report gasoline sold to licensed Kentucky dealers, on the gasoline dealer's monthly report.

(25) Revenue Form 72A086, "Report of Gasoline Withdrawals from Terminal Storage", shall be used by licensed gasoline dealers to report gasoline withdrawals from terminal storage, on the gasoline dealer's monthly report.

(26) Revenue Form 72A087, "Report of Gasoline Withdrawals to Licensed Kentucky Dealers", shall be used by licensed gasoline dealers to report withdrawals of gasoline to licensed Kentucky dealers, on the gasoline dealer's monthly report.

(27) Revenue Form 72A088, "Report of Gasoline Withdrawals Exported or Sold for Export", shall be used by licensed gasoline dealers to report withdrawals of gasoline exported or sold for export, on the gasoline dealer's monthly report.

(28) Revenue Form 72A089, "Licensed Gasoline Dealers Monthly Report", shall be used by licensed gasoline dealers to report and remit monthly gasoline tax.

(29) Revenue Form 72A090, "Gasoline Dealers Monthly Terminal Storage Report", shall be used by licensed gasoline dealers to report monthly terminal storage activity, on the gasoline dealer's monthly report.

(30) Revenue Form 72A091, "Gasoline Schedule of Sales Qualifying for Agricultural Tax Credit", shall be used by gasoline dealers to claim a credit for gasoline sold for agricultural purposes to holders of Kentucky motor fuels tax refund permits.

(31) Revenue Form 72A098, "Transporter's Report of Motor Fuel Delivered", shall be used by licensed transporters to report monthly motor fuel deliveries.

(32) [~~(31)~~] Revenue Form 72A103, "Licensed Gasoline Dealer's Estimated Tax Payment", shall be used by licensed gasoline dealers to report and remit estimated gasoline tax monthly payments.

(33) [~~(32)~~] Revenue Form 72A107, "Licensed Special Fuels Dealer's Monthly Report of Special Fuels Sales to U.S. Government", shall be used by licensed special fuels dealers to report special fuels sales to U.S. government, on the special fuels dealer's monthly report.

(34) [~~(33)~~] Revenue Form 72A110, "Certification of Special Fuels Nonhighway Use", shall be used by qualifying entities to certify the nonhighway use of special fuels. The certification shall be maintained by the licensed special fuels dealer.

(35) [~~(34)~~] Revenue Form 72A124, "Report of Kerosene Received and Blended", shall be used by licensed special fuels dealers to report kerosene received and blended, on the licensed special fuels dealer's monthly report.

(36) [~~(35)~~] Revenue form 72A127, "Special Fuels Dealer's Schedule of Sales Qualifying for State or Local Government Agency Credit", shall be used by a licensed special fuels dealer to list sales of special fuels to state or local government agencies for nonhighway special fuels use for a specific monthly period.

(37) [~~(36)~~] Revenue form 72A128, "Special Fuels Dealer's Schedule of Sales Qualifying for Nonprofit Religious, Charitable or Educational Organization Credit", shall be used by a licensed special fuels dealer to list sales of special fuels to nonprofit religious, charitable or education organizations for nonhighway special fuels use for a specific monthly period.

(38) [~~(37)~~] Revenue Form 72A129, "Special Fuels Schedule of Sales Qualifying for Commercial Off-Road Use Tax Credit (Undyed Diesel)", shall be used by licensed special fuels dealers to report special fuels sold for commercial off-road use to holders of Kentucky motor fuels tax refund permits who issued to the dealer a Certification of Special Fuels Nonhighway Use, Form 72A110.

(39) [~~(38)~~] Revenue form 72A131, "Special Fuels Dealer's Schedule of Sales Qualifying for Agricultural Tax Credit", shall be used by a licensed special fuels dealer to list sales of special fuels to motor fuels tax refund permit holders for agricultural special fuels use for a specific monthly period.

(40) [~~(39)~~] Revenue form 72A132, "Special Fuels Dealer's Schedule of Sales Qualifying for Residential Heating Tax Credit", shall be used by a licensed special fuels dealer to list sales of special fuels to consumers for heating a personal residence for a specific monthly period.

(41) [~~(40)~~] Revenue form 72A135, "Application for Kentucky Motor Fuels Tax Refund Permit", shall be used by a person desiring to qualify for a refund of motor fuel excise tax paid for nonhighway use.

(42) [~~(41)~~] Revenue form 72A138, "Licensed Special Fuels Dealer's Monthly Report", shall be used by a licensed special fuels dealer to report the total special fuels gallons received and distributed for a specific monthly period.

(43) [~~(42)~~] Revenue form 72A153, "Report of Special Fuels Received from Licensed Kentucky Dealers", shall be used by a licensed special fuels dealer to list every special fuels shipment originating in Kentucky from another licensed special fuels dealer for a specific monthly period

(44) [~~(43)~~] Revenue form 72A154, "Report of Special Fuels Imported from Other States", shall be used by a licensed special fuels dealer to list every special fuels shipment imported into Kentucky from other state sources on which the Kentucky special fuels excise tax was not precollected by the supplier for a specific monthly period.

(45) [~~(44)~~] Revenue form 72A154-P, "Purchaser's Report Special Fuels Imported-Kentucky Tax Paid to Supplier", shall be used by a licensed special fuels dealer to list every special fuels shipment imported into Kentucky from other state terminals on which the Kentucky special fuels excise tax was paid to the supplier for a specific monthly period.

(46) [~~(45)~~] Revenue form 72A154-S, "Supplier's Report Special Fuels Imported-Kentucky Tax Paid by Supplier", shall be used by a licensed special fuels dealer to list every special fuels shipment imported into Kentucky from other state terminals on which the Kentucky special fuels excise tax was charged to the dealer's customer for a specific monthly period.

(47) [~~(46)~~] Revenue form 72A155, "Report of Special Fuels Exported or Sold for Export", shall be used by a licensed special fuels dealer to list of every shipment exported to another state for a specific monthly period.

(48) [~~(47)~~] Revenue form 72A156, "Report of Special Fuels Sold to Licensed Kentucky Dealers", shall be used by a licensed special fuels dealer to report all special fuels shipments sold to other licensed special fuels dealers for a specific monthly period.

(49) [~~(48)~~] Revenue form 72A159, "Report of Special Fuels Sold

for Exclusive Use by Railroad Companies for Nonhighway Purposes", shall be used by a licensed special fuels dealer to report all special fuels shipments sold to a valid Motor Fuels Tax Refund Permit holder for exclusive use by railroad companies for nonhighway purposes for a specific monthly period.

(50) [~~(49)~~] Revenue form 72A160, "Licensed Special Fuels Dealer's Estimated Tax Payment", shall be used by a licensed special fuels dealer to report the special fuels tax liability for a specific monthly period and calculate ninety-five (95) percent of the applicable tax due for remittance by the due date.

(51) [~~(50)~~] Revenue form 72A161, "Monthly Report Liquefied Petroleum Gas Dealer", shall be used by a licensed liquefied petroleum gas dealer to report all gallons of liquefied petroleum gas dispensed into the fuel tanks of licensed motor vehicles for a specific monthly period.

(52) [~~(51)~~] Revenue form 72A162, "Report of Liquefied Petroleum Gas Motor Fuels", shall be used by a licensed liquefied petroleum gas dealer to list every shipment of liquefied petroleum gas placed into the fuel tank of a licensed motor vehicle for a specific monthly period.

(53) [~~(52)~~] Revenue form 72A163, "Application for Liquefied Petroleum Gas Motor Fuels Tax Exemption Permit", shall be used by any entity desiring to obtain an exemption from the motor fuels excise tax on liquefied petroleum gas to provide data regarding his carburetion system to insure compliance with the standards established by the Natural Resources and Environmental Protection Cabinet.

(54) [~~(53)~~] Revenue form 72A170, "Special Fuels Dealer's Monthly Terminal Storage Report", shall be used by a licensed special fuels dealer to summarize all Kentucky terminal receipt and disbursement activity for a specific monthly period.

(55) [~~(54)~~] Revenue form 72A171, "Report of Special Fuels Imported", shall be used by a licensed special fuels dealer to list all shipments imported into Kentucky from other states and placed into Kentucky terminal storage for a specific monthly period.

(56) [~~(55)~~] Revenue form 72A172, "Report of Special Fuels Received from Terminal or Refinery", shall be used by a licensed special fuels dealer to list all shipments received from other Kentucky terminals and placed into Kentucky terminal storage for a specific monthly period.

(57) [~~(56)~~] Revenue form 72A173, "Report of Special Fuels Withdrawals to Licensed Kentucky Dealers", shall be used by a licensed special fuels dealer to list all shipments withdrawn to other licensed special fuels dealers for a specific monthly period.

(58) [~~(57)~~] Revenue form 72A174, "Report of Special Fuels Withdrawals Exported or Sold for Export", shall be used by a licensed special fuels dealer to provide a list of every shipment withdrawn from terminal storage and exported to another state for a specific monthly period.

(59) [~~(58)~~] Revenue form 72A175, "Report of Special Fuels Withdrawals from Terminal Storage", shall be used by a licensed special fuels dealer to provide total gallon withdrawals from his terminal storage facility or facilities for a specific monthly period.

(60) [~~(59)~~] Revenue Form 72A200, "Special Fuels Dealer's Schedule of Dyed Diesel Credits and Tax Due", shall be used by licensed special fuels dealers to report the total dyed diesel gallons received and distributed for a specific monthly period.

(61) [~~(60)~~] Revenue Form 72A210, "Report of Dyed Diesel Received from Licensed Kentucky Dealers", shall be used by licensed special fuels dealer to list every dyed diesel shipment originating in Kentucky from another licensed special fuels dealer for a specific monthly period.

(62) [~~(61)~~] Revenue Form 72A211, "Report of Dyed Diesel Imported from Other States", shall be used by licensed special fuels dealer to list all dyed diesel shipments imported into Kentucky from other states and placed into Kentucky terminal storage for a specific monthly period.

(63) [~~(62)~~] Revenue Form 72A215, "Report of Kerosene and Other Receipts Received and/or Blended with Dyed Diesel", shall be used by licensed special fuels dealers to report kerosene and any other receipts received and/or blended with dyed diesel.

(64) [~~(63)~~] Revenue Form 72A220, "Dyed Diesel Monthly Terminal Storage Report", shall be used by licensed special fuels dealers to summarize all dyed diesel Kentucky terminal receipts and disbursements activity for a specific monthly period.

(65) [~~(64)~~] Revenue Form 72A221, "Report of Dyed Diesel Imported", shall be used by licensed special fuels dealers to list all dyed diesel shipments imported into Kentucky from other states and placed into Kentucky terminal storage for a specific monthly period.

(66) [~~(65)~~] Revenue Form 72A222, "Report of Dyed Diesel Received from Terminal or Refinery", shall be used by licensed special fuels dealers with terminal storage to report dyed diesel received from a terminal or refinery located in Kentucky into terminal storage.

(67) [~~(66)~~] Revenue Form 72A223, "Report of Dyed Diesel Withdrawals to Licensed Kentucky Dealers", shall be used by licensed special fuels dealers with terminal storage to report dyed diesel withdrawals from terminal storage going to licensed Kentucky dealers.

(68) [~~(67)~~] Revenue Form 72A224, "Report of Dyed Diesel Withdrawals Exported or Sold for Export", shall be used by licensed special fuels dealers with terminal storage to report dyed diesel withdrawals either exported or sold for export from terminal storage.

(69) [~~(68)~~] Revenue Form 72A225, "Report of Dyed Diesel Withdrawals from Terminal Storage", shall be used by licensed special fuels dealers with terminal storage to report dyed diesel withdrawals from terminal storage.

(70) [~~(69)~~] Revenue Form 72A230, "Report of Dyed Diesel Exported or Sold for Export", shall be used by licensed special fuels dealers to report dyed diesel gallons exported or sold for export into another state.

(71) [~~(70)~~] Revenue Form 72A231, "Report of Dyed Diesel Sold to Licensed Kentucky Dealers", shall be used by licensed special fuels dealers to report dyed diesel sold to licensed Kentucky dealers.

(72) [~~(71)~~] Revenue Form 72A232, "Statement of Claim for Accountable Loss of Dyed Diesel", shall be used by licensed special fuels dealers to report approved accountable loss of dyed diesel gallons.

(73) [~~(72)~~] Revenue Form 72A233, "Report of Dyed Diesel Sold for Exclusive Use by Railroad Companies for Nonhighway Purposes", shall be used by licensed special fuels dealers to report dyed diesel sold for exclusive use by railroad companies for nonhighway purposes.

(74) [~~(73)~~] Revenue Form 72A234, "Licensed Special Fuels Dealer's Monthly Report of Dyed Diesel Sales to U.S. Government", shall be used by licensed special fuels dealers to report dyed diesel sold to the U.S. government.

(75) [~~(74)~~] Revenue Form 72A240, "Special Fuels Dealer's Schedule of Dyed Diesel Sales Qualifying for Nonhighway Use Tax Credit", shall be used by licensed special fuels dealers to report dyed diesel sold for nonhighway use.

(76) [~~(75)~~] Revenue form 72A300, "Tax Registration Application for Motor Fuels License", shall be used by an applicant to register for a gasoline dealer's, special fuels dealer's, liquefied petroleum gas dealer's or motor fuel transporter's license.

(77) [~~(76)~~] Revenue Form 72A301, "Motor Fuels License Bond", shall be executed by a corporation authorized to transact surety business in Kentucky on behalf of a licensee to insure payment of taxes, penalties, and interest for which a dealer or transporter may become liable.

(78) [~~(77)~~] Revenue Form 72A302, "Motor Fuels License", shall be used by the Revenue Cabinet to issue a license to the qualified applicant in gasoline, special fuels, motor fuels transporter, or liquefied petroleum gas dealer.

(79) Revenue Form 72A303, "Election Application/Cancellation Form", shall be used by gasoline and special fuels dealers to elect to pledge a financial instrument other than a corporate surety bond.

Section 13. Motor Vehicle Usage Tax - Required Forms. (1) Revenue Form 71A100, "Affidavit of Total Consideration Given for a Motor Vehicle", shall be presented to the county clerk to establish taxable value upon the first registration or transfer of a motor vehicle for motor vehicle usage tax purposes.

(2) Revenue Form 71A101, "Motor Vehicle Usage Tax Multipurpose Form", shall be presented to the county clerk by a vehicle owner to:

(a) Claim one (1) of several exemptions;

(b) Establish "retail price" if prescribed by the cabinet; or

(c) Establish "retail price" of new vehicles with equipment or adaptive devices added to facilitate or accommodate handicapped persons.

(3) Revenue Form 71A102, "Questionnaire", shall be completed by selected motor vehicle buyers and sellers providing specific information regarding a vehicle transaction.

(4) Revenue Form 71A103, "Application for Protective Refund of Motor Vehicle Usage Tax Used Vehicles Purchased Out of State" shall be completed in order to submit a claim for trade-in credit on a used motor vehicle purchased outside Kentucky.

(5) Revenue Form 71A151, "Enterprise Zone Motor Vehicle Usage Tax Exemption Certification" shall be presented to the county clerk by a certified resident of an enterprise zone to claim exemption from the motor vehicle usage tax upon the first registration or transfer of a motor vehicle.

(6) Revenue Form 71A163, "Affidavits to Support Interstate Motor Carrier Motor Vehicle Usage Tax Exemption", shall:

(a) Be used by the nonresident owner of a motor vehicle which is:

1. Based in a state other than Kentucky; and

2. Required to be registered in Kentucky pursuant to KRS 186.145; and

(b) State that the vehicle:

1. Will be used primarily in interstate commerce; and

2. Pursuant to KRS 138.470(5), is exempt from the motor vehicle usage tax.

(7) Revenue Form 71A174, "County Clerk's Recapitulation of Motor Vehicle Usage Tax - Weekly Report", shall be submitted to the Revenue Cabinet by a county clerk as a recapitulation form to list all motor vehicle usage tax receipts, adjusted for corrections and commissions for a given week.

(8) Revenue Form 71A174-A, "County Clerk's Recapitulation of Motor Vehicle Usage Tax - Interim Report", shall be submitted to the Revenue Cabinet by a county clerk to report motor vehicle usage tax collections if an extension of time to file the computer generated weekly recapitulation report is requested.

(9) Revenue Form 73A054, "Kentucky Application For Dealer Loaner/Rental Vehicle Tax", shall be used by motor vehicle dealers to register to participate in the Loaner/Rental Vehicle Tax program.

(10) Revenue Form 73A055, "Monthly Report For Dealer Loaner/Rental Vehicle Tax", shall be used by motor vehicle dealers to report tax due on vehicles dedicated for use in the Loaner/Rental Vehicle Tax program.

Section 14. Property Tax - Required Forms. (1) Revenue Form 61A200, "Public Service Company Property Tax Return and Instructions", shall be filed by public service companies with the Revenue Cabinet reporting company name, location and other pertinent filing information.

(2) Revenue Form 61A200(E), "Filing Extension Application", shall be used by public service companies to request an extension of time to file the public service company tax return.

(3) Revenue form 61A200(G), "Report of Capital Stocks", shall be filed by public service companies with the Revenue Cabinet, reporting an analysis of their capital stocks as of the end of the taxable year.

(4) [~~(3)~~] Revenue Form 61A200(H), "Report of Funded Debt", shall be filed by public service companies with the Revenue Cabinet reporting an analysis of their debt as of the end of the taxable year.

(5) [~~(4)~~] Revenue Form 61A200(I), "Business Summary by Taxing District", shall be filed by public service companies with the Revenue Cabinet, reporting a summary of the business activity within each taxing district.

(6) [~~(5)~~] Revenue Form 61A200(J), "Property Summary by Taxing Districts", shall be filed by public service companies with the Revenue Cabinet reporting a summary of the amount of operating and nonoperating property owned or leased in this state, by each county, city and special district.

(7) [~~(6)~~] Revenue Form 61A200(K), "Operating Property Listing by Taxing District", shall be filed by public service companies with the Revenue Cabinet, reporting an inventory of the amount and kind of operating property, owned or leased, located in this state, for each county, city and special taxing district.

(8) [~~(7)~~] Revenue Form 61A200(K2), "Nonoperating Property Listing by Taxing District", shall be filed by public service companies with the Revenue Cabinet reporting an inventory of the amount and kind of nonoperating property owned or leased, located in this state, for each county, city and special taxing district.

(9) [~~(8)~~] Revenue Form 61A200(L), "Report of Property and Business Factors for All Interstate Companies", shall be filed by interstate, noncarrier, public service companies with the Revenue Cabinet, reporting property and business factors in total and for the state of Kentucky.

(10) [~~(9)~~] Revenue Form 61A200(L2), "Report of Property and Business Factors for Commercial Passenger and Cargo Airlines", shall be filed by interstate commercial passenger and cargo airlines with the Revenue Cabinet, reporting property and business factors in total and for the state of Kentucky.

(11) [~~(10)~~] Revenue Form 61A200(M), "Report of Property and Business Factors for Interstate Railroad and Sleeping Car Companies", shall be filed by interstate railroad and sleeping car companies with the Revenue Cabinet, reporting property and business factors in total and for the state of Kentucky.

(12) [~~(11)~~] Revenue Form 61A200(N), "Report of Leased Real and Personal Property System and Kentucky Operating Leases", shall be filed by public service companies with the Revenue Cabinet, reporting all leased property and the terms of the lease.

(13) [~~(12)~~] Revenue Form 61A200(O), "Railroad Private Car Mileage Report", shall be filed by railroad car line companies with the Revenue Cabinet, reporting name and address of the company and the mileage in Kentucky.

(14) [~~(13)~~] Revenue Form 61A200(P), "Report of Kentucky Operations", shall be filed by public service companies with the Revenue Cabinet, reporting their Kentucky property investment.

(15) [~~(14) Revenue Form 61A200P2, "Balance Sheet Information", shall be filed by public service companies with the Revenue Cabinet, reporting their unit, balance sheet account balances as of the end of the year.~~

~~(15) Revenue Form 61A200P3, "Results of Operations", shall be filed by public service companies with the Revenue Cabinet, reporting their unit, income statement account balances as of the end of the year.~~

~~(16) Revenue Form 61A200P4, "Supplemental Accounting Information" shall be filed by public service companies with the Revenue Cabinet, reporting method of amortization for certain intangible accounts, capitalized interest and method of allocating overhead costs.~~

~~(17) Revenue Form 61A200P5, "Cable Television Revenue and Expenses", shall be filed by cable television companies with the Revenue Cabinet, reporting the balances in their income statement accounts as of the end of the year.~~

~~(18) Revenue Form 61A200P6, "Cable Television Reporting Form", shall be filed by cable television companies with the Revenue Cabinet, reporting system and head-end information~~

~~(19) Revenue Form 61A200P7, "Cable Television Investment Report Form", shall be filed by cable television companies with the Revenue Cabinet, reporting information on the plant distribution system, electronics/head-end equipment, towers and satellite dishes.~~

~~(20)~~] Revenue Form 61A200Q, "Supplemental Report of Operations for Contained and Residential Landfills", shall be filed by landfills with the Revenue Cabinet, reporting historic, current and projected operational information.

(16) [~~(21)~~] Revenue Form 61A200R, "Report of Property Subject to the Pollution Control Tax Exemption", shall be filed by public service companies with the Revenue Cabinet, reporting certified pollution control equipment, the original cost and the net book value.

(17) [~~(22)~~] Revenue Form 61A200S, "Filing Requirements for Commercial Passenger and Cargo Airlines", shall be filed by passenger and cargo airline companies with the Revenue Cabinet, reporting statistical information about all owned and leased aircraft.

(18) [~~(23)~~] Revenue Form 61A200T, "Report of Reseller Leasing Form", shall be filed by cable television and telephone companies leasing access to or from other providers, with the Revenue Cabinet, reporting company name and address.

(19) Revenue Form 61A200U, "Industrial Revenue Bond Property", shall be filed by a public service company to list real and tangible personal property purchased with an industrial revenue bond.

(20) Revenue Form 61A200W, "Wireless Telephone Provider Report" shall be filed by wireless telephone providers operating in Kentucky to report spectrum data for those companies operating totally or partially in Kentucky.

(21) [~~(24)~~] Revenue Form 61A202, "2002 [~~2001~~] Public Service Company Property Tax Return for Railroad Car Line" shall be filed by railroad car line companies with the Revenue Cabinet, classifying the railcars by type and reporting cost, age and mileage for each railcar.

(22) [~~(25)~~] Revenue Form 61A203, "2003 [~~2001~~] Apportioned Vehicle Property Tax Return and Instructions" shall be completed by motor vehicle carriers engaged in interstate commerce and operating partially in Kentucky to report ad valorem tax liabilities.

(23) [~~(26)~~] Revenue Form 61A207, "2003 Nonresident Watercraft Property Tax Return", shall be filed by nonresident watercraft owners which do not fall under the filing requirements of KRS 136.120, with the Revenue Cabinet, reporting the watercraft's book value, original cost and total and Kentucky mileage.

(24) [~~(27)~~] Revenue Form 61A207I, "Instructions - 61A207", shall be available to assist taxpayers who are required to file revenue form 61A207.

(25) [~~(28)~~] Revenue Form 61A208, "Public Service Company Property Tax Return Coin Operated Telephones", shall be filed by owners of coin-operated telephones with the Revenue Cabinet, reporting an activity summary and copies of the annual report to stockholder's and Kentucky financial statements.

(26) [~~(29)~~] Revenue Form 61A209, "Public Service Company Sales", shall be filed by a taxpayer, which has sold or bought a public service company, with the Revenue Cabinet in order to assist in the determination of fair cash value for ad valorem tax purposes.

(27) [~~(30)~~] Revenue Form 61A210, "Cable Television Company Sales", shall be filed by a taxpayer, which has sold or bought a cable television company, with the Revenue Cabinet in order to assist in the determination of fair cash value for ad valorem tax purposes.

(28) [~~(31)~~] Revenue Form 61A211, "Public Service Company Schedule of Owned and/or Leased 2001 Motor Vehicles with Kentucky Situs" shall be filed by public service companies with the Revenue Cabinet to assure proper credit for previously assessed motor vehicles.

(29) [~~(32)~~] Revenue Form 61A230, "Notice of Assessment for Public Service Company", shall be sent by the Revenue Cabinet to the taxpayer notifying him of the final assessment of the public service company property.

(30) [~~(33)~~] Revenue Form 61A240, "Notice of Assessment for Public Service Company", shall be sent by the Revenue Cabinet notifying him of a tentative assessment of the public service company property. This notice also informs the taxpayer of the protest period.

(31) [~~(34)~~] Revenue Form 61A250, "Notice of Assessment for Public Service Company on the Taxpayer's Claim of Value", shall be sent by the Revenue Cabinet notifying the taxpayer of his claim of assessed value on public service company property.

(32) [~~(35)~~] Revenue Form 61A255, "Public Service Company Property Tax Statement", shall be used by the counties, schools and special districts to bill public service companies for local property taxes.

(33) [~~(36)~~] Revenue Form 61A507, "Distilled Spirits or Nonresident Watercraft Property Tax Statement", shall be used by counties, schools and special districts to bill for local property taxes.

(34) [~~(37)~~] Revenue Form 61A508, "Annual Report of Distilled Spirits in Bonded Warehouse", shall be filed by distilleries with the Revenue Cabinet to report inventory as of January 1.

(35) [~~(38)~~] Revenue Form 61A508-S1, "Schedule 1 Department of Property Valuation Cost of Production Schedule", shall be filed by distilleries with the Revenue Cabinet, reporting the average cost per gallon of production.

(36) [~~(39)~~] Revenue Form 61A508-S2, "Schedule 2 Department of Property Valuation Storage of Cost Schedule", shall be filed by distilleries with the Revenue Cabinet, reporting average per barrel storage cost.

(37) [~~(40)~~] Revenue Form 61A508-S3, "Schedule 3 Schedule of Bulk Sales", shall be filed by distilleries with the Revenue Cabinet, reporting the date of the sale or purchase, the number of barrels, age and the price.

(38) [~~(41)~~] Revenue Form 61A508-S4, "Schedule 4", shall be filed by distilleries with the Revenue Cabinet, reporting the fair cash value for case goods and other inventory reported on form 61A508.

(39) [~~(42)~~] Revenue Form 61F003, "Facts You Should Know About Public Service Companies", shall be an informational brochure on the assessment and taxation of public service companies for ad valorem tax.

(40) [~~(43)~~] Revenue Form 62A006, "Motor Boat Tax and/or Registration Renewal Notice" shall be issued by the Revenue Cabinet to notify motor boat owners of their ad valorem property tax liabilities and registration renewal.

(41) [~~(44)~~] Revenue Form 62A007, "Motor Vehicle Tax and/or Registration Renewal Notice" shall be issued by the Revenue Cabinet to notify motor vehicle owners of their ad valorem property tax liabilities and registration renewal deadline.

(42) [~~(45)~~] Revenue Form 62A007S, "Delinquent Motor Vehicle/Boat Property Tax - Second Notice" shall be issued by the Revenue Cabinet to notify motor vehicle and boat owners of their delinquent ad valorem property tax liabilities.

(43) [~~(46)~~] Revenue Form 62A008, "Motor Vehicle Tax Notice" shall be issued by the Revenue Cabinet to notify motor vehicle owners of their ad valorem property tax liabilities.

(44) [~~(47)~~] Revenue Form 62A010, "Notice for Boat Transfer", shall be issued to January 1 owners of boats transferred during the calendar year informing them of the ad valorem tax due on the transferred boat.

(45) [~~(48)~~] Revenue Form 62A013, "Application for Assessment Moratorium Certificate", shall be filed by property owners seeking an assessment moratorium on qualifying existing property undergoing repair, rehabilitation or restoration. The form shall be filed with the proper administrating agency of the county in which the property is located, thirty (30) days prior to restoration or repair.

(46) [~~(49)~~] Revenue Form 62A015, "1999 Motor Vehicle and Watercraft Property Tax Rate Certification", shall be submitted annually to the Revenue Cabinet by motor vehicle and watercraft taxing jurisdictions to certify the rates established by the taxing jurisdiction for motor vehicles and watercraft.

(47) [~~(50)~~] Revenue Form 62A016, "Quietus" shall be issued by the Revenue Cabinet to certify that a county clerk is in good standing with regard to the conduct of ad valorem property tax collection duties.

(48) [~~(51)~~] Revenue Form 62A017, "County Clerk's Claim for Calculation of Motor Vehicle and Boat Bills" shall be completed by the Revenue Cabinet and county clerk to certify the total number of motor vehicle and boat accounts for a given county and determine the county clerk's compensation for making tax bills.

(49) [~~(52)~~] Revenue Form 62A018, "School Taxing Jurisdiction - Motor Vehicle and Watercraft Property Tax Rate" shall be completed by the Revenue Cabinet to list the motor vehicle and watercraft property tax rates for each school taxing jurisdiction.

(50) [~~(53)~~] Revenue Form 62A019, "Distributions of Ad Valorem Tax to the Fiscal Courts" shall be completed by the Revenue Cabinet to list the fiscal year ad valorem property tax distributions to the various county fiscal courts.

(51) [~~(54)~~] Revenue Form 62A020, "Intercounty Property Tax Collections", shall be completed by the Revenue Cabinet to list distributions of ad valorem property tax made to individual taxing jurisdictions.

(52) [~~(55)~~] Revenue Form 62A023, "Application for Exemption from Property Taxation" shall be filed by organizations, other than institutions of religion seeking a property tax exemption under Section 170 of the Kentucky Constitution. This form shall be filed with the Revenue Cabinet.

(53) [~~(56)~~] Revenue Form 62A023-R, "Application for Exemption from Property Taxation for Religious Organizations" shall be filed by institutions of religion seeking a property tax exemption under Section 170 of the Kentucky Constitution. This form shall be filed with the Revenue Cabinet.

(54) [~~(57)~~] Revenue Form 62A024, "Undeveloped Oil and Gas Property Tax Return", shall be filed by owners or lessees of undeveloped oil and gas property with the Revenue Cabinet, reporting property by county, including a map for each property location and lessee information for leased property.

(55) [~~(58)~~] Revenue Form 62A030, "Request for Reproduction of

PVA Public Records", shall be submitted to request copies of documents required to be retained by the PVA.

(56) [~~(59)~~] Revenue Form 62A037, "Mail Back Card Department of Property Valuation", shall be filed by property owners, other than the owners of mobile homes, to report information regarding their property to the Revenue Cabinet in order to ensure assessment quality.

(57) [~~(60)~~] Revenue Form 62A039, "Mail Back Card Department of Property Valuation for Mobile Manufactured Home", shall be filed by owners of mobile homes to report information regarding their property to the Revenue Cabinet in order to ensure assessment quality.

(58) [~~(61)~~] Revenue Form 62A044, "Affidavit for Correction/Exoneration of Motor Vehicle/Boat Property Tax", shall be completed by the owner of a vehicle or boat, at the property valuation administrator's office in order to correct owner or vehicle/boat information in the ad valorem tax computer system. The PVA will present the form to the county clerk when a tax refund is authorized.

(59) [~~(62)~~] Revenue Form 62A050, "Application for Property Tax Refund", shall be filed by taxpayers seeking a refund of taxes.

(60) [~~(63)~~] Revenue Form 62A200, "2003 [~~2002~~] Unmined Coal Property Tax Information Return", shall be filed by owners or lessees of unmined minerals with the Revenue Cabinet, reporting filer information.

(61) [~~(64)~~] Revenue Form 62A200A, "Schedule A Fee Property Ownership", shall be filed by owners or lessees of unmined minerals with the Revenue Cabinet, reporting ownership information for each parcel or royalty information for each leased parcel.

(62) [~~(65)~~] Revenue Form 62A200B, "Schedule B Mineral Property Ownership (Coal Only)", shall be filed by owners or lessees of unmined coal with the Revenue Cabinet, reporting ownership information for each parcel or royalty information for each leased parcel.

(63) [~~(66)~~] Revenue Form 62A200C, "Schedule C Leased Property", shall be filed by all lessees and sublessees with the Revenue Cabinet, reporting a property schedule for each parcel leased from another party and outlined on the lessee map.

(64) [~~(67)~~] Revenue Form 62A200D, "Schedule D Property Transfers" shall be filed by both purchasers and sellers of unmined mineral property, with the Revenue Cabinet, reporting details of the transaction.

(65) [~~(68)~~] Revenue Form 62A200E, "Schedule E Lease Terminations", shall be filed by lessors or lessees of unmined minerals, with the Revenue Cabinet, reporting the parcel number, date lease was terminated and the reason for termination.

(66) [~~(69)~~] Revenue Form 62A200F, "Schedule F Geological Information by County", shall be filed by owners or lessees of unmined miners, with the Revenue Cabinet, reporting exploration and analytical information.

(67) [~~(70)~~] Revenue Form 62A200G, "Schedule G", shall be filed by owners or lessees of unmined minerals, with the Revenue Cabinet, reporting properties with no changed from the previous tax year.

(68) Revenue Form 62A200H, "Schedule H Farm Exception to Unmined Minerals Tax", shall be filed by surface owners, who own the mineral rights in their entirety and are engaged primarily in farming, to be excepted from the unmined minerals tax.

(69) [~~(71)~~] Revenue Form 62A302, "Property Information Request Regarding Assessment Appeal", shall be filed by taxpayers with the property valuation administrator, if appealing their assessment on real property.

(70) [~~(72)~~] Revenue Form 62A304, "Property Valuation Administrator's Recapitulation of Real Property Tax Roll" shall be filed by the property valuation administrator by the first Monday in April, showing a recapitulation of property assessments by type of property and by taxing district; also known as "first recap".

(71) [~~(73)~~] Revenue Form 62A305, "Property Valuation Administrator's Summary of Real Property Tax Roll Changes" shall be filed by the property valuation administrator within six (6) days of the conclusion of the real property tax roll inspection period, showing all changes made since the submission of Revenue Form 62A304; also known as "final recap" or "second recap".

(72) [~~(74)~~] Revenue Form 62A307, "Property Owner Conference Record", shall be used by the property valuation administrator to document a property owners appeal conference. The property owner or his representative shall be asked to sign the record and shall be given a copy of the record.

(73) [~~(75)~~] Revenue Form 62A310, "Corporation Report of Securities Held by Kentucky Resident - Cover Letter", shall be filed with the by Kentucky corporations with the Revenue Cabinet, reporting their taxable securities held by Kentucky residents.

(74) [~~(76)~~] Revenue Form 62A310-S1, "Corporation Report of Securities Held by Kentucky Residents", shall be filed by Kentucky corporations with the Revenue Cabinet, reporting their taxable securities held by Kentucky residents.

(75) [~~(77)~~] Revenue Form 62A311, "Life Insurance Proceeds Report Kentucky Property Tax - Cover Letter", shall be filed by life insurance companies doing business in Kentucky, with the Revenue Cabinet, reporting those Kentucky residents entitled to proceeds of life insurance policies left on deposit with the insurance company and subject to withdrawal as of January 1.

(76) [~~(78)~~] Revenue Form 62A311-S1, "Life Insurance Proceeds Report", shall be filed by life insurance companies doing business in Kentucky, with the Revenue Cabinet, reporting those Kentucky residents entitled to proceeds of life insurance policies left on deposit with the insurance company and subject to withdrawal as of January 1.

(77) [~~(79)~~] Revenue Form 62A329, "Annual Report of Domestic Life Insurance Companies", shall be filed by life insurance companies doing business in Kentucky, with the Revenue Cabinet, reporting the fair cash value of the company's intangible property, both taxable and exempt, and the aggregate amount.

(78) [~~(80)~~] Revenue Form 62A350, "Application for Exemption Under the Homestead/Disability Amendment", shall be filed by property owners seeking an exemption from property taxes under Section 170 of the Kentucky Constitution. This application shall be filed with the property valuation administrator of the county in which the residential unit is located.

(79) [~~(81)~~] Revenue Form 62A352, "Notice to Real Property Owner of Assessment by Property Valuation Administrator", shall be mailed to the property owner by the property valuation administrator notifying him of the assessment amount and of his appeal rights.

(80) [~~(82)~~] Revenue Form 62A353, "Notice of Listing of Omitted Real Property", shall be mailed by the property valuation administrator to the property owner. This document shall notify the property owner that his omitted property has been listed and assessed and of his appeal rights.

(81) [~~(83)~~] Revenue Form 62A354, "Notice to Property Owner of Final Decision of Board of Assessment Appeals", shall be sent from the Board of Assessment Appeals to the property owner to inform him of their ruling.

(82) [~~(84)~~] Revenue Form 62A363-B, "County Clerk's Claim for Preparing Omitted Tax Bills", shall be submitted by the county clerk in order to receive payment of one (1) dollar for each omitted property tax bill prepared, with one-half (1/2) paid out of the county treasury and one-half (1/2) paid out of the State Treasury.

(83) [~~(85)~~] Revenue Form 62A365, "Nonresidency Affidavit", shall be filed as proof of nonresidency in Kentucky as of January 1, for ad valorem tax purposes.

(84) [~~(86)~~] Revenue Form 62A366, "Order Correcting Erroneous Assessment", shall be filed by the property valuation administrator with the sheriff, to correct an error made in an assessment of property.

(85) [~~(87)~~] Revenue Form 62A366-D, "Order Correcting Erroneous Delinquent Assessment", shall be filed by the property valuation administrator with the sheriff, to correct an error made in a delinquent assessment of property.

(86) Revenue Form 62A368-A, "County Clerk's Monthly Report of Delinquent Tax Collections" shall be used by county clerks to report monthly to the Revenue Cabinet delinquent property tax collections for the 1997 tax year only.

(87) Revenue Form 62A368-B, "County Clerk's Monthly Report of Delinquent Tax Collections" shall be used by county clerks to report monthly to the Revenue Cabinet delinquent property tax collections for tax years after 1997.

(88) Revenue Form 62A376, "Intangible Property Tax Return", shall be filed by owners of taxable intangible property, with either the property valuation administrator in the county of taxable situs or the Revenue Cabinet, reporting all taxable intangible at fair cash value as of January 1 of the year of the return.

(89) Revenue Form 62A376I, "Instructions Intangible Property Tax Return", shall be available to taxpayers who are required to file 62A376.

(90) Revenue Form 62A378, "Report of Location of Mobile Homes", shall be filed by every person providing rental space for mobile homes and house trailers. This form shall be filed with the property valuation administrator of the county in which the park is located.

(91) Revenue Form 62A379, "Listing of Omitted Real Property", shall be used by a taxpayer to voluntarily list any property previously omitted from the tax roll or shall be used by property valuation administrator to list any involuntary omitted property.

(92) Revenue Form 62A384, "Oil Property Tax Return", shall be filed with the Revenue Cabinet by persons owning or leasing developed oil property in Kentucky, reporting the lease, purchaser and operator's name, as well as production information.

(93) Revenue Form 62A384C, "Clay Property Tax Return", shall be filed with the Revenue Cabinet by persons owning or leasing clay property, reporting owner's name and address, percent ownership, product tons and royalty rate.

(94) Revenue Form 62A384-C(I), "Instructions for Completing Clay Property Tax Return for 2002 Tax Year", shall be used by owners and lessees of land containing mineable clay minerals to file Revenue Form 62A384.

(95) Revenue Form 62A384F, "Flourspar Property Tax Return", shall be filed with the Revenue Cabinet by persons owning flourspar property, reporting percent ownership, type of mineral owned, estimated tons of mineable reserves and estimated value of mineral reserves.

(96) Revenue Form 62A384G, "Natural Gas Property Tax Return", shall be filed with the Revenue Cabinet by persons owning or leasing developed natural gas properties, reporting the location of the property, total yearly gas production, number of producing wells and the total dollar value of production.

(97) Revenue Form 62A384L, "Limestone and Sand and Gravel Property Tax Return", shall be filed with the Revenue Cabinet by persons owning or leasing limestone, sand or gravel properties reporting mineral location, type of mining and production in the last three (3) years.

(98) Revenue Form 62A385-A, "Sheriff's Receipt For Unpaid And Partially Paid Tax Bills", shall be used by incoming sheriffs to give receipt to the outgoing sheriff for the unpaid and partially paid tax bills outstanding when he assumes office.

(99) Revenue Form 62A394, "Sheriff's Monthly Report of Property Tax Collections", shall be used by sheriffs to report to the Revenue Cabinet property tax collections for the month;

(100) [~~(98)~~] Revenue Form 62A394-MV, "County Clerk's Monthly Report of Motor Vehicle Property Tax Collections" shall be submitted by the county clerk to the Revenue Cabinet and local taxing jurisdictions to report ad valorem property tax collections for the month.

(101) Revenue Form 62A398, "Property Valuation Administrator's Bond" shall be completed by Property Valuation Administrators evidencing surety with the Commonwealth and local school board(s) and affirming a commitment to fulfill the duties of the office.

(102) [~~(99)~~] Revenue Form 62A399, "Notice To Appear in Circuit Court", shall be served to a person who is indebted to another person who has a delinquent tax liability.

(103) [~~(100)~~] Revenue Form 62A400, "Notice of Distraint", shall be sent by the sheriff to notify persons in possession of personal property belonging to a delinquent taxpayer that this property is subject to distraint in order to settle the tax liability.

(104) [~~(101)~~] Revenue Form 62A401, "Final Notice Before Distraint", shall be sent by the sheriff to the owner of real and personal property omitted from the tax roll.

(105) [~~(102)~~] Revenue Form 62A405, "Notice of Sale of Tax Bill", shall be sent by the county attorney to the owner of real property to notify that a certificate of delinquency has been issued against the property.

(106) [~~(103)~~] Revenue Form 62A500, "2003 [~~2002~~] Tangible Personal Property Tax Return", shall be filed by owners or lessees of tangible personal property, with either the property valuation administrator of the county of taxable situs or with the Revenue Cabinet, reporting taxpayer information, original cost of tangible property and reported value of tangible property.

(107) [~~(104)~~] Revenue Form 62A500A, "2003 [~~2002~~] Tangible Personal Property Tax Return for Aircraft", shall be filed by owners or lessees of aircraft not used for commercial purposes, with either the property valuation administrator of the county of taxable situs or with the Revenue Cabinet, reporting the federal registration number, make and model, and taxpayer's value for each aircraft.

(108) [~~(105)~~] Revenue Form 62A500C, "Consignee Tangible Personal Property Tax Return", shall be filed by persons in possession of consigned inventory, that has not been reported on revenue form 62A500, with either the property valuation administrator of the county of taxable situs or with the Revenue Cabinet, reporting consignor information and consigned inventory information.

(109) [~~(106)~~] Revenue Form 62A500L, "Lessee Tangible Personal Property Tax Return" shall be filed by lessees of tangible personal property who did not list the property on revenue form 62A500, with either the property valuation administrator of the county of taxable situs or with the Revenue Cabinet, reporting lessor information and equipment information.

(110) [~~(107)~~] Revenue Form 62A500W, "2003 [~~2002~~] Tangible Personal Property Tax Return for Non-Kentucky Registered Watercraft and Documented Watercraft", shall be filed by owners or lessees of documented vessels not used for commercial purposes, with either the property valuation administrator of the county of taxable situs or with the Revenue Cabinet, reporting the coast guard number, make and model and taxpayer's value for each watercraft.

(111) [~~(108)~~] Revenue Form 62A600, "Savings and Loan Tax Return", shall be filed with the Revenue Cabinet by savings and loans operating solely in Kentucky, reporting the balances in their capital accounts.

(112) [~~(109)~~] Revenue Form 62A601, "Foreign Savings and Loan Tax Return", shall be filed with the Revenue Cabinet by foreign savings and loans authorized to do business in this state, reporting the balances in their capital accounts

(113) [~~(110)~~] Revenue Form 62A601-S1, "Schedule A Computation of Apportionment Factor for Foreign Savings and Loans", shall be filed with the Revenue Cabinet, by taxpayers filing revenue form 62A601, reporting the amount of Kentucky receipts, loans and payrolls.

(114) [~~(111)~~] Revenue Form 62A601-S2, "Influence Amount Schedule B", shall be filed with the Revenue Cabinet, by taxpayers filing revenue form 62A600 or 62A601, reporting the market value of U. S. government securities.

(115) [~~(112)~~] Revenue Form 62A850, "Bank Deposits Tax Return" shall be filed with the Revenue Cabinet by financial institutions, reporting the amount of its deposits as of the preceding January 1.

(116) [~~(113)~~] Revenue Form 62A861, "Schedule 1 Summary of Deposits" shall be filed with the Revenue Cabinet, by taxpayers filing revenue form 62A600 or 62A601, listing deposits located in each county and city.

(117) [~~(114)~~] Revenue Form 62A862, "Certification of Tax Rates for Bank Deposits Franchise Tax", shall be filed by the local taxing district with the Revenue Cabinet to notify us of the rate set on bank deposits.

(118) [~~(115)~~] Revenue Form 62A863, "Financial Institutions Local Deposits Summary Report", shall be filed with the Revenue Cabinet, by financial institutions, reporting all deposits located within the state as of the preceding June 30, along with a copy of the most recent summary of deposits filed with the Federal Deposit Insurance Corporation.

(119) Revenue Form 62A863-A, "Schedule A, Summary of Deposits", shall be filed with the Revenue Cabinet, by financial institutions filing Revenue Form 62A863, to summarize deposits.

(120) [~~(116)~~] Revenue Form 62A864, "Trust Questionnaire", shall be sent by the Revenue Cabinet to a taxable trust to request additional information for ad valorem tax purposes.

(121) [~~(117)~~] Revenue Form 62A865, "Kentucky Intangible Property Tax - 1998 Margin Accounts" shall be sent by the cabinet to the brokers maintaining an office in Kentucky notifying them of their intangible assessment.

(122) [~~(118)~~] Revenue Form 62A872, "Intangible Property Assessment Notice for Prepayment of Estates", shall be sent by the Revenue Cabinet to the taxpayer notifying him of the assessed value of intangible property in the settlement of an estate.

(123) [~~(119)~~] Revenue Form 62A875, "Tangible Business Situs for Kentucky Intangible Tax Purposes", shall be filed by intangible property owners with the Revenue Cabinet in order to determine if the property has a Kentucky taxable business situs.

(124) [~~(120)~~] Revenue Form 62A876-A, "Omitted Intangible Property List", shall be filed by the owner of intangible property with the Revenue Cabinet in order to report for taxation previously omitted property.

(125) [~~(121)~~] Revenue Form 62A878, "Omitted Intangible Worksheet", shall be used by the Revenue Cabinet to list and assess omitted intangible property. This worksheet shall be sent to the property owner.

(126) [~~(122)~~] Revenue Form 62A880, "Omitted Personal Property Assessment", shall be sent by the Revenue Cabinet to the owner of omitted personal property notifying him of the value assessed by the cabinet as well as all applicable penalties and interest.

(127) [~~(123)~~] Revenue Form 62B001, " Unmined Coal Tax Notice (Sublessee)", shall be sent by the Revenue Cabinet to the taxpayer notifying him of the value of his interest in unmined coal property.

(128) [~~(124)~~] Revenue Form 62B002, " Unmined Coal Tax Notice (Lessee)", shall be sent by the Revenue Cabinet to the taxpayer notifying him of the value of his interest in unmined coal property.

(129) [~~(125)~~] Revenue Form 62B003, " Unmined Coal Tax Notice (Owner)", shall be sent by the Revenue Cabinet to the taxpayer notifying him of the value of his interest in unmined coal property.

(130) [~~(126)~~] Revenue Form 62B010, "Omitted Notice of Assessment on Unmined Coal", shall be sent by the Revenue Cabinet notifying the taxpayer of the value of his interest in omitted unmined coal property.

(131) [~~(127)~~] Revenue Form 62B011, " Limestone, Sand, and Gravel Tax Notice", shall be sent by the Revenue Cabinet to the taxpayer notifying him of the value of his interest in limestone, sand or gravel property.

(132) [~~(128)~~] Revenue Form 62B012, " Oil Assessment Notice", shall be sent by the Revenue Cabinet to the taxpayer notifying him of the value of his interest in oil property.

(133) [~~(129)~~] Revenue Form 62B013, " Clay Property Assessment Notice", shall be sent by the Revenue Cabinet to the taxpayer notifying him of the value of his interest in clay property.

(134) [~~(130)~~] Revenue Form 62B014, " Undeveloped Oil and Gas Assessment Notice", shall be sent by the Revenue Cabinet to the taxpayer notifying him of the value of his interest in undeveloped oil and gas property.

(135) [~~(131)~~] Revenue Form 62B015, " Gas Assessment Notice", shall be sent by the Revenue Cabinet to the taxpayer notifying him of the value of his interest in gas property.

(136) [~~(132)~~] Revenue Form 62B016, " Flourspar Property Assessment Notice", shall be sent by the Revenue Cabinet to the taxpayer notifying him of the value of his interest in gas property.

(137) [~~(133)~~] Revenue Form 62B808, "Omitted Intangible Property Listing Request Letter", shall be sent by the Revenue Cabinet to the owner of intangible property in which the cabinet has reason to believe has been omitted or undervalued on the tax rolls.

(138) [~~(134)~~] Revenue Form 62F002, "Appeals Process for Personal Property Assessments", shall be an informational brochure on the procedure to follow to appeal an assessment on personal property.

(139) [~~(135)~~] Revenue Form 62F003, "Appeals Process for Real Property Assessments", shall be an informational brochure on the procedure to follow to appeal an assessment on real property.

(140) [~~(136)~~] Revenue Form 62F015, "PVA Open Records Commercial Fee Guidelines", shall be used by the PVA to establish fees to be charged for the cost of reproduction, creation, or other acquisition of records.

(141) [~~(137)~~] Revenue Form 62F020, "Deeds/Transfers and Property Taxes", shall be an informational brochure on Kentucky's property tax system, sales and transfers of property and the requirements for preparing a deed.

(142) [~~(138)~~] Revenue Form 62F031, "Appeal to Local Board of Assessment Appeals", shall be filed with the county clerk by any taxpayer wished to appeal his assessment on real property.

(143) [~~(139)~~] Revenue Form 62F500, "The Assessment of Tangible Personal Property", shall be an informational brochure on the taxation of tangible personal property.

(144) [~~(140)~~] Revenue Form 62F700, "Important Information Regarding Your Bill", shall be provided to late filers of personal property tax returns, for the purpose of informing them that the personal property tax will be billed centrally, and informing them of possible penalties.

(145) [~~(141)~~] Revenue Form 62F1341, "Exemptions Allowed for Savings and Loans, Agricultural Credit Associations and Banks for Cooperatives for Intangible Property Tax Purposes", shall inform taxpayers, subject to intangible property tax on the value of their capital stock, of those institutions which issue obligations that are exempt from state ad valorem taxation.

Section 15. Racing Taxes - Required Forms. Revenue Form 73A100, "Race Track Pari-Mutuel and Admissions Report", shall be used by race tracks licensed by the Kentucky Racing Commission to report liability for the pari-mutuel tax and to report admissions to the race track.

Section 16. Sales and Use Tax - Required Forms. (1) Revenue Form 51A101, "Sales and Use Tax Permit", shall be conspicuously displaced by the sales and use tax permit holder at the location for which the permit was issued.

(2) Revenue Form 51A102, "Kentucky Sales and Use Tax Return and Worksheet", shall be submitted to the Revenue Cabinet by a Kentucky sales and use tax permit holder to report total receipts, itemized deductions, amount subject to Kentucky use tax and total amount of Kentucky sales and use tax due for a particular reporting period.

(3) Revenue Form 51A102E, "Kentucky Sales and Use Tax Return and Worksheet - Electronic Funds Transfer", shall be submitted to the Revenue Cabinet by a Kentucky sales and use tax permit holder who remits payment via electronic funds transfer to report total receipts, itemized deductions, amount subject to Kentucky use tax and total amount of Kentucky sales and use tax due for particular reporting period.

(4) Revenue Form 51A103, "Kentucky Accelerated Sales and Use Tax Return and Worksheet", shall be completed by a Kentucky sales and use tax permit holder who has been designated as an accelerated filer to report total receipts, itemized deductions, amount subject to use tax, and total amount of sales and use tax due.

(5) Revenue Form 51A103E, "Sales and Use Tax Return and Worksheet - Electronic Funds Transfer", shall be submitted on a monthly basis by a Kentucky sales and use tax permit holder to report total receipts, itemized deductions, amount subject to use tax, and total amount of sales and use tax due on an accelerated basis and remitted via electronic funds transfer.

(6) Revenue Form 51A104, "Six (6) Percent Sales Tax Collection Bracket" shall be used by a Kentucky sales and use tax permit holder to compute the correct amount of sales and use tax due on the amount of sales.

(7) Revenue Form 51A105, "Resale Certificate", shall be presented to a seller by a Kentucky sales and use tax permit holder to claim that the tangible personal property purchased from the seller will be:

(a) Resold in the regular course of business;

(b) Leased or rented; or

(c) Used as raw material, industrial supply or industrial tool.

(8) Revenue Form 51A109, "Application for Energy Direct Pay Authorization" shall be filed with the Revenue Cabinet by a manufacturer; processor, miner or refiner to apply for an energy direct pay authorization.

(9) Revenue Form 51A110, "Direct Pay Authorization", shall be presented to a Kentucky sales and use tax permit holder by a company authorized to report and pay directly to the Revenue Cabinet the sales or use tax on all purchases of tangible personal property, excluding energy and energy-producing fuels.

(10) Revenue Form 51A111, "Certificate of Exemption Machinery for New and Expanded Industry", shall be presented to a Kentucky sales and use tax permit holder by a manufacturer or production processor to claim exemption from sales and use tax.

(11) Revenue Form 51A112, "Application for Direct Pay Authorization", shall be submitted by a registered sales and use tax permit

holder wishing to obtain a direct pay authorization.

(12) Revenue Form 51A113, "Kentucky Consumer's Use Tax Return and Worksheet", shall be completed by a registered consumer's use tax permit holder and submitted to the Revenue Cabinet on a regular basis to report the amount of purchases subject to Kentucky use tax.

(13) Revenue Form 51A113(0), "Consumer's Use Tax Return - Nonregistered Filer" shall be completed by a person storing, using, or otherwise consuming tangible personal property in Kentucky who is not registered for a consumer's use tax permit number.

(14) Revenue Form 51A115, "Order for Selected Sales and Use Tax Publications", shall be presented to the Revenue Cabinet by anyone who wishes to order sales selected sales and use tax forms, regulations and informational circulars.

(15) Revenue Form 51A125, "Application for Purchase Exemption Sales and Use Tax", shall be presented to the Revenue Cabinet by a resident 501C(3) charitable, educational, or religious institution; historical sites; and units of federal, state or local governments to apply for a sales and use tax exemption on purchases of tangible personal property and certain services to be utilized in the exempt entity's function.

(16) Revenue Form 51A126, "Purchase Exemption Certificate", shall be presented to a retailer by a resident charitable, educational or religious institution or Kentucky historical site to claim exemption from sales and use tax on purchases of tangible personal property or services.

(17) Revenue Form 51A127, "Out-of-State Exemption Certificate", shall be presented to a retailer by an out-of-state agency or institution that has previously qualified for exemption in their state or residence and previously provided proof of such exemption to the Sales and Use Tax Section, Kentucky Revenue Cabinet to claim exemption from sales and use tax on its purchases of tangible personal property.

(18) Revenue Form 51A128, "Solid Waste Recycling Machinery Exemption Certificate" shall be presented to a retailer by a business or organization that claims exemption from sales and use tax on the purchase, lease or rental of machinery or equipment to be primarily used for recycling purposes to collect, source separate, compress, bale, shred or otherwise handle waste material.

(19) Revenue Form, 51A129, "Kentucky Sales and Use Tax Energy Exemption Annual Return", shall be submitted to the Revenue Cabinet by an energy direct pay holder to reconcile the actual amount of sales and use tax due on purchases of energy and energy-producing fuels to the total amount sales and use tax paid based upon previous estimates of tax due.

(20) Revenue Form 51A130, "Kentucky Sales and Use Tax Monthly Aviation Fuel Tax Credit Schedule of Qualified Certificated Air Carrier", must be completed by a qualified certificated air carrier on a monthly basis to claim an aviation fuel tax credit against the company's sales and use tax liability for the month.

(21) Revenue Form 51A131, "Kentucky Sales and Use Tax Monthly Aviation Fuel Dealer Supplementary Schedule", must be completed by aviation fuel dealers selling jet fuel in order to determine the sales and use tax collected on the sale of jet fuel.

(22) Revenue Form 51A143, "Purchase Exemption Certificate - Watercraft Industry", shall be presented to a retailer by a purchaser to claim exemption from sales and use tax on the purchase of tangible personal property that will be used in the activity of transporting property or in conveying persons for hire.

(23) Revenue Form 51A149, "Certificate of Exemption for Pollution Control Facilities", shall be presented to a retailer by a holder of a pollution control tax exemption certificate or jointly by a contractor and the holder of a pollution control tax exemption certificate to claim exemption from sales and use tax on the purchase of materials and equipment that will become part of a certified pollution control facility.

(24) Revenue Form 51A150, "Aircraft Exemption Certificate" shall be presented to a retailer by a purchaser to claim exemption from sales and use tax on the purchase of aircraft, repair and replacement parts for the aircraft, and supplies that will be used for the direct operation of aircraft in interstate commerce and used exclusively for the conveyance of property or passengers for hire.

(25) Revenue Form 51A151, "Enterprise Zone Sales and Use Tax Exemption Certificate for Qualified Businesses Machinery and Equipment", shall be presented in duplicate to a retailer by an enterprise zone qualified business to claim exemption from sales and use tax on the purchase of machinery and equipment to be used in a designated enterprise zone.

(26) Revenue Form 51A152, "Enterprise Zone Sales and Use Tax Exemption Certificate for Building Materials", shall be presented to a retailer by a purchaser to claim exemption from sales and use tax on the purchase of building materials to be used in remodeling, rehabilitation, or new construction in an enterprise zone.

(27) Revenue Form 51A154, "Certificate of Exemption Out-of-State Delivery for Aircraft, Mobile/Manufactured Homes, Campers, Boats, Motors or Trailers", shall be completed in triplicate by the seller and buyer when the sale of the tangible personal property occurs, and in addition the person making delivery of the tangible personal property shall complete the affidavit portion of the form within two (2) days of the time of delivery to claim that the property was purchased exempt from sales tax and delivered immediately out of state not to return to Kentucky for use.

(28) Revenue Form 51A157, "Certificate of Exemption - Water Used in Raising Equine", shall be presented to a retailer by a person regularly engaged in raising equine as a business to claim exemption for the purchase of water used to raise equine.

(29) Revenue Form 51A158, "Farm Exemption Certificate", shall be presented to a retailer by a person regularly engaged in the occupation of tilling and cultivating the soil for the production of crops, raising and feeding livestock or poultry; or raising and feeding llamas, alpacas, ratites, buffalo or aquatic organisms to claim exemption from sales and use tax on the purchase of certain tangible personal property.

(30) Revenue Form 51A159, "On-Farm Facilities Certificate of Exemption for Materials, Machinery and Equipment", shall be presented to a retailer by a farmer or jointly by a farmer and a contractor to claim exemption from sales and use tax on the purchase of materials, machinery and equipment which will be incorporated into the initial construction of on-farm facilities exempt under the provisions of KRS 139.480.

(31) Revenue Form 51A205, "Kentucky Sales and Use Tax Instructions", shall be used by Kentucky sales and use tax permit holders as a guide in filing their sales and use tax returns and maintaining permit account information.

(32) Revenue Form 51A209, "Sales and Use Tax Refund Application", shall be completed by a Kentucky sales and use tax permit holder and submitted to the Revenue Cabinet within four (4) years from the date the tax was paid to apply for a refund of sales and use tax previously paid by the permit holder.

(33) Revenue Form 51A216, "Application for Pollution Control Tax Exemption Certificate", shall be completed by a business, governmental unit or institution to apply for a sales and use tax exemption on purchases of tangible personal property used to control or abate pollution.

(34) Revenue Form 51A222, "Certificate of Exemption for Alcohol Production Facilities", shall be presented to a retailer by a holder of an alcohol production tax exemption certificate or jointly by a contractor and the holder of an alcohol production tax exemption certificate to claim exemption from sales and use tax on materials and equipment that will become a part of an alcohol production facility as provided by KRS Chapter 247.

(35) Revenue Form 51A223, "Application for Alcohol Production Facility Tax Exemption Certificate", shall be completed by a business seeking exemption from sales and use tax on the purchase of materials and equipment that will become a part of an alcohol production facility as provided by KRS Chapter 247.

(36) Revenue Form 51A226, "Pollution Control Tax Exemption Certificate", shall be issued by the Revenue Cabinet to a business who has qualified for certain sales and use tax, corporation income, corporation license, and property tax benefits.

(37) Revenue Form 51A227, "Certificate of Resale (Schools)", shall be issued to a retailer by an exempt nonprofit elementary or secondary school or the organizations they sponsor or that are affiliated with them to claim an exemption from sales and use tax on the purchase of tangible personal property that will be resold provided the proceeds from the resale of the property is used solely for the benefit of the elementary or secondary schools or their students.

(38) Revenue Form 51A228, "Application for Fluidized Bed

Combustion Technology Tax Exemption Certificate", shall be completed by a business, governmental unit or organization and submitted to the Revenue Cabinet to apply for a sales and use tax exemption on the purchase of equipment and materials used in fluidized bed combustion technology.

(39) Revenue Form 51A229, "Fluidized Bed Combustion Technology Tax Exemption Certificate", shall be issued by the Revenue Cabinet to a business, governmental unit or organization to advise that they qualify for corporation license tax, property tax, and sales and use tax benefits.

(40) Revenue Form 51A241, "Registration for the Kentucky Sales and Use Tax Refund for Motion Picture and Television Production Companies", shall be completed by a motion picture production company and submitted to the Revenue Cabinet to register for a sales and use tax refund.

(41) Revenue Form 51A242, "Application for Sales and Use Tax Refund for Motion Picture Production Company", shall be completed by a registered motion picture production company and submitted to the Revenue Cabinet within sixty (60) days after completion of the filming or production of the motion picture in Kentucky to request a refund of the Kentucky sales and use tax paid on purchases of tangible personal property made in connection with filming and producing motion pictures in Kentucky.

(42) Revenue Form 51A250, "Application for Transient Merchant Permit", shall be completed by a transient merchant and filed with the clerk in the county in which the business is to be conducted, or if urban county government, with the officer of the government who has responsibility for the issuance of business permits and licenses to obtain a permit before conducting any business in Kentucky.

(43) Revenue Form 51B105A, "Sales and Use Tax Return Inquiry", shall be a form that is completed by the Revenue Cabinet to request additional information from a Kentucky sales and use tax permit holder regarding a sales and use tax return.

(44) Revenue Form 51F008, "Federal Government Exemption from Kentucky Sales and Use Tax: Notification", shall be issued by the Revenue Cabinet to a federal government unit which in turn is presented to a retailer by the federal government unit to claim exemption from sales and use tax on purchases of tangible personal property to be used in the exempt governmental function.

(45) Revenue Form 51F009, "Purchase Exemption Notification", shall be issued by the Revenue Cabinet to a resident nonprofit charitable, educational or religious institution to advise the entity of the assigned purchase exemption number additional information concerning the exemption from sales and use tax.

(46) Revenue Form 51F010, "Energy Direct Pay Authorization: Notification", shall be issued by the Revenue Cabinet to advise a Kentucky sales and use tax permit holder that it has been authorized to purchase energy and energy-producing fuels without paying or reimbursing the vendor for the sales and use tax and that they are required to report and pay directly to the Revenue Cabinet the sales and use tax on that portion of the cost price which is subject to tax pursuant to KRS 139.480(3).

Section 17. Severance Taxes - Required Forms. (1) Revenue Form 55A003, "Certificate of Registration-Severance Taxes", shall be used by the Revenue Cabinet to register coal severance taxpayers.

(2) Revenue Form 55A004, "Coal Severance Tax Seller's Certificate", shall be filed by the taxpayer to verify purchase coal deductions.

(3) Revenue Form 55A100, "Coal Tax Return", shall be filed monthly by the taxpayer to report production and tax due.

(4) Revenue Form 55A100, "Part IV - Schedule of Coal Sales (Continuation)", shall be used by the taxpayer to report additional coal sales if there is not room on the return.

(5) Revenue Form 55A100D, "Coal Tax Return - Keep This Copy", a replica of the Coal Tax Return shall be completed by the taxpayer and retained in his files for informational purposes.

(6) Revenue Form 55A100D, " Part IV - Schedule of Coal Sales - Keep This Copy (continuation)", a replica of the Schedule of Coal Sales (Continuation) shall be completed by the taxpayer and retained in his files for informational purposes.

(7) Revenue Form 55A101, "Coal Tax Return Instructions", shall be included with the coal tax return mailed to the taxpayer to assist in the completion of his return.

(8) Revenue Form 55A131, "Credit Memorandum", shall be used by the cabinet to issue a credit to the taxpayer for an overpayment rather than a refund.

(9) Revenue Form 55A209, "Severance Tax Refund Application", shall be used by the taxpayer for the purpose of requesting a refund of tax overpaid.

(10) Revenue Form 56A001, "Application for Certificate of Registration Minerals and Natural Gas Tax", shall be used by persons dealing in minerals, natural gas or natural gas liquids who wish to register with the Revenue Cabinet to acquire an account number.

(11) Revenue Form 56A100, "Natural Gas and Natural Gas Liquids Tax Return", shall be used by registered natural gas and natural gas liquids taxpayers monthly to report production and tax due.

(12) Revenue Form 56A101, "Minerals Tax Return", shall be used by registered mineral taxpayers monthly to report production and tax due.

(13) Revenue Form 56A106, "Minerals Tax Certificate of Exemption", shall be used by mineral taxpayers to claim exemptions from minerals tax for minerals purchased for the maintenance of a privately maintained but publicly dedicated road.

(14) Revenue Form 56A107, "Schedule A, Gross Value of Minerals Severed in Kentucky Allocation and Schedule B, Minerals Purchased from Others for Processing by Taxpayer", shall be used by mineral taxpayers to compute gross value of minerals to be allocated and to show the allocation by county of the gross value of minerals severed in Kentucky and also shall be used by taxpayer for showing minerals that are purchased from others for processing by the taxpayer.

(15) Revenue Form 56A108, "Schedule A, Gross Value of Natural Gas Sold to Nonconsumers and Schedule B, Taxable Gross Value of Natural Gas and Natural Gas Liquids Extracted in Kentucky by Taxpayer - Allocation", shall be used by natural gas taxpayers to show details of all natural gas extracted in Kentucky and sold to nonconsumers and also shall be used by natural gas taxpayers to allocate the natural gas to the county or counties where the natural gas or natural gas liquids were located prior to extraction.

(16) Revenue Form 56A109, "Schedule C, Natural Gas First Purchased by Taxpayer From Kentucky Producers", shall be used by natural gas taxpayers who are first purchasers of natural gas to show gross value by county or counties from which the natural gas was extracted.

(17) Revenue Form 56A110, "Schedule C, Minerals Tax Return, Computation of Tax on Clay Severed and Processed in Kentucky and Allocation of Tax Attributable to Clay", shall be used by mineral taxpayers that sever clay to compute tax due.

(18) Revenue Form 56A112, "Crude Petroleum Transporter's Monthly Report, Kentucky Oil Production Tax", shall be used by registered crude petroleum transporter's for reporting gross value and tax due.

(19) Revenue Form 56A113, "Minerals Tax Credit for Limestone Sold in Interstate Commerce", shall be used by mineral taxpayers for the purpose of determining the eligibility for the minerals tax credit.

(20) Revenue Form 56A114, "Crude Petroleum Transporter's Application for Registration", shall be used by crude petroleum transporter's who wish to acquire an account number with the Kentucky Revenue Cabinet.

Section 18. Waste Tire Tax - Required Form. Revenue Form 73A051, "Motor Vehicle Tire Fee Report", shall be used by businesses making retail sales of new motor vehicle tires to report liability for motor vehicle tire fee and to report the number of waste tires received from customers.

Section 19. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) Administrative - referenced material:

1. Revenue Form KY-1345, "Handbook for Electronic Filers of Individual Income Tax Returns, Tax Year 2001 ", October, 2002 [~~1, 2001~~];

2. Revenue Form 10A001, "Request to Inspect Public Records", February, 1997;

3. Revenue Form 10A020, "Waiver of Appeal Rights", January, 2001;
4. Revenue Form 10A070, "Authorization Agreement for EFT", January, 1999;
5. Revenue Form 10A100, "Kentucky Tax Registration Application for Withholding, Corporation, Coal, Sales and Use Tax", December 1, 1999;
6. Revenue Form 10A100CS, "Kentucky Tax Registration Application for Withholding, Corporation, Coal, Sales and Use Tax", November, 2000;
7. Revenue Form 10A100-I, "Instructions for Kentucky Tax Registration Application for Withholding, Corporation, Coal, Sales and Use Taxes", October, 2001;
8. Revenue Form 10A100CS-I, "Instructions for Kentucky Tax Registration Application for Withholding, Corporation, Coal, Sales and Use Taxes", November, [~~February,~~] 2002;
9. Revenue Form 10A101, "Kentucky General Business Application", October, 1994;
10. Revenue Form 10A700, "Kentucky Tax Amnesty Application", July, 2002;
11. Revenue Form 10F100, "Your Rights As A Kentucky Taxpayer", September, 2002;
12. Revenue Form 10F710, "Important Information Regarding Your Tax Amnesty Application", July, 2002;
13. [~~March, 2000,~~ ~~11.~~] Revenue Form 12A012, "Receipt of Seized Property", November, 1989;
14. [~~12.~~] Revenue Form 12A018, "Kentucky Revenue Cabinet Offer in Settlement", March, 2000;
15. [~~13.~~] Revenue Form 12A104, "Notice of Seizure", October, 1982;
16. [~~14.~~] Revenue Form 12A107, "Notice of Sale", October, 1996;
17. [~~15.~~] Revenue Form 12A109, "Release of Levy", October, 1996;
18. [~~16.~~] Revenue Form 12A110, "Release of Levy on Wages, Salary, and Other Income", October, 1996;
19. [~~17.~~] Revenue Form 12A200, "Kentucky Individual Income Tax Installment Agreement Request", November, 2002 [~~2001~~];
20. [~~18.~~] Revenue Form 12A500, "Certificate of Partial Discharge of Tax Lien", October, 1996;
21. [~~19.~~] Revenue Form 12A501, "Certificate of Subordination of Kentucky Revenue Tax Lien", October, 1996;
22. [~~20.~~] Revenue Form 12A502, "Application for Certificate of Subordination of Kentucky Revenue Lien", April, 2002 [~~October, 1996~~];
23. [~~21.~~] Revenue Form 12A503, "Application for Specific Lien Release", April, 2002 [~~October, 1996~~];
24. [~~22.~~] Revenue Form 12A504, "Personal Assessment of Corporate Officer", August, 1996;
25. [~~23.~~] Revenue Form 12A505, "Waiver Extending Statutory Period for Assessment of Corporate Officer", August, 1996;
26. [~~24.~~] Revenue Form 12A506, "Waiver Extending Statutory Period for Collections", August, 1996;
27. [~~25.~~] Revenue Form 12A507, "Table for Figuring the Amount Exempt From Levy On Wages, Salary, and Other Income", August, 1996;
28. [~~26.~~] Revenue Form 12A508-1, "Notice of Assessment", October, 1996;
29. [~~27.~~] Revenue Form 12A509, "Notification of Delinquent Taxpayer", October, 1996;
30. [~~28.~~] Revenue Form 12A510, "Guidelines for Wage Levy Processing", August, 1996;
31. [~~29.~~] Revenue Form 12A511, "Guidelines for Bank Levy Processing", August, 1996;
32. [~~30.~~] Revenue Form 12A512, "Confidential Agent Appointment", October, 1996;
33. [~~31.~~] Revenue Form 12A513, "Nexus Questionnaire", October, 1996;
34. [~~32.~~] Revenue Form 12A514, "Questionnaires for Persons Relative to a Notice of Assessment", August, 1996;
35. [~~33.~~] Revenue Form 12A516, "Requirements for Agreed Judgments", October, 1996;
36. [~~34.~~] Revenue Form 12A517, "Notice of State Tax Lien", October, 1996;
37. [~~35.~~] Revenue Form 12A518, "Certificate of Release of Tax Lien", October, 1996;
38. [~~36.~~] Revenue Form 12A519, "Proof of Claim", October, 1996;
39. [~~37.~~] Revenue Form 12A638, "Statement of Financial Condition for Individuals", May, 1999 [~~January, 1997~~];
40. [~~38.~~] Revenue Form 12A638(I), "Instructions for Completing Statement of Financial Condition for Individuals", May, 1999;
41. [~~39.~~] Revenue Form 12A639, "Statement of Financial Condition for Businesses", January, 1997;
42. [~~40.~~] Revenue Form 12A639(I), "Instructions for Completing Statement of Financial Condition for Businesses", January, 1997;
43. [~~41.~~] Revenue Form 12B019, "Notice of Levy on Wages, Salary, and Other Income", October, 1996;
44. [~~42.~~] Revenue Form 12B020, "Notice of Levy", October, 1996;
45. [~~43.~~] Revenue Form 12F020, "Understanding the Kentucky Revenue Cabinet Collection Process", September, 1998;
46. [~~44.~~] Revenue Form 12F030, "Voluntary Disclosure Program", September, 1998;
47. [~~45.~~] Revenue Form 21A020, "Request for Copy of Tax Refund Check", June, 1988;
48. [~~46.~~] Revenue Form 21A050, "Business Account Numbers", January, 1997;
49. [~~47.~~] Revenue Form 31A001, "Vendor Contact Authorization", March, 1989;
50. [~~48.~~] Revenue Form 31A012, "Interstate Sales/Income Tax Questionnaire", January, 2003 [~~March, 1990~~];
51. [~~49.~~] Revenue Form 31A014, "SEATA - Southeastern Association of Tax Administrators Nexus Questionnaire", January, 2003 [~~October, 1993~~];
52. [~~50.~~] Revenue Form 31A149, "Agreement Fixing Period of Limitation Upon Assessment of Sales, Use or Severance Tax", November, 1992;
53. [~~51.~~] Revenue Form 31A685, "Authorization to Examine Bank Records", May, 1985;
54. [~~52.~~] Revenue Form 31A725, "Statute of Limitations Agreement", April, 1985;
55. [~~53.~~] Revenue Form 42F102, "Large Employer Program Electronic File Fact Sheet", August, 1996;

(b) Alcoholic beverage - referenced material:

1. Revenue Form 73A504, "Acknowledgment of Tax Liability on Imported Alcoholic Beverages", March, 1992;
2. Revenue Form 73A525, "Monthly Report of Distillers, Rectifiers or Bottlers", February, 1985;
3. Revenue Form 73A526, "Wholesaler's Monthly Distilled Spirits Tax Report", December, 1986;
4. Revenue Form 73A527, "Wholesaler's List of Individual Spirits Shipments Acquired", October, 1986;
5. Revenue Form 73A530, "Consignor's Report of Alcoholic Beverages Shipped", August, 1996;
6. Revenue Form 73A531, "Transporter's Report of Alcoholic Beverages Delivered", July, 1986;
7. Revenue Form 73A535, "Report on Destruction of Alcoholic Beverages", January, 1991;
8. Revenue Form 73A575, "Wholesaler's Monthly Wine Tax Report", January, 1995;
9. Revenue Form 73A576, "Vintner's Wine Report", June, 1998;
10. Revenue Form 73A577, "Wholesaler's List of Individual Wine Shipments Acquired", June, 1998;
11. Revenue Form 73A626, "Brewer's Monthly Report Schedule", July, 1985;
12. Revenue Form 73A627, "Beer Distributor's Monthly Report", January, 1989;
13. Revenue Form 73A628, "Distributor's Monthly Malt Beverage Excise Tax and Wholesale Sales Tax Report", June, 1992;
14. Revenue Form 73A629, "Beer Distributor's Sales to Federal Agencies", June, 1992;

(c) Bank franchise - referenced material:

1. Revenue Form 73A800, "Kentucky Registration Application for Bank Franchise Tax", October, 2000 [~~2001~~];
2. Revenue Form 73A801, "2002 [~~2001~~] Bank Franchise Tax Return", December, 2002 [~~October 2001~~];

3. Revenue Form 73A801I, "2002 [~~2001~~] Kentucky Bank Franchise Tax Forms and Instructions Packet", December, 2002 [~~October 2001~~];

4. Revenue Form 73A802, "Application for Ninety (90) Day Extension of Time to File Kentucky Bank Franchise Tax Return", December, 2002 [~~October 2001~~];

(d) Cigarettes - referenced material:

1. Revenue Form 73A181, "Cigarette Licenses Application", June, 2001;

2. Revenue Form 73A190, "Cigarette License", April, 1988;

3. Revenue Form 73A404, "Cigarette Tax Stamps or Meter Units Order Form", January, 2000;

4. Revenue Form 73A406, "Cigarette Tax Credit Certificate", November, 1990;

5. Revenue Form 73A420, "Monthly Report of Cigarette Wholesaler and Wholesaler's Monthly Report of Nonparticipating Manufacturers Cigarettes Sold in Kentucky", June, [~~February,~~] 2002;

6. Revenue Form 73A420(I), "Instructions for Monthly Report of Cigarette Wholesaler", June, [~~February,~~] 2002;

(e) Corporation income and license - referenced material:

1. Revenue Form 41A720, "Form 720, 2002 [~~2001~~] Kentucky Corporation Income and License Tax Return", October, 2002 [~~2001~~];

2. Revenue Form 41A720A, "Schedule A, Apportionment and Allocation", October, 2002 [~~2000~~];

3. Revenue Form 41A720CC, "Schedule CC, Coal Conversion Tax Credit", October, 2000;

4. Revenue Form 41A720CI, "Application for Coal Incentive Tax Report", January, 2002;

5. Revenue Form 41A720ES, "Form 720ES, 2003 [~~2002~~] Kentucky Corporation Income Tax Estimated Tax Voucher", July, 2002 [~~August, 2001~~];

6. Revenue Form 41A720EZC, "Schedule EZC, Enterprise Zone Tax Credit", October, 2000;

7. Revenue Form 41A720HH, "Schedule HH, Kentucky Housing for Homeless Families Deduction", October, 2000;

8. Revenue Form 41A720I, "Instructions, 2002 [~~2001~~] Kentucky Corporation Income and License Tax Return", October, 2002 [~~2001~~];

9. Revenue Form 41A720RC, "Schedule RC, "Application for Income Tax Credit for Recycling and/or Composting Equipment", November, 2001;

10. Revenue Form 41A720RC(C), "Schedule RC - Part I Continuation", October, 2000;

11. Revenue Form 41A720RC (K-1), "Schedule RC (K-1), "Pro Rata/Distributive Share of Approved Recycling and/or Composting Equipment Tax Credit", October, 2000;

12. Revenue Form 41A720S, "Form 720S, 2002 [~~2001~~] Kentucky S Corporation Income and License Tax Return", October, 2002 [~~2001~~];

13. Revenue Form 41A720S1, "2002 [~~2001~~] Kentucky Corporation Income and License Tax Forms and Instructions Packet", October, 2002 [~~2001~~];

14. Revenue Form 41A720S2, "2002 [~~2001~~] Kentucky S Corporation Income and License Tax Forms and Instructions Packet", October, 2002 [~~2001~~];

15. Revenue Form 41A720-S4, "Instructions for Filling Corporation Estimated Income Tax Voucher", October, 2001;

16. Revenue Form 41A720-S16, "Schedule KREDA, Tax Credit Computation Schedule (for a KREDA Project of C Corporations)", December, 2000;

17. Revenue Form 41A720-S17, "Schedule KREDA-T, Tracking Schedule for a KREDA Project", December, 1998;

18. Revenue Form 41A720-S18, "Schedule KREDA-SP, Tax Computation Schedule (for a KREDA Project of S Corporations or Partnerships)", December, 2000;

19. Revenue Form 41A720-S20, "Schedule KIDA, Tax Credit Computation Schedule (for a KIDA Project of C Corporations)", December, 2000;

20. Revenue Form 41A720-S21, "Schedule KIDA-T, Tracking Schedule for a KIDA Project", December, 1998;

21. Revenue Form 41A720-S22, "Schedule KIDA-SP, Tax Computation Schedule (for a KIDA Project of S Corporations or Partnerships)", October, 2000;

22. Revenue Form 41A720-S24, "Schedule KIRA, Tax Credit Computation Schedule (for a KIRA Project of C Corporations)", December, 1998;

23. Revenue Form 41A720-S25, "Schedule KIRA-T, Tracking Schedule for a KIRA Project", December, 1998;

24. Revenue Form 41A720-S26, "Schedule KIRA-SP, Tax Credit Computation Schedule (for a KIRA Project of S Corporations or Partnerships)", February, 1999 [~~December, 1998~~];

25. Revenue Form 41A720-S27, "Schedule KJDA, Tax Credit Computation Schedule (for a KJDA Project of C Corporations)", October, 2000;

26. Revenue Form 41A720-S28, "Schedule KJDA-T, Tracking Schedule for a KJDA Project", December, 1998;

27. Revenue Form 41A720-S29, "Schedule KJDA-SP, Tax Computation Schedule (for a KJDA Project of S Corporations or Partnerships)", October, 2000;

28. Revenue Form 41A720-S30, "Schedule TCS, Tax Credit Summary Schedule (for C Corporations with More Than One (1) Economic Development Project)", October, 2000;

29. Revenue Form 41A720-S31, "2001 Kentucky Schedule K for S Corporations with Economic Development Project(s)", October, 2001;

30. Revenue Form 41A720-S32, "Schedule KIRA-L, Tax Credit Computation Schedule, License Tax (For a KIRA Project of Corporations", shall be used by corporations which have entered into a revitalization agreement for a Kentucky Industrial Revitalization Act (KIRA) project to compute the allowable KIRA license tax credit.

31. Revenue Form 41A720SI, "Instructions for 2002 [~~2001~~] Kentucky S Corporation Income and License Tax Return", October 2002 [~~2001~~];

32. [~~31.~~] Revenue Form 41A720S (K-1), "Schedule K-1 (Form 720S), 2002 [~~2001~~] Kentucky Shareholder's Share of Income, Credits, Deductions, Etc.", 2002 [~~2001~~];

33. [~~32.~~] Revenue Form 41A720SL, "Application for Six (6) Month Extension of Time to File Kentucky Corporation Income and License Tax Return", October, 2001;

34. [~~33.~~] Revenue Form 41A720X, "Form 720X, Amended Kentucky Corporation Income Tax and Corporation License Tax Return", November, 2002 [~~2001~~];

35. [~~34.~~] Revenue Form 41A722, "Form 722, Election to File Consolidated Kentucky Corporation Income Tax Return" October, 2000;

36. [~~35.~~] Revenue Form 41A750, "Business Development Corporation Tax Return", August, 1975;

37. [~~36.~~] Revenue Form 41A851K, "Form 851-K, Kentucky Affiliations and Payment Schedule", October, 2000;

38. [~~37.~~] Revenue Form 42A799, "Kentucky Information Return", February, 1985;

39. [~~38.~~] Revenue Form 42A799-S1, "Form 796, Annual Income Information Return", June, 1984;

(f) Health care provider - referenced material:

1. Revenue Form 73A060, "Health Care Provider Tax Return", August, 1996;

2. [~~Revenue Form 73A060(A), "Kentucky Health Care Provider Tax Return - Keep This Copy", July, 1996;~~

~~3.~~] Revenue Form 73A060(I), "Instructions - Kentucky Health Care Provider Tax Return", July, 1997;

3. [~~4.~~] Revenue Form 73A061, "Kentucky Health Care Provider Application for Certificate of Registration", June, 1994;

(g) Individual income and withholding - referenced material:

1. Revenue Form 12A200, "Kentucky Individual Income Tax Installment Agreement Request", November, 2002 [~~December, 2000~~];

2. Revenue Form 15F001, "Kentucky Income Tax Facts", December, 2002 [~~2001~~];

3. Revenue Form 15F002, "Who.. What.. When.. Where?", December, 2002 [~~2001~~];

4. Revenue Form 40A100, "Application for Refund of Income Taxes", November, 1990;

5. Revenue Form 40A102, "Application for Extension of Time to File Individual, Partnership and Fiduciary Income Tax Returns for Kentucky", November, 2002 [~~2001~~];

6. Revenue Form 40A727, "Kentucky Income Tax Forms Requisition", October, 2001;

7. [~~Revenue Form 42A003, "Kentucky Order Form for W-2/K-2", August, 2000;~~

8.] Revenue Form 42A680, "Kentucky Individual Income Tax Return Audit Report", November, 2002 [May, 1995];

8. [9.] Revenue Form 42A701B, "Kentucky Individual Income Tax Return Audit Report", May, 1995;

9. [10.] Revenue Form 42A705, "Kentucky Income Tax Withholding Audit Report", August, 1992;

10. [11.] Revenue Form 42A740, "2002 [2001] Kentucky Individual Income Tax Return, Full-Year Residents Only", 2002 [2001];

11. [12.] Revenue Form 42A740-EZ, "2002 [2001] Kentucky Individual Income Tax Return for Single Persons with No Dependents", 2002 [2001];

12. [13.] Revenue Form 42A740-J, "Schedule J, Kentucky Farm Income Averaging", December, 2000;

13. [14.] Revenue Form 42A740-L, "2000 Kentucky Income Tax Postcard", 2000;

14. [15.] Revenue Form 42A740-M, "Schedule M, Kentucky Federal Adjusted Gross Income Modifications", 2002 [2001];

[16. Revenue Form 42A740-S, "2001 Kentucky Individual Income Tax Return, Full-Year Residents Only", October, 2001;]

15. [17.] Revenue Form 42A740-S9, "2002 [2001] Kentucky Income Tax Return, Nonresident or Part-Year Resident", 2002 [2001];

16. [18.] Revenue Form 42A740-NP-A, "Kentucky Schedule A, 2002 [2001] Itemized Deductions", 2002 [2001];

17. [19.] Revenue Form 42A740-NP-ME, "Schedule ME, 2002 [2000] Moving Expense Reimbursement", October, 2002 [2000];

18. [20.] Revenue Form 42A740-S9-R, "2002 [2001] Kentucky Income Tax Return Nonresident - Reciprocal State", October, 2002 [2001];

19. [21.] Revenue Form 42A740-S10, "2002 [2001] Kentucky Income Tax Return, Nonresident or Part-Year Resident Forms and Instructions", 2002 [2001];

20. [22.] Revenue Form 42A740-S11, "2002 [2001] Kentucky Individual Income Tax Instructions for Forms 740[, 740-S], and 740-EZ", October, 2002 [2001];

21. [23.] Revenue Form 42A740-ES, "2003 [2002] Individual Income Tax Kentucky Estimated Tax Voucher", July, 2002 [October, 2001];

22. [24.] Revenue Form 42A740-S1, "2210-K, 2002 [2001] Underpayment of Estimated Tax by Individuals", 2002 [2001];

23. [25.] Revenue Form 42A740-S4, "2003 [2002] Instructions for Filing Estimated Tax Vouchers", October, 2002 [2001];

24. [26.] Revenue Form 42A740-T, "2001 Kentucky Individual Income TeleFile Tax Record and Instructions", 2001;

25. [27.] Revenue Form 42A740-X, "Amended Kentucky Individual Income Tax Return for Tax Year [1998,] 1999, 2000, 2001, 2002", November, 2002 [2001];

26. [28.] Revenue Form 42A740-A, "Schedule A, 2002 [2001] Kentucky Itemized Deductions", 2002 [2001];

27. [29.] Revenue Form 42A740-P, "Schedule P, 2002 [2001] Kentucky Pension Income Exclusion", 2002 [2001];

28. [30.] Revenue Form 42A740-TC, "Schedule TC, 2002 [2001] Tax Computation Schedule", 2002 [2001];

29. [31.] Revenue Form 42A740-UTC, "Schedule UTC, 2002 [2001] Unemployment Tax Credit", 2002 [2001];

30. [32.] Revenue Form 42A740-S18, "8582-K, 2002 [2001] Kentucky Passive Activity Loss Limitations", 2002 [2001];

31. [33.] Revenue Form 42A740-S20, "1045-K, 2002 [2001] Kentucky Net Operating Loss Application for Income Tax Refund", 2002 [2001];

32. [34.] Revenue Form 42A740-S20(I), "Instructions - Form 1045-K", October, 2002 [2001];

33. [35.] Revenue Form 42A740-S21, "4972-K, 2002 [2001] Kentucky Tax on Lump-Sum Distributions", 2002 [2001];

34. [36.] Revenue Form 42A740-S22, "8453-K, 2002 [2001] Kentucky Individual Income Tax Declaration for Electronic Filing", 2002 [2001];

35. [37.] Revenue Form 42A740-S23, "740-V, 2002 [2001] Kentucky Electronic Payment Voucher", 2002 [2001];

36. [38.] Revenue Form 42A741, "Form 741, 2002 [2001] Kentucky Fiduciary Income Tax Return", 2002 [2001];

37. [39.] Revenue Form 42A741(I), "Instructions - Form 741, Kentucky Fiduciary Income Tax Return", October, 2002 [2001];

38. [40.] Revenue Form 42A741-D, "Schedule D, Form 741, 2002 [2001] Kentucky Capital Gains and Losses", 2002 [2001];

39. [41.] Revenue Form 42A741(K-1), "Schedule K-1 Form 741, 2002 [2001] Kentucky Beneficiary's Share of Income, Deduction, Credits, etc.", 2002 [2001];

40. [42.] Revenue Form 42A765, "Form 765, 2002 [2001] Kentucky Partnership Income Return", 2002 [2001];

41. [43.] Revenue Form 42A765(I), "Instructions - Form 765, 2002 [2001] Kentucky Partnership Income Return", October, 2002 [2001];

42. [44.] Revenue Form 42A765(K-1), "Kentucky Schedule K-1 Form 765, 2002 [2001] Partner's Share of Income, Deductions, Credits, etc.", 2002 [2001];

43. [45.] Revenue Form 42A765-S1, "2002 [2001] Kentucky Schedule K for Partnerships with Economic Development Project(s)", October, 2002 [2001];

44. [46.] Revenue Form 42A800, "Withholding Kentucky Income Tax Instructions for Employers and Withholding Tax Tables", September, 2000;

45. [47.] Revenue Form 42A801, "Form K-1, Kentucky Employer's Return of Income Tax Withheld and Worksheet", February, 2001;

46. [48.] Revenue Form 42A801-D, "Form K-1, Amended Kentucky Employer's Return of Income Tax Withheld", August, 1999;

47. [49.] Revenue Form 42A801-E, "Form K-1E, Kentucky Employer's Return and Worksheet of Income Tax Withheld - Electronic Funds Transfer", February, 2001;

48. [50.] Revenue Form 42A802, "W-2/ K-2, 2002 [2001] Wage and Tax Statement", 2002 [2001];

49. [51.] Revenue Form 42A803, "Form K-3, Kentucky Employer's Return and Worksheet of Income Tax Withheld", February, 2001;

50. [52.] Revenue Form 42A803-D, "Form K-3, Amended Kentucky Employer's Return of Income Tax Withheld", August 1999 [2000];

51. [53.] Revenue Form 42A803-E, "Form K-3E, Kentucky Employer's Income Tax Withheld Return and Worksheet - Electronic Funds Transfer", February, 2001;

52. [54.] Revenue Form 42A804, "Form K-4, Kentucky Revenue Cabinet Employee's Withholding Exemption Certificate", December, 1999;

53. [55.] Revenue Form 42A804-A, "Form K-4A, Kentucky Revenue Cabinet Withholding Exemptions for Excess Itemized Deductions", September, 2000;

54. [56.] Revenue Form 42A804-E, "Form K-4E, Special Withholding Exemption Certificate", February, 2000;

55. [57.] Revenue Form 42A806, "Transmitter Report for Filing Kentucky Wage Statements", November, 2001;

56. [58.] Revenue Form 42A807, "Form K-4FC, Fort Campbell Exemption Certificate", October, 1998;

57. [59.] Revenue Form 42A808 (12-00), "Authorization to Submit Annual Employee Wage and Tax Statements Via File Transfer Protocol", December, 2000;

58. [60.] Revenue Form 42A809, "Certificate of Nonresidence", October, 2000;

59. [61.] Revenue Form 42A810, "Nonresident's Affidavit - Kentucky Individual Income Tax", April, 1989;

60. [62.] Revenue Form 42A811, "KREDA Report - 2001", April, 2001;

61. [63.] Revenue Form 42A812, "KIDA Report - 2001", April, 2001;

62. [64.] Revenue Form 42A813, "KJDA Report - 2001", April, 2001;

63. [65.] Revenue Form 42A814, "KIRA Report - 2001", April, 2001;

64. [66.] Revenue Form 42A815, "Withholding Tax Refund Application", July, 2001;

65. [67.] Revenue Form 42A820 (9-00), "Address Correction Request", September, 2000;

66. [68.] Revenue Form 42D003, "W-2/K-2 Order Form", August, 2002 [2001];

67. [69.] Revenue Form 42F010, "Should I Be Making Estimated Tax Payments", February, 1999;

(h) Inheritance - referenced material:

1. Revenue Form 92A101, "Kentucky Nonresident Inheritance

and Estate Tax Return and Instructions", May, 1995;

2. Revenue Form 92A110, "Real Estate Data Report", May, 1995;

3. Revenue Form 92A120, "Kentucky Resident Inheritance and Estate Tax Return Packet", May, 1995;

4. Revenue Form 92A120I, "Instructions 92A120 Packet", May, 1995;

5. Revenue Form 92A120S, "Inheritance and Estate Tax Return Short Form Packet", May, 1995;

6. Revenue Form 92A120X, "Kentucky Spousal Inheritance Tax Return", October, 1992;

7. Revenue Form 92A121, "Acceptance of Inheritance and Estate Tax Return", March, 1986;

8. Revenue Form 92A200, "Kentucky Inheritance and Estate Tax Return", December, 2000;

9. Revenue Form 92A201, "Kentucky Inheritance and Estate Tax Return No Tax Due", December, 2000;

10. Revenue Form 92A202, "Kentucky Estate Tax Return", December, 2000;

11. Revenue Form 92A204, "Real Estate Valuation Information Sheet", December, 2000;

12. Revenue Form 92A205, "Kentucky Inheritance Tax Return (Simplified Format)", December, 2000;

13. Revenue Form 92A500, "Notice of Insurance Payment", June, 1984;

14. Revenue Form 92A926, "Notice of Benefits Paid by Employer/Insurance Company", May, 1990;

15. Revenue Form 92A928, "Election to Defer the Payment of Inheritance Tax Through Installments", May, 1995 [~~December, 1996~~];

16. Revenue Form 92A929, "Notice of Agricultural and Horticultural Inheritance Tax Lien", March, 1991;

17. Revenue Form 92A930, "Certificate of Release of Agricultural and Horticultural Inheritance Tax Lien", March, 1990;

18. Revenue Form 92A931, "Certificate of Partial Discharge of the Agricultural and Horticultural Inheritance Tax Lien", July, 1983;

19. Revenue Form 92A932, "Receipt of Inheritance and Estate Taxes", December, 1984;

20. Revenue Form 92A936, "Election to Qualify Terminable Interest Property and/or Power of Appointment Property", May, 1995;

21. Revenue Form 92F101, "A Guide to Kentucky Inheritance and Estate Taxes", April, 2000;

(i) Insurance - referenced material:

1. Revenue Form 74A100, "Insurance Premiums Tax Return", December, 2002 [~~November, 2001~~];

2. Revenue Form 74A101, "Insurance Tax Return - Domestic Mutual, Domestic Mutual Fire, or Cooperative and Assessment Fire Insurance Companies", November, 2002 [~~2001~~];

3. Revenue Form 74A105, "Unauthorized Insurance Tax Return", July, 2000;

4. Revenue Form 74A110, "Kentucky Estimated Insurance Premiums Tax", January, 2003 [~~November, 2001~~];

5. Revenue Form 74A116, "Tax Election for Domestic Life Insurance Companies", December, 1998;

6. Revenue Form 74A117, "Monthly Insurance Surcharge Report - Domestic Mutual, Cooperative and Assessment Fire Insurer", July, 2000;

7. Revenue Form 74A118, "Monthly Insurance Surcharge Report", July, 2000;

(j) Legal process - referenced material: Revenue Form 73A200, "County Clerk's Monthly Report of Legal Process Tax Receipts", June, 2000;

(k) Marijuana and controlled substance - referenced material:

1. Revenue Form 73A701, "Instructions for Affixing Marijuana and Controlled Substance Tax Evidence (Stamp)", July, 1994;

2. Revenue Form 73A702, "Notice of Tax Lien KRS 138.870 Marijuana and Controlled Substance Tax", June, 2001;

3. Revenue Form 73A703, "Marijuana or Controlled Substance Stamps Order Form", October, 2002 [~~1994~~];

(l) Motor fuels - referenced material:

1. Revenue Form 72A004, "Motor Fuels Tax Watercraft Refund Bond", November, 1990;

2. Revenue Form 72A005, "Application for Approval to Sell Watercraft Refund Motor Fuels - Public Boat Dock", November, 1990;

3. Revenue Form 72A006, "Motor Fuels Tax Refund Application - Public Boat Dock", February, 1991;

4. Revenue Form 72A010, "Motor Fuel Tax Refund Permit Holder's Bond", July, 1989;

5. Revenue Form 72A011, "Petroleum Storage Tank Environmental Assurance Fee Monthly Report", September, 2002 [~~July, 2000~~];

6. Revenue Form 72A052, "Kentucky Motor Fuels Tax Refund Permit", May, 1995;

7. Revenue Form 72A053-A, "Application for Refund of Kentucky Motor Fuel Tax Paid on Nonhighway Motor Fuels", November, 1996;

8. Revenue Form 72A054-A, "Kentucky Motor Fuels Tax Refund Invoice", June, 1988;

9. Revenue Form 72A065, "Aviation Gasoline Tax Refund Bond", March, 1985;

10. Revenue Form 72A066, "Application for Refund of Kentucky Tax Paid on Gasoline Used in Operation of Aircraft", March, 1999;

11. Revenue Form 72A067, "Application for Approval to Receive a Refund of Aviation Motor Fuels", December, 1998;

12. Revenue Form 72A071, "Motor Fuels Tax Refund Bond - City and Suburban Bus, Nonprofit Bus, Senior Citizen Transportation, or Taxicabs", July, 1984;

13. Revenue Form 72A072, "Application for Motor Fuel Refund - City and Suburban Bus Companies, Nonprofit Bus Companies, Senior Citizen Transportation and Taxicab Companies", May, 1991;

14. Revenue Form 72A073, "Application for Approval to Receive a Refund of Tax on Motor Fuels Consumed by City and Suburban Buses, Nonprofit Buses, Senior Citizen Transportation and Taxicabs", June, 1999 [~~February, 1990~~];

15. Revenue Form 72A077, "Licensed Gasoline Dealer's Monthly Report of Gasoline Sales to U.S. Government", May, 1990;

16. Revenue Form 72A078, "Statement of Claim for Accountable Loss of Motor Fuel", March, 1994;

17. Revenue Form 72A080, "Report of Gasoline Received From Licensed Kentucky Dealers", February, 2002;

18. Revenue Form 72A081, "Report of Gasoline Imported from Other States", January, 1999;

19. Revenue Form 72A081-P, "Purchaser's Report Gasoline Imported into Kentucky - Kentucky Tax Paid to Suppliers", January, 1999;

20. Revenue Form 72A081-S, "Supplier's Report Gasoline Imported into Kentucky - Kentucky Tax Paid by Supplier", January, 1999;

21. Revenue Form 72A082, "Report of Gasoline Imported", June, 1988;

22. Revenue Form 72A083, "Report of Gasoline Received from Terminal or Refinery", June, 1988;

23. Revenue Form 72A084, "Report of Gasoline Exported", February, 2002;

24. Revenue Form 72A085, "Report of Gasoline Sold to Licensed Kentucky Dealers", June, 1988;

25. Revenue Form 72A086, "Report of Gasoline Withdrawals from Terminal Storage", June, 1988;

26. Revenue Form 72A087, "Report of Gasoline Withdrawals to Licensed Kentucky Dealers", June, 1988;

27. Revenue Form 72A088, "Report of Gasoline Withdrawals Exported or Sold for Export", June, 1988;

28. Revenue Form 72A089, "Licensed Gasoline Dealers Monthly Report", June, 2002 [~~January, 1999~~];

29. Revenue Form 72A090, "Gasoline Dealers Monthly Terminal Storage Report", December, 1992;

30. Revenue Form 72A091, "Gasoline Schedule of Sales Qualifying for Agricultural Tax Credit", June, 2002;

31. Revenue Form 72A098, "Transporter's Report of Motor Fuel Delivered", January, 1997;

32. [~~31.~~] Revenue Form 72A103, "Licensed Gasoline Dealer's Estimated Tax Payment", May, 1990;

33. [~~32.~~] Revenue Form 72A107, "Licensed Special Fuels Dealer's Monthly Report of Special Fuels Sales to U.S. Government", July, 2000;

34. [~~33.~~] Revenue Form 72A110, "Certification of Special Fuels

Nonhighway Use", June, 2002 [~~July, 2000~~];

35. [~~34.~~] Revenue Form 72A124, "Report of Kerosene Received and Blended", June, 2002 [~~July, 2000~~];

36. [~~35.~~] Revenue Form 72A127, "Special Fuels Dealer's Schedule of Sales Qualifying for State or Local Government Agency Credit", June, 2002 [~~July, 2000~~];

37. [~~36.~~] Revenue Form 72A128, "Special Fuels Dealer's Schedule of Sales Qualifying for Nonprofit Religious, Charitable or Educational Organization Credit", June, 2002 [~~July, 2000~~];

38. [~~37.~~] Revenue Form 72A129, "Special Fuels Schedule of Sales Qualifying for Commercial Off-Road Use Tax Credit (Undyed Diesel)", June, 2002 [~~July, 2000~~];

39. [~~38.~~] Revenue Form 72A131, "Special Fuels Dealer's Schedules of Sales Qualifying for Agricultural Tax Credit", June, 2002 [~~July, 2000~~];

40. [~~39.~~] Revenue Form 72A132, "Special Fuels Dealer's Schedule of Sales Qualifying for Residential Heating Tax Credit", June, 2002 [~~July, 2000~~];

41. [~~40.~~] Revenue Form 72A135, "Application for Kentucky Motor Fuels Tax Refund Permit", September, 2002 [~~June, 1995~~];

42. [~~41.~~] Revenue Form 72A138, "Licensed Special Fuels Dealer's Monthly Report", June, 2002 [~~July, 2000~~];

43. [~~42.~~] Revenue Form 72A153, "Report of Special Fuels Received from Licensed Kentucky Dealers", July, 2000;

44. [~~43.~~] Revenue Form 72A154, "Report of Special Fuels Imported from Other States", January, 1999;

45. [~~44.~~] Revenue Form 72A154-P, "Purchaser's Report Special Fuels Imported - Kentucky Tax Paid to Supplier", January, 1999;

46. [~~45.~~] Revenue Form 72A154-S, "Supplier's Report Special Fuels Imported - Kentucky Tax Paid by Supplier", January, 1999;

47. [~~46.~~] Revenue Form 72A155, "Report of Special Fuels Exported or Sold for Export", July, 2000;

48. [~~47.~~] Revenue Form 72A156, "Report of Special Fuels Sold to Licensed Kentucky Dealers", July, 2000;

49. [~~48.~~] Revenue Form 72A159, "Report of Special Fuels Sold for Exclusive Use by Railroad Companies for Nonhighway Purposes", June, 1988;

50. [~~49.~~] Revenue Form 72A160, "Licensed Special Fuels Dealer's Estimated Tax Payment", May, 1990;

51. [~~50.~~] Revenue Form 72A161, "Monthly Report Liquefied Petroleum Gas Dealer", June, 2002 [~~July, 1997~~];

52. [~~51.~~] Revenue Form 72A162, "Report of Liquefied Petroleum Gas Motor Fuels", July, 1997;

53. [~~52.~~] Revenue Form 72A163, "Application for Liquefied Petroleum Gas Motor Fuels Tax Exemption Permit", May, 1991;

54. [~~53.~~] Revenue Form 72A170, "Special Fuels Dealer's Monthly Terminal Storage Report", July, 2000;

55. [~~54.~~] Revenue Form 72A171, "Report of Special Fuels Imported", July, 2000;

56. [~~55.~~] Revenue Form 72A172, "Report of Special Fuels Received from Terminal or Refinery", July, 2000;

57. [~~56.~~] Revenue Form 72A173, "Report of Special Fuels Withdrawals to Licensed Kentucky Dealers", July, 2000;

58. [~~57.~~] Revenue Form 72A174, "Report of Special Fuels Withdrawals Exported or Sold for Export", July, 2000;

59. [~~58.~~] Revenue Form 72A175, "Report of Special Fuels Withdrawals from Terminal Storage", July, 2000;

60. [~~59.~~] Revenue Form 72A200, "Special Fuels Dealer's Schedule of Dyed Diesel Credits and Tax Due", July, 2000;

61. [~~60.~~] Revenue Form 72A210, "Report of Dyed Diesel Received from Licensed Kentucky Dealers", July, 2000;

62. [~~61.~~] Revenue Form 72A211, "Report of Dyed Diesel Imported from Other States", July, 2000;

63. Revenue Form 72A215, "Report of Kerosene and Other Receipts Received and/or Blended with Dyed Diesel", July, 2000;

64. [~~62.~~] Revenue Form 72A220, "Dyed Diesel Monthly Terminal Storage Report", July, 2000;

65. [~~63.~~] Revenue Form 72A221, "Report of Dyed Diesel Imported", July, 2000;

66. [~~64.~~] Revenue Form 72A222, "Report of Dyed Diesel Received from Terminal or Refinery", July, 2000;

67. [~~65.~~] Revenue Form 72A223, "Report of Dyed Diesel Withdrawals to Licensed Kentucky Dealers", July, 2000;

68. [~~66.~~] Revenue Form 72A224, "Report of Dyed Diesel Withdrawals Exported or Sold for Export", July, 2000;

69. [~~67.~~] Revenue Form 72A225, "Report of Dyed Diesel Withdrawals from Terminal Storage", July, 2000;

70. [~~68. Revenue Form 72A215, "Report of Kerosene and Other Receipts Received and/or Blended with Dyed Diesel", July, 2000;~~

~~69.~~] Revenue Form 72A230, "Report of Dyed Diesel Exported or Sold for Export", July, 2000;

71. [~~70.~~] Revenue Form 72A231, "Report of Dyed Diesel Sold to Licensed Kentucky Dealers", July, 2000;

72. [~~71.~~] Revenue Form 72A232, "Statement of Claim for Accountable Loss of Dyed Diesel", July, 2000;

73. [~~72.~~] Revenue Form 72A233, "Report of Dyed Diesel Sold for Exclusive Use by Railroad Companies for Nonhighway Purposes", July, 2000;

74. [~~73.~~] Revenue Form 72A234, "Licensed Special Fuels Dealer's Monthly Report of Dyed Diesel Sales to U.S. Government", July, 2000;

75. [~~74.~~] Revenue Form 72A240, "Special Fuels Dealer's Schedule of Dyed Diesel Sales Qualifying for Nonhighway Use Tax Credit", July, 2000;

76. [~~75.~~] Revenue Form 72A300, "Tax Registration Application for Motor Fuels License", August, 2002 [~~February, 1997~~];

77. [~~76.~~] Revenue Form 72A301, "Motor Fuels License Bond", August, 2002 [~~January, 1997~~];

78. [~~77.~~] Revenue Form 72A302, "Motor Fuels License", August, 1998;

79. Revenue Form 72A303, "Election Application/Cancellation Form", December, 2002;

(m) Motor vehicle usage - referenced material:

1. Revenue Form 71A100, "Affidavit of Total Consideration Given for a Motor Vehicle", October, 1998;

2. Revenue Form 71A101, "Motor Vehicle Usage Tax Multipurpose Form", July, 2000;

3. Revenue Form 71A102, "Questionnaire", August, 2000;

4. Revenue Form 71A103, "Application for Protective Refund of Motor Vehicle Usage Tax Used Vehicles Purchased Out of State", January 2001;

5. Revenue Form 71A151, "Enterprise Zone Motor Vehicle Usage Tax Exemption Certification", June, 1992;

6. Revenue Form 71A163, "Affidavits to Support Interstate Motor Carrier Motor Vehicle Usage Tax Exemption", June, 1985;

7. Revenue Form 71A174, "County Clerk's Recapitulation of Motor Vehicle Usage Tax - Weekly Report", September, 1983;

8. Revenue Form 71A174-A, "County Clerk's Recapitulation of Motor Vehicle Usage Tax - Interim Report", June, 1991;

9. Revenue Form 73A054, "Kentucky Application For Dealer Loaner/Rental Vehicle Tax", July, 2002;

10. Revenue Form 73A055, "Monthly Report For Dealer Loaner/Rental Vehicle Tax", July, 2002;

(n) Property - referenced material:

1. Revenue Form 61A200, "2003 [~~2002~~] Public Service Company Property Tax Return and Instructions", October, [~~January,~~] 2002;

2. Revenue Form 61A200(E), "Filing Extension Application", October, 2002;

3. Revenue Form 61A200(G), "Report of Capital Stocks", October, [~~January,~~] 2002;

4. [~~3.~~] Revenue Form 61A200(H), "Report of Funded Debt", October, [~~January,~~] 2002;

5. [~~4.~~] Revenue Form 61A200(I), "Business Summary by Taxing District", October, [~~January,~~] 2002;

6. [~~5.~~] Revenue Form 61A200(J), "Property Summary by Taxing Districts", October, [~~January,~~] 2002;

7. [~~6.~~] Revenue Form 61A200(K), "Operating Property Listing by Taxing District", October, [~~January,~~] 2002;

8. [~~7.~~] Revenue Form 61A200(K2), "Nonoperating Property Listing by Taxing District", October, [~~January,~~] 2002;

9. [~~8.~~] Revenue Form 61A200(L), "Report of Property and Business Factors for all Interstate Companies", October, [~~January,~~] 2002;

10. [~~9.~~] Revenue Form 61A200(L2), "Report of Property and Business Factors for Commercial Passenger and Cargo Airlines", January, 2002;

11. [~~10.~~] Revenue Form 61A200(M), "Report of Property and

Business Factors for Interstate Railroad and Sleeping Car Companies", October, [January,] 2002;

12. [11.] Revenue Form 61A200(N), "Report of Leased Real and Personal Property System and Kentucky Operating Leases", October, [January,] 2002;

13. [12.] Revenue Form 61A200(O), "Railroad Private Car Mileage Report", October, [January,] 2002;

14. [13.] Revenue Form 61A200(P), "Report of Kentucky Operations", October, [January,] 2002;

~~15. [14. Revenue Form 61A200P2, "Balance Sheet Information", January, 2002;~~

~~15. Revenue Form 61A200P3, "Results of Operations", January, 2002;~~

~~16. Revenue Form 61A200P4, "Supplemental Accounting Information" January, 2002;~~

~~17. Revenue Form 61A200P5, "Cable Television Revenue and Expenses", December, 2002;~~

~~18. Revenue Form 61A200P6, "Cable Television Reporting Form", January, 2002;~~

~~19. Revenue Form 61A200P7, "Cable Television Investment Report Form", January, 2002;~~

~~20.]~~ Revenue Form 61A200Q, "Supplemental Report of Operations for Contained and Residential Landfills", October, [January,] 2002;

16. [21.] Revenue Form 61A200R, "Report of Property Subject to the Pollution Control Tax Exemption", January, 2002;

17. [22.] Revenue Form 61A200S, "Filing Requirements for Commercial Passenger and Cargo Airlines", October, [January,] 2002;

18. [23.] Revenue Form 61A200T, "Report of Reseller Leasing Form", October, [January,] 2002;

19. Revenue Form 61A200U, "Industrial Revenue Bond Property", October, 2002;

20. Revenue Form 61A200W, "Wireless Telephone Provider Report", October, 2002;

21. [24.] Revenue Form 61A202, " Public Service Company Property Tax Return for Railroad Car Line", October, 2001;

22. [25.] Revenue Form 61A203, "2003 [2002] Apportioned Vehicle Property Tax Return and Instructions", December, 2002 [2001];

23. [26.] Revenue Form 61A207, "2003 Nonresident Watercraft Property Tax Return", November, 2002 [December, 2001];

24. [27.] Revenue Form 61A207I, "Instructions - 61A207", November, 2002 [December, 2000];

25. [28.] Revenue Form 61A208, "Public Service Company Property Tax Return Coin Operated Telephones", December, 2001;

26. [29.] Revenue Form 61A209, "Public Service Company Sale Form", January, 2002 [February, 1999];

27. [30.] Revenue Form 61A210, "Cable Television Company Sales", October, 2002 [February, 1999];

28. [31.] Revenue Form 61A211, "Public Service Company Schedule of Owned and/or Leased 2001 Motor Vehicles with Kentucky Situs", January, 2001;

29. [32.] Revenue Form 61A230, "Notice of Final Assessment for Public Service Company", March, 1999;

30. [33.] Revenue Form 61A240, "Notice of Assessment for Public Service Company", March, 1999;

31. [34.] Revenue Form 61A250, "Notice of Assessment for Public Service Company on the Taxpayer's Claim of Value", March, 1999;

32. [35.] Revenue Form 61A255, "Public Service Company Property Tax Statement", October, 2002 [December, 1999];

33. [36.] Revenue Form 61A507, "Distilled Spirits or Nonresident Watercraft", December, 2000;

34. [37.] Revenue Form 61A508, "Annual Report of Distilled Spirits in Bonded Warehouse", January, 2001;

35. [38.] Revenue Form 61A508-S1, "Schedule 1 Department of Property Valuation Cost of Production Schedule", January, 2001;

36. [39.] Revenue Form 61A508-S2, "Schedule 2 Department of Property Valuation Storage of Cost Schedule", January, 2001;

37. [40.] Revenue Form 61A508-S3, "Schedule 3 Schedule of Bulk Sales", January, 2001;

38. [41.] Revenue Form 61A508-S4, "Schedule 4", January, 2001;

39. [42.] Revenue Form 61F003, "Facts You Should Know About Public Service Companies", February, 1999;

40. [43.] Revenue Form 62A006, "Motor Boat Tax and/or Registration Renewal Notice";

41. [44.] Revenue Form 62A007, "Motor Vehicle Tax and/or Registration Renewal Notice";

42. [45.] Revenue Form 62A007S, "Motor Vehicle/Boat Property Tax - Second Notice";

43. [46.] Revenue Form 62A008, "Motor Vehicle Tax Notice - Delinquent";

44. [47.] Revenue Form 62A010, "Notice for Boat Transfer";

45. [48.] Revenue Form 62A013, "Application for Assessment Moratorium Certificate", September, 1982;

46. [49.] Revenue Form 62A015, "1999 Motor Vehicle and Watercraft Property Tax Rate Certification";

47. [50.] Revenue Form 62A016, "Quietus";

48. [51.] Revenue Form 62A017, "County Clerk's Claim for Calculation of Motor Vehicle and Boat Bills";

49. [52.] Revenue Form 62A018, "School Taxing Jurisdiction - Motor Vehicle and Watercraft Property Tax Rate";

50. [53.] Revenue Form 62A019, "Distributions of Ad Valorem Tax to the Fiscal Courts";

51. [54.] Revenue Form 62A020, "Intercounty Property Tax Collections";

52. [55.] Revenue Form 62A023, "Application for Exemption from Property Taxation", December, 1999;

53. [56.] Revenue Form 62A023-R, "Application for Exemption from Property Taxation for Religious Organizations", December, 1999;

54. [57.] Revenue Form 62A024, "Undeveloped Oil and Gas Property Tax Return", January, 1998;

55. [58.] Revenue Form 62A030, "Request for Reproduction of PVA Public Records", May, 2002;

56. [59.] Revenue Form 62A037, "Mail Back Card Department of Property Valuation", April, 1998;

57. [60.] Revenue Form 62A039, "Mail Back Card Department of Property Valuation for Mobile Manufactured Home", February, 2000;

58. [61.] Revenue Form 62A044, "Affidavit for Correction/Exoneration of Motor Vehicle/Boat Property Tax" December, 1996;

59. [62.] Revenue Form 62A050, "Application for Property Tax Refund", October, 2002 [January, 2000];

60. [63.] Revenue Form 62A200, "2003 [2002] Unmined Coal Property Tax Information Return", December, 2002 [2001];

61. [64.] Revenue Form 62A200A, "Schedule A Fee Property Ownership", December, 2002 [2001];

62. [65.] Revenue Form 62A200B, "Schedule B Mineral Property Ownership (Coal Only)", December, 2002 [2001];

63. [66.] Revenue Form 62A200C, "Schedule C Leased Property", December, 2002 [2001];

64. [67.] Revenue Form 62A200D, "Schedule D Property Transfers", December, 2002 [2001];

65. [68.] Revenue Form 62A200E, "Schedule E Lease Terminations", December, 2002 [2001];

66. [69.] Revenue Form 62A200F, "Schedule F Geological Information by County", December, 2002 [2001];

67. [70.] Revenue Form 62A200G, "Schedule G", December, 2001;

68. Revenue Form 62A200H, "Schedule H Farm Exception to Unmined Minerals Tax", December, 2002;

69. [71.] Revenue Form 62A302, "Property Information Request Regarding Assessment Appeal", May, 2002 [1994];

70. [72.] Revenue Form 62A304, "Property Valuation Administrator's Recapitulation of Real Property Tax Roll", January, 2001;

71. [73.] Revenue Form 62A305, "Property Valuation Administrator's Summary of Real Property Tax Roll Changes", January, 2001;

72. [74.] Revenue Form 62A307, "Property Owner Conference Record", May, 1992;

73. [75.] Revenue Form 62A310, "Summary of Bonds Held by Kentucky Residents", October, 2002 [Corporation Report of Securities Held by a Kentucky Resident - Cover Letter", March, 1999];

74. [76.] Revenue Form 62A310-S1, "Corporation Report of Bonds [Securities] Held by a Kentucky Resident", October 2002

[~~Residents", March, 1999~~];

75. [~~77.~~] Revenue Form 62A311, "Life Insurance Proceeds Summary Report [~~Kentucky Property Tax – Cover Letter~~]", October, 2002 [~~March, 1999~~];

76. [~~78.~~] Revenue Form 62A311-S1, "Life Insurance Proceeds Report", October, 2002 [~~March, 1999~~];

77. [~~79.~~] Revenue Form 62A329, "Annual Report of Domestic Life Insurance Companies", October, 2002 [~~February, 2000~~];

78. [~~80.~~] Revenue Form 62A350, "Application for Exemption Under the Homestead/Disability Amendment", December, 1998;

79. [~~81.~~] Revenue Form 62A352, "Notice to Real Property Owner of Assessment by Property Valuation Administrator", January, 2000;

80. [~~82.~~] Revenue Form 62A353, "Notice of Listing of Omitted Real Property", December, 2000;

81. [~~83.~~] Revenue Form 62A354, "Notice to Property Owner of Final Decision of Board of Assessment Appeals", September, 2000;

82. [~~84.~~] Revenue Form 62A363-B, "County Clerk's Claim for Preparing Omitted Tax Bills", January, 2001 [~~2000~~];

83. [~~85.~~] Revenue Form 62A365, "Nonresidency Affidavit", February, 2000;

84. [~~86.~~] Revenue Form 62A366, "Order Correcting Erroneous Assessment", January, 2000;

85. [~~87.~~] Revenue Form 62A366-D, "Order Correcting Erroneous Delinquent Assessment", August, 1992;

86. Revenue Form 62A368-A, "County Clerk's Monthly Report of Delinquent Tax Collections", April, 2002;

87. Revenue Form 62A368-B, "County Clerk's Monthly Report of Delinquent Tax Collections", April, 2002;

88. Revenue Form 62A376, "Intangible Property Tax Return", October, 2001;

89. Revenue Form 62A376I, "Instructions Intangible Property Tax Return", October, 2001;

90. Revenue Form 62A378, "Report of Location of Mobile Homes", January, 2001;

91. Revenue Form 62A379, "Listing of Omitted Real Property", January, 2002;

92. Revenue Form 62A384, "Oil Property Tax Return", January, 2002;

93. Revenue Form 62A384C, "Clay Property Tax Return", January, 2000;

94. Revenue Form 62A384C(I), "Instructions for Completing Clay Property Tax Return for 2002 Tax Year", January, 2002;

95. Revenue Form 62A384F, "Flourspar Property Tax Return", January, 1998;

96. Revenue Form 62A384G, "Natural Gas Property Tax Return", January, 2003 [~~2002~~];

97. Revenue Form 62A384L, "Limestone and Sand and Gravel Property Tax Return", January, 2000;

98. Revenue Form 62A385-A, "Sheriff's Receipt for Unpaid and Partially Paid Tax Bills", July, 2002;

99. Revenue Form 62A394-MV, "County Clerk's Monthly Report of Motor Vehicle Property Tax Collections" December, 1996;

100. Revenue Form 62A398, "Property Valuation Administrator's Bond", August, 2002;

101. [~~99.~~] Revenue Form 62A399, "Notice to Appear in Circuit Court", August, 1983;

102. [~~100.~~] Revenue Form 62A400, "Notice of Distraint", August, 1983;

103. [~~101.~~] Revenue Form 62A401, "Final Notice Before Distraint", August, 1983;

104. [~~102.~~] Revenue Form 62A405, "Notice of Sale of Tax Bill", October, 1991;

105. [~~103.~~] Revenue Form 62A500, "2003 [~~2002~~] Tangible Personal Property Tax Return", October, 2001;

106. [~~104.~~] Revenue Form 62A500A, "2003 [~~2002~~] Tangible Personal Property Tax Return for Aircraft", October, 2002 [~~2001~~];

107 [~~105.~~] Revenue Form 62A500C, "Consignee Tangible Personal Property Tax Return", October, 2002 [~~2001~~];

108. [~~106.~~] Revenue Form 62A500L, "Lessee Tangible Personal Property Tax Return", October, 2002 [~~2001~~];

109. [~~107.~~] Revenue Form 62A500W, "2003 [~~2002~~] Tangible Personal Property Tax Return for Non-Kentucky Registered Watercraft and Documented Watercraft", October, 2002 [~~2001~~];

110. [~~108.~~] Revenue Form 62A600, "Savings and Loan Tax Return", October, 2002 [~~June, 2001~~];

111. [~~109.~~] Revenue Form 62A601, "Foreign Savings and Loan Tax Return", October, 2002 [~~June, 2001~~];

112. [~~110.~~] Revenue Form 62A601-S1, "Schedule A Computation of Apportionment Factor for Foreign Savings and Loans", March, 1999;

113. [~~111.~~] Revenue Form 62A601-S2, "Influence Amount Schedule B Computation of Exempt Securities", October, 2002 [~~November, 1999~~];

114. [~~112.~~] Revenue Form 62A850, "Bank Deposits Tax Return", October, 2002 [~~November, 1999~~];

115. [~~113.~~] Revenue Form 62A861, "Schedule 1 Summary of Deposits", June, 2000;

116. [~~114.~~] Revenue Form 62A862, "Certification of Tax Rate for Bank Deposits Franchise Tax", March, 1999;

117. [~~115.~~] Revenue Form 62A863, "Financial Institutions Local Deposits Summary Report", October, 2002 [~~June, 2000~~];

118. Revenue Form 62A863-A, Schedule A, Summary of Deposits as of June 30, 20 ", October, 2002;

119. [~~116.~~] Revenue Form 62A864, "Trust Questionnaire", March, 1999;

120. [~~117.~~] Revenue Form 62A865, "Kentucky Intangible Property Tax - [~~1998~~] Margin Accounts", March, 1999 [~~November, 2000~~];

121. [~~118.~~] Revenue Form 62A872, "Intangible Property Assessment Notice for Prepayment of Estates", March, 1999;

122. [~~119.~~] Revenue Form 62A875, "Tangible Business Situs for Kentucky Intangible Tax Purposes", March, 1999;

123. [~~120.~~] Revenue Form 62A876-A, "Omitted Intangible Property List", November, 2002 [~~2000~~];

124. [~~121.~~] Revenue Form 62A878, "Omitted Intangible Worksheet", March, 1999;

125. [~~122.~~] Revenue Form 62A880, "Omitted Personal Property Assessment", November, 2002 [~~March, 1999~~];

126. [~~123.~~] Revenue Form 62B001, " Unmined Coal Tax Notice (Sublessee)", March, 2002;

127. [~~124.~~] Revenue Form 62B002, " Unmined Coal Tax Notice (Lessee)", March, 2002;

128. [~~125.~~] Revenue Form 62B003, " Unmined Coal Tax Notice (Owner)", March, 2002;

129. [~~126.~~] Revenue Form 62B010, "Omitted Notice of Assessment on Unmined Coal", March, 2002;

130. [~~127.~~] Revenue Form 62B011, " Limestone, Sand, or Gravel Tax Notice", March, 2002;

131. [~~128.~~] Revenue Form 62B012, " Oil Assessment Notice", March, 2002;

132. [~~129.~~] Revenue Form 62B013, " Clay Property Assessment Notice", March, 2002;

133. [~~130.~~] Revenue Form 62B014, " Undeveloped Oil and Gas Assessment Notice", March, 2002;

134. [~~131.~~] Revenue Form 62B015, " Gas Assessment Notice", March, 2002;

135. [~~132.~~] Revenue Form 62B016, " Flourspar Property Assessment Notice", March, 2002;

136. [~~133.~~] Revenue Form 62B808, "Omitted Intangible Property Listing Request Letter", March, 1999;

137. [~~134.~~]Revenue Form 62F002, "Appeals Process for Personal Property Assessments";

138. [~~135.~~] Revenue Form 62F003, "Appeals Process for Real Property Assessments";

139. [~~136.~~] Revenue Form 62F015, "PVA Open Records Commercial Fee Guildeines", May, 2002;

140. [~~137.~~] Revenue Form 62F020, "Deeds/Transfers and Property Taxes";

141. [~~138.~~] Revenue Form 62F031, "Appeal to Local Board of Assessment Appeals", January, 2000;

142. [~~139.~~] Revenue Form 62F500, "The Assessment of Tangible Personal Property", January, 1999;

143. [~~140.~~] Revenue Form 62F700, "Important Information Regarding Your Bill", March, 2002 [~~May, 2001~~];

144. [~~141.~~] Revenue Form 62F1341, "Exemptions Allowed for Savings and Loans, Agricultural Credit Associations and Banks for Cooperatives for Intangible Property Tax Purposes", October, 2002 [~~November, 1999~~];

(o) Racing - referenced material: Revenue Form 73A100, "Race Track Pari-Mutuel and Admissions Report", July, 2000;

(p) Sales and use - referenced material:

1. Revenue Form 51A101, "Sales and Use Tax Permit", January, 1980 [~~1989~~];

2. Revenue Form 51A102, "Kentucky Sales and Use Tax Return and Worksheet", January, 2003 [~~2002~~];

3. Revenue Form 51A102E, "Kentucky Sales and Use Tax Return and Worksheet - Electronic Funds Transfer", January, 2003 [~~2002~~];

4. Revenue Form 51A103, "Kentucky Accelerated Sales and Use Tax Return and Worksheet", January, 2003 [~~2002~~];

5. Revenue Form 51A103E, "Kentucky Accelerated Sales and Use Tax Return and Worksheet - Electronic Funds Transfer", January, 2003 [~~2002~~];

6. Revenue Form 51A104, "Six (6) Percent Sales Tax Collection Bracket", July, 1990;

7. Revenue Form 51A105, "Resale Certificate", September, 1990;

8. Revenue Form 51A109, "Application for Energy Direct Pay Authorization", July, 1982;

9. Revenue Form 51A110, "Direct Pay Authorization", August, 1997;

10. Revenue Form 51A111, "Certificate of Exemption Machinery for New and Expanded Industry", March, 1996;

11. Revenue Form 51A112, "Application for Direct Pay Authorization", December, 1997;

12. Revenue Form 51A113, "Kentucky Consumer's Use Tax Return and Worksheet", January, 2003 [~~February, 2001~~];

13. Revenue Form 51A113(0), "Consumer's Use Tax Return - Nonregistered Filer", April, 2001;

14. Revenue Form 51A115, "Order for Selected Sales and Use Tax Publications", August, 1998;

15. Revenue Form 51A125, "Application for Purchase Exemption Sales and Use Tax", February, 1993;

16. Revenue From 51A126, "Purchase Exemption Certificate", June, 1992;

17. Revenue Form 51A127, "Out-of-State Exemption Certificate", June, 1988;

18. Revenue Form 51A128, "Solid Waste Recycling Machinery Exemption Certificate", May, 2001;

19. Revenue Form 51A129, "Kentucky Sales and Use Tax Energy Exemption Annual Return", May, 1992;

20. Revenue Form 51A130, "Kentucky Sales and Use Tax Monthly Aviation Fuel Tax Credit Schedule for Qualified Certificated Air Carrier", July, 2000;

21. Revenue Form 51A131, "Kentucky Sales and Use Tax Annual Reconciliation of Aviation Fuel Tax Credit Claimed by Certificated Air Carrier", June, 2001;

22. Revenue Form 51A143, "Purchase Exemption Certificate - Watercraft Industry", February, 1983;

23. Revenue Form 51A149, "Certificate of Exemption for Pollution Control Facilities", December, 1994;

24, Revenue Form 51A150, "Aircraft Exemption Certificate", August, 1986;

25. Revenue Form 51A151, "Enterprise Zone Sales and Use Tax Exemption Certificate for Qualified Businesses Machinery and Equipment", July, 1992;

26. Revenue Form 51A152, "Enterprise Zone Sales and Use Tax Exemption Certificate for Building Materials", January, 1994;

27. Revenue Form 51A154, "Certificate of Exemption Out-of-State Delivery for Aircraft, Mobile/Manufactured Homes, Campers, Boats, Motors or Trailers", February, 1997;

28. Revenue Form 51A157, "Certificate of Exemption - Water Used in Raising Equine", April, 1998;

29. Revenue Form 51A158, "Farm Exemption Certificate", June, 1998;

30. Revenue Form 51A159, "On-Farm Facilities Certificate of Exemption for Materials, Machinery and Equipment", June, 1998;

31. Revenue Form 51A205, "Kentucky Sales and Use Tax Instructions", December, 2002 [~~August, 1999~~];

32. Revenue Form 51A209, "Sales and Use Tax Refund Application", August, 2001;

33. Revenue Form 51A216, "Application for Pollution Control Tax Exemption Certificate", August, 2001;

34. Revenue Form 51A222, "Certificate of Exemption for Alcohol Production Facilities", June, 1980;

35. Revenue Form 51A223, "Application for Alcohol Production Facility Tax Exemption Certificate", July, 1980;

36. Revenue Form 51A226, "Pollution Control Tax Exemption Certificate", April, 2001;

37. Revenue Form 51A227, "Certificate of Resale (Schools)", August, 1984;

38. Revenue Form 51A228, "Application for Fluidized Bed Combustion Technology Tax Exemption Certificate", January, 1987;

39. Revenue Form 51A229, "Fluidized Bed Combustion Technology Tax Exemption Certificate", January, 1987;

40. Revenue Form 51A241, "Registration for the Kentucky Sales and Use Tax Refund for Motion Picture and Television Production Companies", February, 1987;

41. Revenue Form 51A242, "Application for Sales and Use Tax Refund for Motion Picture Production Company", January, 1987;

42. Revenue Form 51A250, "Application for Transient Merchant Permit", August, 1998;

43. Revenue Form 51B105A, "Sales and Use Tax Return Inquiry", November, 1995;

44. Revenue Form 51F008, "Federal Government Exemption From Kentucky Sales and Use Tax Notification", December, 1998;

45. Revenue Form 51F009, "Purchase Exemption Notification", December, 1998;

46. Revenue Form 51F010, "Energy Direct Pay Authorization: Notification", December, 1998;

(q) Severance - referenced material:

1. Revenue Form 55A003, "Certificate of Registration - Severance Taxes", August, 1996;

2. Revenue Form 55A004, "Coal Severance Tax Seller's Certificate", August, 1997;

3. Revenue Form 55A100, "Coal Tax Return", January, 2001;

4. Revenue Form 55A100, "Schedule of Coal Sales (Continuation)", July, 2000;

5. Revenue Form 55A100D, "Coal Tax Return Keep This Copy", August, 1988;

6. Revenue Form 55A101, "Coal Tax Return Instructions", January, 2001;

7. Revenue Form 55A131, "Credit Memorandum", May, 1997;

8. Revenue Form 55A209, "Severance Tax Refund Application", May, 1997;

9. Revenue Form 56A001, "Application for Certificate of Registration Minerals and Natural Gas Tax", October, 1984;

10. Revenue Form 56A100, "Natural Gas and Natural Gas Liquids Tax Return", August, 1999;

11. Revenue Form 56A101, "Minerals Tax Return", September, 1996;

12. Revenue Form 56A106, "Minerals Tax Certificate of Exemption", April, 1997;

13. Revenue Form 56A107, "Schedule A, Gross Value of Minerals Severed in Kentucky Allocation and Schedule B, Minerals Purchased from Others for Processing by Taxpayer", July, 1997;

14. Revenue Form 56A108, "Schedule A, Gross Value of Natural Gas Sold to Nonconsumers and Schedule B, Taxable Gross Value of Natural Gas and Natural Gas Liquids Extracted in Kentucky by Taxpayer - Allocation", September, 1994;

15. Revenue Form 56A109, "Schedule C, Natural Gas First Purchased by Taxpayer from Kentucky Producers", August, 1985;

16. Revenue Form 56A110, "Schedule C, Minerals Tax Return, Computation of Tax on Clay Severed and Processed in Kentucky and Allocation of Tax Attributable to Clay", August, 2000;

17. Revenue Form 56A112, "Crude Petroleum Transporter's Monthly Report, Kentucky Oil Production Tax", June, 1998;

18. Revenue Form 56A113, "Minerals Tax Credit for Limestone Sold in Interstate Commerce", November, 1997;

19. Revenue Form 56A114, "Crude Petroleum Transporter's Application for Registration", February, 2001;

(r) Waste tire - referenced material: Revenue Form 73A051, "Motor Vehicle Tire Fee Report", February, 2001;

(2) These documents may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Revenue Cabinet, 200 Fair Oaks Lane, Frankfort, Kentucky 40620, or at any Ken-

tucky Revenue Cabinet Taxpayer Service Center, Monday through Friday, 8 a.m. to 4:30 p.m.

DANA BYNUM MAYTON, Secretary
APPROVED BY AGENCY: February 13, 2003
FILED WITH LRC: February 14, 2003 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 28, 2003 at 10 a.m. in Training Room D, 200 Fair Oaks Lane, Frankfort, Kentucky, 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five business 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 this proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: Edward A. Mattingly, Tax Consultant, Division of Tax Policy, Revenue Cabinet, Third Floor, 200 Fair Oaks Lane, Frankfort, Kentucky, 40601, (502) 564-6843, extension 4431, FAX (502) 564-9565, EMAIL eddie.mattingly@mail.state.ky.us.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Edward A. Mattingly
(1) Provide a brief summary of:
(a) What this administrative regulation does: KRS 131.130(3) authorizes the Revenue Cabinet to prescribe forms necessary for the administration of any revenue law by the promulgation of an administrative regulation incorporating the forms by reference. This amended administrative regulation updates the required revenue forms incorporated by reference.
(b) The necessity of this administrative regulation: This administrative regulation is necessary in order for the Revenue Cabinet to meet the requirements of KRS 13A.110 which requires that forms required to be submitted by a regulated entity shall be included in an administrative regulation.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 131.130(3) authorizes the Revenue Cabinet to prescribe forms necessary for the administration of any revenue law by the promulgation of an administrative regulation incorporating the forms by reference. This administrative regulation incorporates by reference the required revenue forms.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation incorporates by reference the required forms administered by the Revenue Cabinet.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The amendment updates the forms manual regulation to replace superceded forms with the new forms and eliminate obsolete forms.
(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to update the forms manual regulation to replace superceded forms with the new forms and eliminate obsolete forms.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 131.130(3) authorizes the Revenue Cabinet to prescribe forms necessary for the administration of any revenue law by the promulgation of an administrative regulation incorporating the forms by reference. This amended administrative regulation updates the required revenue forms incorporated by reference.
(d) How the amendment will assist in the effective administration of the statutes: The amendment incorporates by reference the most current forms administered by the Revenue Cabinet.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All Kentucky taxpayers and their representatives will be affected by the listing of all forms administered by the Revenue Cabinet in an administrative regulation. Local government will be affected to the extent they utilize forms administered by the Revenue Cabinet. The Revenue Cabinet will be affected to the extent that it administers the referenced forms.
(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: Taxpayers will benefit from an updated incorporation of forms administered by the Revenue Cabinet.
(5) Provide an estimate of how much it will cost to implement this administrative regulation:
(a) Initially: The Revenue Cabinet will not incur additional costs as the result of this regulation.
(b) On a continuing basis: The Revenue Cabinet will not incur additional costs as the result of this regulation.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Revenue Cabinet agency funds.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this administrative regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish or increase any fees either directly or indirectly.
(9) TIERING: Is tiering applied? Tiering was not applied. The requirements of this regulation apply to every taxpayer.

DEPARTMENT OF AGRICULTURE
Regulation and Inspection
(Amendment)

302 KAR 16:010. Permit for operation of amusement rides or amusement attractions in Kentucky. [~~Procedure for obtaining a permit for operating amusement rides or attractions.~~]

RELATES TO: KRS 247.232, 247.234
STATUTORY AUTHORITY: KRS 246.040, 247.232, 247.234, 247.236, 247.990
NECESSITY, FUNCTION, AND CONFORMITY: To establish the criteria for obtaining an operating [~~a~~] permit to operate an amusement ride or attraction in the Commonwealth of Kentucky.

Section 1. Definition. "Operating permit" means a license to operate amusement rides or amusement attractions.

Section 2. An operating permit shall be required for operating amusement rides or amusement attractions in the state of Kentucky and shall be renewed annually on or before January 1 of each year.

Section 3. Procedure for Obtaining an Operating Permit. (1) Every owner of an amusement ride or amusement attraction wishing to operate in Kentucky shall submit to the commissioner, or his designee, an application for an operating permit, provided by the department, along with a fifty (50) dollar fee for each amusement ride or amusement attraction.
(2) The owner of the amusement ride or amusement attraction shall provide a written itinerary indicating the location of the first setup; all future operating dates and locations, including addresses; the operating period at each location, and all rides requiring initial inspections. The itinerary shall be delivered to the department at least fourteen (14) days prior to the first scheduled setup and shall be updated in writing, within five (5) days, when cancellations or additional locations occur.
(3) The applicant shall provide proof of liability insurance in the amount of $300,000, per occurrence of bodily injury or death, for each amusement ride or amusement attraction. The proof of insurance shall include a statement that the insurer shall not cancel the policy without thirty (30) days written notice to the commissioner. Proof of insurance shall be either the policy or a certified statement issued by the insurer and shall include a listing of all amusement rides and amusement attractions insured or a statement that all

amusement rides and amusement attractions operated under the supervision of the insured are covered.

(4) If the applicant's amusement rides or amusement attractions are permanently located or erected, he may, in lieu of providing proof of liability insurance, as set forth in Section 3(3) of this administrative regulation, provide proof of financial responsibility in the sum of $100,000 on or before the date of the initial inspection of the calendar year. Proof of financial responsibility shall be shown by one of the following methods:

(a) Provide proof of liability insurance of $100,000 per occurrence of bodily injury or death;

(b) Submit a financial statement, certified by a licensed certified public accountant, dated no more than thirty (30) days prior to receipt of application, indicating a net worth of $100,000 or more in assets located in the state;

(c) Obtain a bond with surety for $100,000 which names the department, or an individual or institution approved by the department, as trustee;

(d) Tender an irrevocable letter or credit to the department in the sum of $100,000; or

(e) Provide other proof of financial responsibility in the amount of $100,000, with accuracy attested to on forms provided by the department.

Section 4. Upon receipt of proper application, fees, proof of liability insurance or financial responsibility, and the required itinerary, an operating permit shall be issued in the name of the applicant. The operating permit shall be available for inspection at all times. If the permit holder is operating in multiple locations, a photostatic copy of the operating permit shall be accepted. [~~Before operating any amusement ride or attraction in this state the owner or operator of such ride or attraction shall provide to the commissioner a written itinerary showing the location of the first setup as well as the balance of the Kentucky itinerary as known on the date of notification. Such itinerary shall include the playing dates and location; including street and address number where the setup is within a city or town. The itinerary shall also include the operating period at each site and shall be delivered to the commissioner at least fourteen (14) days prior to the first scheduled setup.~~

~~Section 2. The itinerary set forth in Section 1 of this administrative regulation shall be updated and submitted to the commissioner when cancellations or additional locations are added to the itinerary in Kentucky for the period covered by the permit.~~

~~Section 3. On or before the date of the initial inspection of the calendar year the applicant shall provide proof of liability insurance on each ride or attraction in the amount of $300,000 due to all bodily injuries or deaths per occurrence. Such proof of insurance must also provide that the insurer will not cancel such policy without thirty (30) days written notice to the commissioner. Proof of insurance may be either the policy itself or a certified statement issued by the insurer attesting to the above requirements. The proof of insurance shall include a listing of the rides or attractions insured or a statement to the effect that all rides or attractions operated under the supervision of the insured are covered.~~

~~Section 4. In lieu of providing proof of liability insurance as set forth in Section 3 of this administrative regulation, if the applicant's amusement ride or amusement attraction is one that is permanently located or erected on a site in this state, such applicant may have the option to provide proof of financial responsibility in the sum of $100,000 on or before the date of the initial inspection of the calendar year. "Proof of financial responsibility" shall only be given in the following manner:~~

~~(1) By providing proof of liability insurance of $100,000 due to all bodily injuries or death per occurrence in the same manner as set forth in Section 3 of this administrative regulation; or~~

~~(2) By submitting a financial statement, certified after audit by a licensed certified public accountant that shall be dated no more than thirty (30) days prior to the receipt of the application and permit fee which shall evidence a net worth of $100,000 or more in assets located in this state; or~~

~~(3) By obtaining a bond with surety for $100,000 which names the department, or an individual or institution approved by the department, as trustee; or~~

~~(4) By tendering an irrevocable general letter of credit to the department in the sum of $100,000; or~~

~~(5) By other proof of financial responsibility in the amount of $100,000 on information provided by the permittee and whose accuracy is sworn to on forms provided by the department.~~

~~Section 5. Each owner or operator of an amusement ride or attraction shall submit to the commissioner or his designated representative an application to be provided by the commissioner. A fifty (50) dollar permit fee for each ride or attraction shall accompany the application for a permit. Said permit shall not be issued until each ride or attraction has been inspected and found to be in compliance with KRS 247.232 through 247.236 and applicable administrative regulations. To assure continued safety of amusement rides or attractions, and in addition to the initial inspection provided for pursuant to KRS 247.234 through 247.236, periodic safety inspections may be conducted at various times throughout the term of the permit according to the playing locations as listed in the itinerary.~~

~~Section 6. Upon receipt of proper application and permit fee and upon completion of satisfactory inspection as set forth in Sections 1, 2, 3, 4, and 5 of this administrative regulation the commissioner shall issue a permit in the name of the applicant. Accompanying such permit shall be a seal. The Department Safety Inspector shall affix this seal to a permanent and accessible section of the ride or attraction for which such permit was issued.~~]

BILLY RAY SMITH, Commissioner

APPROVED BY AGENCY: February 12, 2003

FILED WITH LRC: February 12, 2003 at 10 a.m.

PUBLIC HEARING A public hearing on this administrative regulation shall be held on March 21, 2003, at 9 a.m., local prevailing time, at the Room 188, Capitol Annex, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing by March 14, 2003, 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 and then only at the requestor's expense. If you have a disability for which this agency needs to provide accommodations, please notify us by March 21, 2003. 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 proposed administrative regulation. If the hearing is held, written comments will be accepted until the close of the hearing. If the hearing is cancelled, written comments will be accepted until close of business on March 21, 2003. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Mark Farrow, General Counsel, Department of Agriculture, Room 188, Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-5126; fax (502) 564-5016.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Mark Farrow, General Counsel

(1) Provide a brief summary of:

(a) What this administrative regulation does: Defines permit, inspection seal, requires permit for operation of amusement rides or attractions, establishes procedures for obtaining operation permit and requires operating permit to be available for inspection at all times.

(b) The necessity of this administrative regulation: Requires a permit for operation of amusement rides or attractions in Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes procedures for implementation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: To establish requirements for obtaining a permit to operate amusement rides or attractions in Kentucky.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative: It amends current administrative regulation to comply with changes to KRS 247.232 and 247.234.

(b) The necessity of the amendment to this administrative regulation: To require a permit to operate amusement rides or attractions in Kentucky.

(c) How the amendment conforms to the content of the authorizing statutes: The administrative regulation establishes procedures needed for implementation.

(d) How the amendment will assist in the effective administration of the statutes: It establishes the requirements and procedures necessary for administration.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All operators/owners of amusement rides or amusement attractions who operate or wish to operate in Kentucky.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administration, if new, or by the change if it is a amendment. Operators/owners of amusement rides or amusement attractions who operate or wish to operate in Kentucky will be required to conform to requirements of administrative regulation.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: N/A

(b) On a continuing basis: N/A

(6)What is the source and funding to be used for the implementation and enforcement of this administrative regulation:

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation: There is no fee increase to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases and fees: This regulation does not establish or increase a fee.

(9) TIERING: Is tiering applied? Tiering was not used. The administrative regulation applies equally to all individuals and entities regulated by it.

DEPARTMENT OF AGRICULTURE
Regulation and Inspection
(Amendment)

302 KAR 16:020. Operation of amusement rides or amusement attractions.

RELATES TO: KRS 247.232, 247.234, 247.236

STATUTORY AUTHORITY: KRS 246.040, 247.232, 247.234, 247.236, 247.990

NECESSITY, FUNCTION, AND CONFORMITY: To establish guidelines for the operation and inspection of amusement rides or attractions.

Section 1. The operating permit shall not be valid for an amusement ride or amusement attraction for which the fifty (50) dollar fee has not been paid and the amusement ride or amusement attraction has passed an initial safety inspection. All amusement rides and amusement attractions operating in Kentucky shall bear an inspection seal. Following a safety inspection, an inspection seal shall be affixed to a permanent and accessible section of the amusement ride or amusement attraction. If the required inspection seal does not appear on the amusement ride or amusement attraction, operation of the amusement ride or amusement attraction shall be stopped until proof of a valid inspection is provided.

Section 2. All new permanent amusement rides and amusement attractions must have all required state and local permits before the initial safety inspection can be completed.

Section 3. All amusement rides and amusement attractions shall be maintained in good electrical and mechanical condition and shall be under the supervision of an operator at all times during the operation of the amusement ride or amusement attraction.

Section 4. All amusement rides and amusement attractions which are potentially hazardous to spectators shall be fenced to provide protection to bystanders and riders. A barrier providing a safe distance from the outermost arc shall be present for aerial amusement rides or swings.

Section 5. All power units shall be shielded to provide for public safety. An amusement ride or amusement attraction, or its power unit, shall not be located where it may present a fire hazard to adjacent buildings, exhibits, or other structures. Use of gasoline engines and storage of gasoline in or adjacent to a riding device shall be in an approved safety container and at a safe distance from the amusement ride or amusement attraction. All electrical wires leading to and from the amusement ride or amusement attraction shall be protected and insulated to prevent shock hazard and shall be properly grounded. All electrical junction boxes shall be locked or sealed.

Section 6. Properly charged fire extinguishers shall be present at all amusement rides and amusement attractions.

Section 7. The operator of an amusement ride or amusement attraction shall deny admittance to an amusement ride or amusement attraction to persons who appear to be under the influence of alcohol or drugs, who are not wearing foot protection, such as shoes or secured sandals, or who have in their possession any object that be dropped from the amusement ride or amusement attraction.

Section 8. To assure continued safety of amusement rides and amusement attractions, periodic safety inspections may be conducted at various times throughout the term of the permit. [~~All amusement rides or attractions must bear a seal as required by administrative regulation. If the required seal does not appear on the ride, the ride may be stopped until proof of a valid permit is furnished.~~

~~Section 2. All amusement rides or attractions must be maintained in good electrical and mechanical condition and be under the supervision of a competent operator at all times when the ride or attraction is in operation.~~

~~Section 3. All amusement rides or attractions that are potentially hazardous to bystanders must be adequately fenced so as to provide protection to spectators and riders. In the case of aerial rides or swings, a barrier must be present providing a safe distance from the outmost arc of such swing or aerial ride. All power units must be shielded so as to afford public safety.~~

~~Section 4. No amusement ride or attraction or its power unit shall be so located as to present a fire hazard to adjacent buildings, exhibits or other structures. In the case of a riding device using gasoline engines, storage of gasoline in or adjacent to the riding device must be in an approved safety container and at a safe distance from any ride. All electrical wires leading to and from a riding device must be protected and insulated so as to present no shock hazard. All electrical equipment must be properly grounded. All electrical junction boxes must be locked or sealed.~~

~~Section 5. The operator of an amusement ride or attraction must ensure that no one is permitted on such ride who appears to be in an intoxicated condition, is not wearing some foot protection such as shoes or sandals, or carrying any article which may be dropped from the ride.~~

~~Section 6. Properly charged fire extinguishers shall be present at all rides or attractions in accordance with state and local standards.~~

~~Section 7. The permit issued pursuant to KRS 247.232 through 247.236 shall be posted at all times while the ride or attraction is in operation in a conspicuous place on or near the ride or attraction.~~]

BILLY RAY SMITH, Commissioner
APPROVED BY AGENCY: February 12, 2003
FILED WITH LRC: February 12, 2003 at 10 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 21, 2003, at 9 a.m., local prevailing time, at the Room 188, Capitol Annex, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing by March 14, 2003, 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 and then only at the requestor's expense. If you have a disability for which this agency needs to provide accommodations, please notify us by March 21, 2003. 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 proposed administrative regulation. If the hearing is held, written comments will be accepted until the close of the hearing. If the hearing is cancelled, written comments will be accepted until close of business on March 21, 2003. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Mark Farrow, General Counsel, Department of Agriculture, Room 188, Capitol Annex, Frankfort, Kentucky 40601, phone (502 564-5126; fax (502) 564-5016.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Mark Farrow, General Counsel
(1) Provide a brief summary of:
(a) What this administrative regulation does: Establishes standards for operation of amusement rides or amusement attractions operating in Kentucky.
(b) The necessity of this administrative regulation: To require inspections of all amusement rides or amusement attractions operating in Kentucky.
(c) How this administrative regulation conforms to the content of the authorizing statutes: Requires inspections of amusement rides and amusement attractions operating in Kentucky.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: To protect the public by ensuring that amusement rides and amusement attractions are in safe operating condition.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative: It amends current administrative regulation to comply with changes to KRS 247.232 and 247.234.
(b) The necessity of the amendment to this administrative regulation: To require inspections of all amusement rides or amusement attractions operating in Kentucky.
(c) How the amendment conforms to the content of the authorizing statutes: The regulation requires inspections of rides and attractions.
(d) How the amendment will assist in the effective administration of the statutes: It establishes the procedures and requirements for administration.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All operators/owners of amusement rides or amusement attractions operating in Kentucky.
(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administration, if new, or by the change if it is an amendment. Operators/owners will be required to conform with requirements of the administrative regulation.
(5) Provide an estimate of how much it will cost to implement this administrative regulation:
(a) Initially: N/A
(b) On a continuing basis: N/A
(6) What is the source and funding to be used for the implementation and enforcement of this administrative regulation:
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation: There is no fee increase to implement this administrative regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases and fees: This regulation does not establish or increase a fee.
(9) TIERING: Is tiering applied? Tiering was not used. The administrative regulation applies equally to all individuals and entities regulated by it.

DEPARTMENT OF AGRICULTURE
Regulation and Inspection
(Amendment)

302 KAR 16:030. Determination of safety violations which cannot be corrected immediately.

RELATES TO: KRS 247.232, 247.234
STATUTORY AUTHORITY: KRS 246.040, 247.232, 247.234, 247.236, 247.990
NECESSITY, FUNCTION, AND CONFORMITY: To determine safety violations which cannot be corrected immediately.

Section 1. Definition. "Immediately correctable violation" means a violation which can be corrected at the time of the inspection.

Section 2. The department [~~amusement~~] safety inspector shall determine the nature and severity of safety violations and shall determine when such violations are not [~~cannot be corrected~~] immediately correctable based on the manufacturer's standards, [~~within the meaning of~~] KRS 247.232 through 247.236, and these administrative regulations.

Section 3. A violation issued for operation of an amusement ride or amusement attraction [~~Such determination shall be made based upon accepted industry standards, applicable law and administrative regulations promulgated by the commissioner. An amusement ride or attraction operating in this state~~] without a valid permit shall be considered a [~~cited as a safety~~] violation which is not immediately correctable [~~cannot be corrected immediately~~].

BILLY RAY SMITH, Commissioner
APPROVED BY AGENCY: February 12, 2003
FILED WITH LRC: February 12, 2003 at 10 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 21, 2003, at 9 a.m., local prevailing time, at the Room 188, Capitol Annex, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing by March 14, 2003, 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 and then only at the requestor's expense. If you have a disability for which this agency needs to provide accommodations, please notify us by March 21, 2003. 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 proposed administrative regulation. If the hearing is held, written comments will be accepted until the close of the hearing. If the hearing is cancelled, written comments will be accepted until close of business on March 21, 2003. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Mark Farrow, General Counsel, Department of Agriculture, Room 188, Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-5126; fax (502) 564-5016.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Mark Farrow, General Counsel
(1) Provide a brief summary of:
(a) What this administrative regulation does: Allows safety inspec-

tors to inspect amusement rides and attractions and determine nature and severity of safety violations.

(b) The necessity of this administrative regulation: Requires safety inspectors to inspect amusement rides and attractions and determine nature and severity of safety violations.

(c) How this administrative regulation conforms to the content of the authorizing statutes: It requires safety inspectors to inspect rides and attractions and nature of safety violations.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Protection of the public by requiring that all amusement rides and attractions are in safe operating condition.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative: The amendment makes technical changes to current administrative regulation.

(b) The necessity of the amendment to this administrative regulation: The regulation requires department safety inspectors to determine the nature and severity of safety violations imposed after inspections of amusement rides and attractions.

(c) How the amendment conforms to the content of the authorizing statutes: The regulation requires that safety inspectors inspect rides and attractions and to determine nature and severity of safety violations.

(d) How the amendment will assist in the effective administration of the statutes: It requires inspectors to make inspections of amusement rides and attractions.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All operators/owners of amusement rides and attractions operating in Kentucky.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administration, if new, or by the change if it is a amendment. They will be informed of the nature and severity of safety violations and will be required to make necessary repairs.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: N/A

(b) On a continuing basis: N/A

(6)What is the source and funding to be used for the implementation and enforcement of this administrative regulation:

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation: There is no fee increase to implement this regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases and fees: This regulation does not establish or increase a fee.

(9) TIERING: Is tiering applied? Tiering was not used. The regulation applies equally to all individuals and entities regulated by it.

DEPARTMENT OF AGRICULTURE
Regulation and Inspection
(Amendment)

302 KAR 16:040. Correction of safety violations and right to reinspection.

RELATES TO: KRS 247.232, 247.234, 247.236

STATUTORY AUTHORITY: KRS 246.040, 247.232, 247.234, 247.236, 247.990

NECESSITY, FUNCTION, AND CONFORMITY: To further clarify the procedure for determining the nature and severity of safety violations.

Section 1. If a department safety inspector finds an amusement ride or amusement attraction does not comply with KRS 247.232 to 247.236, these administrative regulations, or manufacturer's standards, he shall issue a stop operation order prohibiting the operation of the amusement ride or amusement attraction, or any part thereof, found to be in violation. The stop operation order shall be removed from the amusement ride, amusement attraction, or structure only when the violation has been corrected and then only by a department safety inspector. A stop operation order shall not be issued for any violation found to be correctable as defined in 302 KAR 16:030.

Section 2. If, upon an initial reinspection of an amusement ride or amusement attraction under a stop operation order, the safety violation has been corrected within twenty-four (24) hours, the owner may not be charged a reinspection fee as required by KRS 247.234. [~~If an inspector finds a condition on a ride or attraction which does not comply with KRS 247.232 through 247.236 and administrative regulations of the department, the inspector shall determine whether said violation is one that cannot be corrected immediately within the meaning of KRS 247.234. If the inspector determines that said violation cannot be corrected immediately the inspector shall issue a stop operation order prohibiting the operation of such ride, attraction or part thereof found to be in violation. The safety inspector and the owner or operator may by agreement establish a time limit when such violation is to be corrected. After the expiration of such time period the owner or operator of said ride or attraction must either correct such violation and certify in writing to the commissioner that such violation has been corrected or request a further determination by the commissioner of the nature and severity of the safety violation in question. The stop operation order issued pursuant to this section shall remain in effect until the safety violation is repaired and verification of the repair is certified in writing to the commissioner or until a further determination requested by the owner reveals that the safety violation can be corrected immediately pursuant to Section 2 of this administrative regulation.~~

~~Section 2. If upon a subsequent inspection requested pursuant to Section 1 of this administrative regulation it is determined that the safety violation that is the subject of the stop operation order is one that can be corrected immediately the commissioner shall not charge the owner or operator the fee required pursuant to KRS 247.234.~~]

Section 3. If in the opinion of the department's inspector, an amusement ride or amusement attraction present [~~device or a temporary structure presents~~] an imminent danger, he shall issue and attach a stop operation order against the use of the device or structure. Such order may not be removed until the device is made safe, and then only by the department or its designee; and in the meantime the device may not be used.

BILLY RAY SMITH, Commissioner

APPROVED BY AGENCY: February 12, 2003

FILED WITH LRC: February 12, 2003 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 21, 2003, at 9 a.m., local prevailing time, at the Room 188, Capitol Annex, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing by March 14, 2003, 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 and then only at the requestor's expense. If you have a disability for which this agency needs to provide accommodations, please notify us by March 21, 2003. 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 proposed administrative regulation. If the hearing is held, written comments will be accepted until the close of the hearing. If the hearing is cancelled, written comments will be accepted until close of business on March 21, 2003. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Mark Farrow, General Counsel, Department of Agriculture, Room 188, Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-5126; fax (502) 564-5016.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Mark Farrow, General Counsel

(1) Provide a brief summary of:

(a) What this administrative regulation does: It establishes conditions under which safety violations shall be corrected.

(b) The necessity of this administrative regulation: To establish conditions under which safety violations shall be corrected.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation establishes procedures for implementation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: To protect the public by requiring that all amusement rides and attractions are in safe operating condition.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative: It amends the current administration regulation to comply with statutory changes.

(b) The necessity of the amendment to this administrative regulation: To establish conditions under which safety violations shall be corrected.

(c) How the amendment conforms to the content of the authorizing statutes: The regulations establishes conditions under which safety violations shall be corrected.

(d) How the amendment will assist in the effective administration of the statutes: It establishes the requirements and procedures needed for implementation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All operators/owners of amusement rides and attractions operating in or who wish to operate in Kentucky.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administration, if new, or by the change if it is a amendment. They will be required to conform to all requirements of the regulation.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: N/A

(b) On a continuing basis: N/A

(6)What is the source and funding to be used for the implementation and enforcement of this administrative regulation:

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation: There is no fee increase to implement this administration regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases and fees: This regulation does not establish or increase a fee.

(9) TIERING: Is tiering applied? Tiering was not applied. The administrative regulation applies equally to all individuals and entities regulated by it.

DEPARTMENT OF AGRICULTURE
Regulation and Inspection
(Amendment)

302 KAR 16:070. Reports of injuries involving amusement rides and amusement attractions.

RELATES TO: KRS 247.232

STATUTORY AUTHORITY: KRS 247.234

NECESSITY, FUNCTION, AND CONFORMITY: KRS 247.234 requires the department to conduct mandatory initial safety inspections of amusement rides and amusement attractions and to conduct subsequent inspections at any time to determine if a particular amusement ride or amusement attraction complies with accepted standards of safety. It is necessary for the department to receive reports of amusement ride or amusement attraction accidents causing death or injury in a timely manner to insure that a particular amusement ride or attraction complies with accepted standards of safety and to adequately inform the public of the presence of a safety violation.

Section 1. "Serious injury" means an injury which requires treatment by a licensed physician.

Section 2. Accident Reports. A written report shall be filed by the owner of an amusement ride or amusement attraction if one (1) of the following occurs as a result of an accident or incident involving an amusement ride or amusement attraction, equipment, or operating site:

(1) The death of a person;

(2) An injury requiring medical treatment;

(3) An injury to a person not receiving medical treatment;

(4) The involvement of a person requiring the intervention of emergency response or rescue personnel; or

(5) Damage to property.

(6) Structural or major mechanical failure of an amusement ride or amusement attraction.

Section 3. Reports of a Death or Serious Injury. (1) When a death or serious injury results from the operation of an amusement ride or amusement attraction, the owner of the amusement ride or amusement attraction shall, upon being notified, immediately report the death or serious injury by telephoning the Department of Agriculture, Division of Regulation and Inspection at (502) 573-0282.

(2) When a death or serious injury results from an amusement ride or amusement attraction accident, a written report shall be submitted, within twenty-four (24) hours, to the Department of Agriculture, Division of Regulation and Inspection, 107 Corporate Drive, Frankfort, Kentucky 40601. The written report shall contain the following information:

(a) The name and address of the owner of the amusement ride or amusement attraction;

(b) The name and address of the operator of the amusement ride or amusement attraction;

(c) The operation permit number for the amusement ride or amusement attraction;

(d) The location of the accident;

(e) The date and time of the accident;

(f) The name, serial number, and manufacturer of the amusement ride or amusement attraction;

(g) If the accident was reported by telephone, the time reported and name of the person informed of the accident;

(h) The names and addresses of all persons killed or injured;

(i) The nature and extent of the injuries;

(j) A description of the accident;

(k) The identity of persons or agencies providing medical or emergency treatment; and

(l) A duplicative copy of the accident or incident report submitted to the liability insurance carrier or investigative authority.

(3) For any other reportable accident or incident involving the operation of an amusement ride or amusement attraction, a written report shall be submitted, within five (5) days, to the Department of Agriculture, Division of Regulation and Inspection, 107 Corporate Drive, Frankfort, Kentucky 40601.

Section 4. Safety Inspection. (1) The department shall initiate an investigation and safety inspection within twenty-four (24) hours of the initial notification of a death resulting from the operation of an amusement ride or amusement attraction.

(2) Pending the completion of a safety inspection, the amusement ride or amusement attraction shall not be operated, moved, or repaired without written approval of the department. ~~[Definitions. The terms "amusement ride", "amusement attraction", "owner" shall have the meanings defined in KRS 247.232. For purposes of this administrative regulation the term "serious injury" means an injury for which treatment by a licensed physician is required.~~

~~Section 2. Accident Report. A written report shall be filed by the owner of an amusement ride or attraction when one (1) or more of the following occurs as a result of an accident, incident or other casualty involving an amusement ride or amusement attraction equipment or an amusement ride or amusement attraction operating site:~~

~~(1) The death of any person from any cause.~~

~~(2) The injury of any person for which he receives medical treatment.~~

~~(3) The involvement of any person in an occurrence requiring the intervention or action of emergency response or rescue personnel.~~

~~(4) Damage or casualty of or to a person or property which does not require treatment by a licensed physician.~~

~~Section 3. Serious Injury Report. (1) When death or serious injury has resulted, or may result from an amusement ride or attraction accident, a written report shall be submitted to the Division of Weights and Measures, Department of Agriculture, 106 West Second Street, Frankfort, Kentucky 40601, within twenty-four (24) hours after the accident has occurred.~~

~~(2) The owner of an amusement ride or attraction shall report a death or serious injury resulting from the operation of an amusement ride or attraction by telephone to the Division of Weights and Measures, Department of Agriculture, phone (502) 564-4870 at the earliest possible time after the owner has notice of a death or serious injury.~~

~~(3) For every other reportable accident, incident or other casualty involving the operation of an amusement ride or attraction, a written report shall be submitted within five (5) days.~~

~~Section 4. A written report of an amusement ride accident shall contain the following information:~~

~~(1) The name, address and operating permit number of the operator.~~

~~(2) The location at which the accident occurred.~~

~~(3) The date and time of the accident.~~

~~(4) The identification and maker of the amusement equipment.~~

~~(5) Whether the accident was reported by telephone; the time reported by telephone and name of the person reported to.~~

~~(6) The name and address of the person or persons injured.~~

~~(7) The name and address of the operator or operators.~~

~~(8) The name and address of all persons killed or injured.~~

~~(9) The nature and extent of the injury.~~

~~(10) A description of the accident.~~

~~(11) The identity of persons or agencies providing medical or emergency treatment.~~

~~(12) A written report may include a duplicate accident or incident report submitted to a liability insurance carrier or investigative authority.~~

~~(13) A written report of an amusement ride accident or fatality may be made on a form provided by the department. The accident or fatality form is incorporated by reference. The form is effective April 1, 1991, and may be obtained at the Division of Weights and Measures, Amusement Ride and Attraction Inspection Section, 106 West Second Street, Frankfort, Kentucky 40601.~~

~~Section 5. Safety Inspection. (1) When a report of a death resulting from the operation of an amusement ride or attraction has been received by the department, the department shall initiate an investigation and safety inspection within twenty-four (24) hours of the initial notification.~~

~~(2) Pending the completion of a safety inspection, the amusement ride or attraction shall not be moved or repaired without written approval of the department.~~

BILLY RAY SMITH, Commissioner

APPROVED BY AGENCY: February 12, 2003

FILED WITH LRC: February 12, 2003 at 10 a.m.

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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Mark Farrow, General Counsel

(1) Provide a brief summary of:

(a) What this administrative regulation does: Requires initial and subsequent inspections of amusement rides and attractions; requires reports of amusement ride and attraction accidents be filed with department.

(b) The necessity of this administrative regulation: To inform the department of all damages, injuries, or deaths involving amusement rides and amusement attractions.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation establishes procedures for implementation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: To protect the public by requiring that all amusement rides and amusement attractions are in safe operating condition.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative: The amendment makes technical changes to the existing regulation.

(b) The necessity of the amendment to this administrative regulation: To more clearly define provisions of the regulation.

(c) How the amendment conforms to the content of the authorizing statutes: The regulation establishes requirements and procedures necessary for administration.

(d) How the amendment will assist in the effective administration of the statutes: It establishes requirements and procedures necessary for administration.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All operators/owners of amusement rides or amusement attractions who operate or wish to operate in Kentucky.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administration, if new, or by the change if it is a amendment. They will be required to conform to requirements of the regulation.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: N/A

(b) On a continuing basis: N/A

(6)What is the source and funding to be used for the implementation and enforcement of this administrative regulation:

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation: There is no fee increase to implement this regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases and fees: This administrative regulation does not establish or increase a fee.

(9) TIERING: Is tiering applied? Tiering was not applied. The regulation applies equally to all individuals and entities regulated by it.

JUSTICE CABINET
Kentucky Law Enforcement Council
(Amendment)

503 KAR 1:110. Department of Criminal Justice Training basic training: graduation requirements; records.

RELATES TO: KRS 15.330(1)(c), (f) [(e)], 15.386(1), 15.404(1), 15.440(1)(d)

STATUTORY AUTHORITY: KRS 15.330(1)(c), (f), (h) [(e), (g)]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.330(1)(f) and (h) [(e) and (g)] authorize the Kentucky Law Enforcement Council to approve law enforcement officers as having met the requirements for completion of law enforcement training and to promulgate administrative regulations to implement that requirement. This administrative regulation establishes requirements for graduation from the Department of Criminal Justice Training basic training course required for peace officer certification and participation in the Kentucky Law Enforcement Foundation Program Fund, and for maintenance of basic training records.

Section 1. Basic Training Graduation Requirements. To graduate from the department's basic training course, a recruit shall:

(1) Successfully complete a minimum of 650 [640] hours of training, and beginning with Class #324, complete a minimum of 660 hours of training, based upon the curriculum approved by the council in accordance with KRS 15.330 and 503 KAR 1:090;

(2) Attain a seventy (70) percent overall score on all graded training areas covered during the course for which a numerical score is assigned. A recruit who does not achieve a seventy (70) percent overall score shall be considered to have failed basic training;

(3) Pass all training areas covered during the course for which a pass or fail designation is assigned. A recruit who does not pass all pass or fail training areas shall be considered to have failed basic training; and

(4) Successfully complete all other assignments, exercises, and projects included in the course. After-hours assignments may be required, and shall be successfully completed in order to pass the training area for which they were assigned.

Section 2. Physical Training Requirements. A recruit who is required to complete basic training in order to fulfill the peace officer certification provisions established in KRS 15.380 to 15.404 shall meet the physical training entry and graduation requirements established in this section.

(1) Physical training entry requirements.

(a) Within five (5) days from the first date of the basic training course, the recruit shall successfully complete each of the following events as instructed and evaluated by qualified department instructors:

1. [Sixteen (16) inch vertical jump;
2.] One (1) repetition maximum (RM) bench press equal to sixty-four (64) percent of the recruit's body weight;
2. [3.] Eighteen (18) sit-ups in one (1) minute;
3. [4.] 300 meter run in sixty-five (65) seconds;
4. [5.] Twenty (20) pushups; and
5. [6.] One and five-tenths (1.5) mile run in seventeen (17) minutes twelve (12) seconds.

(b) If a recruit passes all events when participating in the physical training entry test, he shall have met the physical training entry requirements.

(c) Retest. If a recruit fails to pass all events when participating in the physical training entry test:

1. He shall retest in the failed events no earlier than forty-eight (48) hours from the date of the entry test;
2. All failed events shall be retested on the same date;
3. If the recruit passes all previously failed events on the date of the retest, he shall have met the physical training entry requirements; and
4. If the recruit does not pass all previously failed events on the date of the retest, he shall be unqualified to participate in the department's basic training course for which he is currently enrolled, and may reapply to participate in a future department basic training course. The recruit shall receive no credit for the part of the basic training course which he has completed.

(2) Physical training graduation requirements.

(a) Within five (5) days from the final date of the basic training course, the recruit shall successfully complete each of the following events as instructed and evaluated by qualified department instructors:

1. [Seventeen (17) inch vertical jump;
2.] One (1) repetition maximum (RM) bench press equal to seventy-three (73) percent of the recruit's body weight;
2. [3.] Eighteen (18) sit ups in one (1) minute;
3. [4.] 300 meter run in sixty-five (65) seconds;
4. [5.] Twenty-five (25) push ups; and
5. [6.] One and five-tenths (1.5) mile run in sixteen (16) minutes fifteen (15) seconds.

(b) If a recruit passes all events when participating in the physical training graduation test, he shall have met the physical training graduation requirements.

(c) Retest. If a recruit fails to pass all events when participating in the physical training graduation test:

1. He shall retest in the failed events no earlier than forty-eight (48) hours after the date of the graduation test, but not later than the last scheduled date of the basic training course;
2. All failed events shall be retested on the same date;
3. If the recruit passes all previously failed events on the date of the retest, he shall have met the physical training graduation requirements; and
4. If the recruit does not pass all previously failed events on the date of the retest, he shall be considered to have failed basic training.

(3) Physical training safety factors.

(a) Prior to administering the outdoor events, specifically the 300 meter run and the one and five-tenths (1.5) mile run, of the physical training entry or graduation requirements, the physical training instructor shall survey weather conditions to determine whether the outdoor events can be safely performed without risk of physical injury due to:

1. Extreme cold, snow, or icy conditions;
2. Extreme heat, humidity, or a combination thereof; or
3. Inclement weather including lightening, excessive wind, or rain.

(b) If the physical training instructor determines that it would be dangerous to administer the outdoor events due to the weather conditions, the time period in subsections (1)(a) and (2)(a) of this section may be extended until the events can be safely administered.

(c) During week eight (8) of basic training, the recruits shall be administered the events of the physical training requirements for purposes of reporting their progress to their respective law enforcement agencies. If weather conditions prohibit administration of the outdoor events of the physical training graduation examination prior to the last scheduled date of the basic training course, a recruit's successful completion of the 300 meter run and the one and five-tenths (1.5) mile run during week eight (8) testing may be accepted in lieu of having to comply with the examination established in subsection (2)(a) of this section.

Section 3. Failure and Repetition of Basic Training. (1) A recruit who has failed a basic training course shall be permitted to repeat one (1) basic training course in its entirety during the following twelve (12) months.

(2) The recruit or his agency shall pay all fees for the repeated basic training course.

Section 4. Training Modules. (1) Basic training shall be divided into nine (9) different training modules on the following subjects:

(a) Orientation to basic training;
(b) Theft;
(c) Warrant/disorder;
(d) Traffic stops;
(e) Driving under the influence (DUI);
(f) Crimes against property;
(g) Collision;
(h) Crimes against persons; and
(i) Graduation.

(2) If a recruit is unable to complete basic training, but legally entitled to complete the unfinished modules of the course, they shall restart at the beginning of the module which they were in when they left basic training.

Section 5. Examinations. (1) A recruit shall be examined in the following three (3) areas of basic training:

(a) Area I:

1. Five (5) [~~Four (4)~~] academic tests; and

2. American Red Cross certification in the following: [~~First aid and CPR, including:~~]

a. Professional rescuer CPR-automated external defibrillation; and

b. First aid;

(b) Area II:

1. Firearms, including:

a. Day handgun;

b. Night handgun; and

c. Shotgun;

2. Vehicle operations, including:

a. Precision course; and

b. Emergency response course; and

3. Defensive tactics, which beginning with Class #324 shall include a:

a. Skills test; and

b. Pressure Point Control Tactics Management System (PPCT) written certification test; and

(c) Area III:

1. Breath test, including:

a. Practical examination; and

b. Written examination;

2. DUI detection, including:

a. Practical examination; and

b. Written examination.[~~; and~~

~~3. Law Information Network of Kentucky (LINK) and National Crime Information Center (NCIC) inquiry only, including a combined practical and written examination.~~]

(2) A recruit shall be permitted one (1) reexamination in each of the three (3) areas of basic training.

(3) A recruit who fails an examination, other than defensive tactics, shall not be reexamined:

(a) Earlier than forty-eight (48) [~~twenty-four (24)~~] hours from the original examination; or

(b) Later than:

1. Ten (10) [~~Thirty (30)~~] days after the original examination. A recruit may submit a written request to the branch manager for an additional five (5) days in which to take the reexamination; and [~~; or~~]

2. The last scheduled day of the basic training course.

(4) Failure of a defensive tactics examination.

(a) If the failure occurs prior to the last scheduled day of defensive tactics training, the recruit shall not be reexamined earlier than the last scheduled day of defensive tactics training.

(b) If the failure occurs on the last scheduled day of defensive tactics training, the recruit shall not be reexamined:

1. Earlier than twenty-four (24) hours from the original examination; or

2. Later than the last scheduled day of the basic training course.

(5) A recruit shall be considered to have failed basic training if the recruit:

(a) Fails a reexamination in accordance with subsection (2) of this section; or

(b) Fails two (2) examinations in the same area of basic training.

Section 6. [~~5.~~] Absence. (1) A recruit may have excused absences from the course with approval of the director of the certified school or his designee.

(2) An excused absence from the course which causes a recruit to miss any of the 660 [~~640~~] hours of basic training shall be made up through an additional training assignment.

Section 7. [~~6.~~] Circumstances Preventing Completion of Basic Training. If a recruit is prevented from completing the basic training course due to extenuating circumstances beyond the control of the recruit, including injury, illness, personal tragedy, or agency emergency, he shall be permitted to complete the unfinished areas of the course within 180 days immediately following the termination of the extenuating circumstance, if the:

(1) Extenuating circumstance preventing completion of basic training does not last for a period of longer than one (1) year; and

(2) Failure to complete is not caused by a preexisting physical injury or preexisting physiological condition.

Section 8. [~~7.~~] Termination of Employment while Enrolled. If, while enrolled in the basic training course, a recruit's employment as a police officer is terminated by [~~resignation or~~] dismissal and he is unable to complete the course, he shall complete the remaining training within one (1) year of reemployment as an officer. The recruit shall repeat basic training in its entirety if:

(1) The break in employment exceeds one (1) year; or

(2) The termination of employment is a result, directly or indirectly, of disciplinary action taken by the department against the recruit while enrolled in the basic training course.

Section 9. [~~8.~~] Maintenance of Records. (1) At the conclusion of each basic training course, the department shall, for each recruit who completes the course, complete and send the following forms to the council:

(a) DOCJT Form 68-1 (Application for Training Credit); and

(b) DOCJT Form 29 (Agency Training Authorization).

(2) The department shall send a copy of the DOCJT Form 68-1 to the:

(a) Council for verification; and

(b) DOCJT Records Section Supervisor.

(3) All training records required for fund purposes shall be retained by the department, but a copy of pertinent facts shall be sent to the fund administrator upon written request.

(4) All training records shall be:

(a) Available to the council, the secretary, and the fund administrator for inspection or other appropriate purposes; and

(b) Maintained in accordance with applicable provisions of KRS Chapter 171.

Section 10. [~~9.~~] Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "DOCJT Form 68-1 - Application for Training Credit" (02/26/96 edition); and

(b) "DOCJT Form 29 - Agency Training Authorization" (06/27/97 edition).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Criminal Justice Training, Funderburk Building, Eastern Kentucky University, 521 Lancaster Road, Richmond, Kentucky 40475-3102, Monday through Friday, 8 a.m. to 4:30 p.m.

WILLIAM F. WALSH, Ph.D., Chair

APPROVED BY AGENCY: February 13, 2003

FILED WITH LRC: February 14, 2003 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 21, 2003, at 9 a.m. in Room 211, Funderburk Building, Richmond, Kentucky 40475. Individuals interested in being heard at this hearing shall notify this agency in writing by March 14, 2003, five workdays 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. The hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing, or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stephanie C. Bingham, General Counsel, Department of Criminal Justice Training, Funderburk Building, Richmond, Kentucky 40475-3137 phone (859) 622-5897, fax (859) 622-3162.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephanie C. Bingham

(1)(a) What this administrative regulation does: Establishes the guidelines and procedures for graduation from the Department of Criminal Justice Training (DOCJT) basic training course.

(b) Necessity of this administrative regulation: The regulation is necessary so that the Kentucky Law Enforcement Council may fulfill its responsibility, as established in KRS 15.330, to approve law enforcement officers as having met the requirements for completion of law enforcement training, specifically basic training which is necessary for participation in the Kentucky Law Enforcement Foundation Program Fund (KLEFPF), and peace officer certification pursuant to KRS 15.380 through 15.404.

(c) How this regulation conforms to the content of the authorizing statutes: KRS 15.330(1)(g) authorizes the Kentucky Law Enforcement Council to promulgate reasonable rules and administrative regulations to accomplish the purposes of KRS 15.310 to 15.510 and 15.990 to 15.992. This administrative regulation is required to establish graduation standards for DOCJT basic training, which is necessary for the administration of KLEFPF (KRS 15.410 through 15.510), and peace officer certification (KRS 15.310, and 15.380 through 15.402).

(d) How this regulation currently assists in the effective administration of the statutes: This regulation sets clear, reasonable and consistent rules and procedures for graduation from DOCJT basic training, the successful completion of which is necessary before an officer may achieve active peace officer certification, or participate in KLEFPF.

(2)(a) How the proposed amendment will change the existing regulation: The present amendment revises graduation requirements in three (3) areas: (1) Recruits must take 660 hours of training; (2) Recruits will no longer be required to pass a 16 inch vertical jump examination to enter and graduate from basic training; (3) Testing requirements for outdoor physical fitness events in the event of weather that may pose a risk to recruit safety has been changed; (4) A new section has been created to divided basic training into 9 different modules; (5) Recruits must now take 5 academic tests in Training Area I; (6) Recruits will be trained in American Red Cross certified Professional Rescuer CPR-Automated External Defibrillation and First Aid; (7) Recruits will be required to take a skills test and written certification test in defensive tactics; (8) Recruits will no longer be required to take a special examination in Law Information Network Kentucky (LINK) and National Crime Information Center (NCIC).

(b) Necessity of the amendment: These amendments are necessary to better protect the safety of the general public and improve basic training.

(c) How this amendment conforms to the content of the authorizing statutes: Please see the response contained in (1)(c) herein.

(d) How this amendment will assist in the effective administration of the statutes: Please see the response contained in (2)(b) herein.

(3) Type and number of entities affected: All law enforcement agencies in the Commonwealth that utilize DOCJT basic training, which is approximately 400 agencies, including most state, county and local agencies, but excluding the Kentucky State Police, and the Lexington, Louisville and Jefferson County Police Departments.

(4) How the aforestated entities will be impacted by the amendment of this regulation: It is anticipated that agencies should experience positive results from the amendment due to police recruits being better trained to meet the needs of the public. Additionally, the amendment will protect the health and safety of police recruits. (Please see the response contained in (2)(b) herein).

(5) Cost to implement this amendment to the regulation:

(a) Initially: None

(b) On a continuing basis: None

(6) Source of funding to be used for implementation and enforcement of administrative regulation: The restricted Kentucky Law Enforcement Foundation Program Fund (KLEFPF).

(7) Assessment of whether an increase in fees or funding shall be necessary to implement the amendment to this regulation: No

(8) Does this administrative regulation directly or indirectly increase any fees: No

(9) 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.

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: Local law enforcement agencies including city, urban-county, and county police officers, and sheriff's departments, who are required, or may choose, to employ certified peace officers, and those agencies that participate in the Kentucky Law Enforcement Foundation Program Fund (KLEFPF).

(3) State the aspect or service of local government to which this administrative regulation relates: KRS 15.380(1)(b) and (c) specifically require city, county, and urban-county police officers, and deputy sheriffs (with specific exceptions) to be certified, which includes the completion of basic training.

(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: Effect on revenue is unlikely. Expenditures cannot be estimated since costs will depend on the initial size of local units of law enforcement and any change in number of personnel including growth or turnover. Agencies regularly incur costs when hiring new officers, however the agencies face no training costs through the Department of Criminal Justice Training (DOCJT) when an officer who must be certified attends basic training for the first time. If an officer/recruit fails basic training, the agency must either hire a new officer to replace them, or send the officer/recruit to repeat the 16 week basic training course at the agency's expense (costs for the repeated basic training course exceed $12,000 in DOCJT fees alone). One of the present amendments to the regulation is expected to reduce the number of recruits who fail basic training, thereby lowering costs for the officer/recruit's agency.

JUSTICE CABINET
Kentucky Law Enforcement Council
(Amendment)

503 KAR 1:140. Peace officer professional standards.

RELATES TO: KRS 15.330(1)(h), 15.380, 15.382 [(g)]
STATUTORY AUTHORITY: KRS 15.330(1)(h) [(g), 15A.160]
NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.330(1)(h) [(g)] authorizes the Kentucky Law Enforcement Council to promulgate administrative regulations. This administrative regulation establishes the guidelines and procedures necessary to implement and administer peace officer certification.

Section 1. Approval of Agency's Validated Job Task Analysis and Associated Agency Testing. (1) Application. If an agency desires to use its own job task analysis and any associated agency testing, the agency shall submit to POPS completed KLEC POPS Forms J and Q, and a copy of the proposed job task analysis. The agency shall supply:

(a) The name of the entity who completed the analysis;

(b) The date on which the analysis was completed;

(c) A curricula vitae, resume, or company profile of the entity that completed the analysis; and

(d) A listing of all job task analyses previously completed by the person or entity, including the dates of the analyses. [supply the name of the entity who completed the analysis, the date when the analysis was completed, a curricula vitae or resume, or a company

~~profile of the entity who completed the analysis, and a listing of all job task analyses previously completed by the entity including the dates of the analyses.~~]

(2) Criteria for assessment. The submitted job task analysis shall be assessed based upon the following criteria:

(a) Credentials and history of the entity conducting the analysis.

1. Education, with a preference given to degrees in law enforcement, statistics, or a related area.

2. Work experience, with a preference given to emphasis in law enforcement, statistics, or a related area.

3. Number and quality of job task analyses completed.

(b) Methodological approach.

1. Reasonable, standardized format of the study and the report.

2. Relative reliability and validity of the study's sampling techniques and practice.

3. Other considerations that reflect sound practice of the scientific method.

4. Specificity of the analysis. The job task analysis shall establish minimum entry qualifications, specific training requirements and description of duties of officers.

(3) Initial review. Within five (5) business days of receipt of the application POPS shall mail a notification to the agency that either:

(a) The application has been received and is complete; or

(b) The application is incomplete and the specific information which shall be supplemented in order to process the application. POPS shall receive the necessary information within ten (10) business days of the agency's receipt of the notice of insufficiency. If the agency fails to submit the supplementary information within the specified time period, the application shall be considered abandoned and the agency shall resubmit an application for consideration of their job task analysis and associated agency testing.

(c) POPS Recommendation. Within thirty (30) days of their receipt of the completed application, POPS shall forward the application to KLEC along with a recommendation to approve or reject the job task analysis and associated agency tests, and the specific reasons supporting a recommendation to reject.

(d) KLEC Review. The KLEC Committee on Certification shall review the application and POPS' recommendation and forward their recommendation to KLEC for final review. Within sixty (60) days of their receipt of the application KLEC shall issue written notice to the agency indicating whether the application has been approved or found to be insufficient or erroneous.

(e) If an application is found to be insufficient or erroneous, the KLEC shall notify the agency of:

1. The reasons for the finding; and

2. The requirement that the council file a declaratory action in accordance with KRS 15.394(1).

Section 2. Agency Testing Procedures. (1) POPS shall receive completed KLEC POPS Form Q from each agency participating in certification as of December 1, 1998 prior to any applicant testing. If an agency initiates participation in certification after December 1, 1998, KLEC POPS Form Q shall be submitted to POPS with KLEC POPS Form E.

(2) Initial review. Within fifteen (15) business days of receipt of KLEC POPS Form Q POPS shall mail a notification to the agency that either:

(a) The form has been received and is complete; or

(b) The form is incomplete and the specific information which shall be supplemented in order to process the form. POPS shall receive the necessary information within ten (10) business days of the agency's receipt of the notice of insufficiency. No applicants shall be tested or certified by KLEC until the form is complete.

(3) POPS review of requests for agency testing. Within thirty (30) days of receipt of the completed form, POPS shall review requests for agency testing from those agencies without a validated job task analysis to determine if the proposed tests are consistent with the minimum standards for KLEC testing as established in Section 4 of this administrative regulation. POPS shall mail a notice to the agency if the proposed testing is acceptable. If POPS determines that the minimum standards are not met, POPS shall forward the form to KLEC, along with the specific reasons supporting a recommendation to reject the agency testing.

(4) KLEC Review. The KLEC Committee on Certification shall review the form and POPS' recommendation and forward their recommendation to KLEC for final review. Within sixty (60) days of their receipt of the form KLEC shall issue written notice to the agency indicating whether the request for agency testing has been approved or rejected, and the specific reasons supporting the rejection.

(5)(a) An agency may appeal a decision made by KLEC to reject an agency test by filing a written notice of appeal:

1. With the Secretary of the Justice Cabinet; and

2. Within thirty (30) days of receipt of the notice of rejection.

(b) The notice of appeal shall be submitted:

1. On KLEC POPS Form S; and

2. With a copy of the notice of rejection of agency testing attached.

(c) A copy of the notice of appeal shall be mailed to POPS by certified mail.

(d) The Secretary of the Justice Cabinet shall schedule a hearing within thirty (30) days of receipt of the notice of appeal.

(e) The administrative hearing shall be conducted in accordance with KRS Chapter 13B.

Section 3. Certification of Exempt Officers. (1) Officers exempted from certification requirements pursuant to KRS 15.380(5) who are requesting certification shall submit KLEC POPS Form E to POPS.

(2) State peace officers employed pursuant to KRS Chapter 18A who have had certification requirements adopted pursuant to KRS 15.380(2) shall submit KLEC POPS Form E to POPS.

(3) An agency may request that agency officers exempted pursuant to KRS 15.380(4) participate in certification by submitting KLEC POPS Form E to POPS.

(4) Officers entitled to certified status pursuant to the grandfather provision of KRS 15.400(1) shall submit KLEC POPS Form C.

Section 4. Suitability Minimum Requirements: The following minimum requirements and procedures are established for KLEC testing:

(1) The background investigation as specified in KRS 15.382(12) shall consist of the following minimum requirements:

(a) Biographical history;

(b) Family history;

(c) Education;

(d) Employment history;

(e) Interview with the applicant's references;

(f) Criminal history including domestic violence protective orders;

(g) Credit history.

(h) Fingerprinting. An applicant shall be fingerprinted and a criminal background check shall be conducted as specified in KRS 15.382(5) through the following procedure: The agency shall submit two (2) completed FD 258 FBI Fingerprint Cards and all required fees to the Kentucky State Police, who shall complete a state records check, then forward the card to the FBI. The FBI shall forward the results of its records check to the employing agency. Final certification shall not be issued until results consistent with certification requirements and acceptable to the agency are received from the FBI. The agency may employ the peace officer contingent upon the pending FBI results.

(i) Psychological screening as specified in KRS 15.382(15) shall consist of the following minimum requirements:

1. Screening shall measure a broad spectrum of abilities, personality characteristics, and related constructs, including ~~[such as]~~ integrity, conscientiousness, and vocational preference, which are relevant to job related duties;

2. Screening shall contain a minimum of two (2) independent and objectively scored psychometric measures which shall be constructed and validated in accordance with the "Standards for Educational and Psychological Testing", Part IV - Standards for Administrative Procedures, (1985 Edition), American Psychological Association;

3. Assessment results and predictions shall include a recommendation and summary statement regarding the applicant's overall suitability for employment as a peace officer. The summary statement shall classify applicants as "suitable", "not suitable", or borderline. In the case of borderline and not suitable the report shall contain specific concerns and negative indicators for investigation and

reconciliation by the employing agency;

4. Screening shall be administered in accordance with the "Standards for Educational and Psychological Testing", Part IV - Standards for Administrative Procedures, (1985 Edition), American Psychological Association.

(2) Physical agility testing as specified in KRS 15.382(12) shall consist of the following minimum requirements:

(a) The applicant shall successfully complete each of the following events as instructed and evaluated by KLEC personnel who shall administer the test in conformity with the Validation of Physical Fitness Standards for the Kentucky Department of Criminal Justice Training, Appendix I - Procedures for Physical Fitness Testing Procedures for Mandatory Physical Fitness Tests, September 25, 1998, Fitness Intervention Technologies:

1. One and five-tenths (1.5) mile run in seventeen (17) minutes twelve (12) seconds;

2. 300 meter run in sixty-five (65) seconds;

3. Twenty (20) push ups;

4. ~~[Sixteen (16) inch vertical jump;~~

~~5.~~] One (1) bench press equal to sixty-four (64) percent of the applicant's body weight; and

5. [~~6.~~] Eighteen (18) sit ups in one (1) minute.

(b) If an applicant passes all events when participating in the physical agility test in its entirety, he shall have met the physical agility minimum requirements.

(c) If an applicant passes at least one (1) event when participating in the physical agility test in its entirety:

1. He may retest in the failed events no sooner than forty-eight (48) hours and no later than sixty (60) days from the date of the initial test.

2. All failed events shall be retested on the same date.

3. If the applicant passes all previously failed events on the date of the retest, he shall have met the physical agility minimum requirements.

4. If the applicant does not pass all previously failed events on the date of the retest, he shall repeat the physical agility test in its entirety and shall receive no credit for events which were passed during previous tests or retests. The applicant may repeat the physical agility test no sooner than forty-eight (48) hours from the date of the retest.

(d) If an applicant fails all events when participating in the physical agility test in its entirety, he shall repeat the physical agility test in its entirety and shall receive no credit for events which were passed during previous tests or retests.

(e) An applicant may participate in the physical agility test in its entirety, four (4) times in a one (1) year period, which shall be calculated from the first date of testing.

(f) An applicant may participate in one (1) physical agility retest for each physical agility test taken in its entirety.

(3) Medical screening as specified in KRS 15.382(10) shall consist of the following minimum requirements: The applicant shall complete KLEC POPS Form G-2, Medical History Statement, which along with KLEC POPS Form G-3, Medical Guidelines Implementation Manual, shall be provided to the physician, duly licensed to practice in the Commonwealth of Kentucky, who shall examine the applicant in conformity with the guidelines. The physician shall complete KLEC POPS Form G-1, Medical Examination Report and forward it to the employing agency.

(4) Drug screening as specified in KRS 15.382(11) shall consist of the following minimum requirements: The applicant shall execute KLEC POPS Form K-1 and submit a urine sample that shall be screened for: marijuana, amphetamines, cocaine, opiates, phencyclidine, barbiturates, benzodiazepines, propoxyphene, methadone, and methaqualone. The integrity of the urine sample shall be documented on KLEC POPS Form K-2, Drug Screening Chain of Custody. The testing shall be done in compliance with Federal DOT Work Place Standards, 49 CFR §40, subparts A and B.

(5) Polygraph examination as specified in KRS 15.382(17) shall consist of the following minimum requirements: The applicant shall complete KLEC POPS Form I-1, Polygraph Waiver, and KLEC POPS Form I-2, Polygraph Applicant Questionnaire, which shall be provided to the polygraph examiner, duly licensed in the Commonwealth of Kentucky, who shall perform a polygraph examination of the applicant consisting of the questions as listed in KLEC POPS Form I-3, Polygraph Test Questions.

Section 5. KLEC Administered Testing Procedures. (1) An applicant shall execute all releases required for KLEC testing, including KLEC POPS Forms I-1 - Consent for Preemployment Polygraph Examination; K-1 - Drug Screening Applicant Consent Form; T-1 - Medical Release - Phase I Testing, and T-2 - Health Confirmation - Phase I Testing.

(2) Testing schedule. POPS shall mail to all law enforcement agencies in the Commonwealth a list of sites and dates for KLEC administered testing. Testing sites shall be statewide and accommodations shall be made where reasonable to insure testing sites are accessible based upon need. Advance notice of the schedule shall be made public at least three (3) months prior to the testing. KLEC shall reschedule testing if cancellation is necessary due to inclement weather or other unforeseen circumstances. Emergency testing shall be made available when possible at the Richmond POPS office as needed.

(3) Registration for KLEC administered testing. POPS shall receive KLEC POPS Forms A from the employing agency at least five (5) business days prior to testing.

(a) Applicants shall provide current photographic identification at the time of testing.

(b) Applicants shall bring a completed copy of KLEC POPS Form H-2 at time of psychological testing.

(c) POPS shall receive the completed polygraph questionnaire KLEC POPS Form I-2 at the time of testing.

Section 6. Test Reporting. (1) Results of drug and psychological screening provided through KLEC shall be forwarded directly to the employing agency head by the entity administering the test. All other tests provided by or through KLEC will be forwarded to the employing agency head by POPS.

(2) The agency shall certify that the applicant has met all suitability requirements by submitting KLEC POPS Form D. The information from the completed form shall be provided to DOCJT for Kentucky Law Enforcement Foundation Program Fund, and training authorization purposes.

(3) Length of test result validity.

(a) Physical agility: results shall be considered current and valid one (1) year from the passing date of the test.

(b) Psychological screening: results shall be considered current and valid for one (1) year from the date of the screening. If the applicant experiences a significant life change during the one (1) year period, the applicant shall notify the employing agency who shall schedule a new psychological screening for the applicant.

(c) Polygraph examination: results shall be considered current and valid for a period of one (1) year from the date of the examination. If the applicant experiences a significant life change during the one (1) year period, the applicant shall notify the employing agency who shall schedule a new polygraph examination for the applicant.

(d) Drug screening: results shall be considered current and valid only for the agency that requested or performed the test and only during that employment process. An applicant that leaves and reenters the testing process for preselection screening shall be required to submit to another drug screening.

(4) Updating test results. It shall be the responsibility of the employing agency to update test results when necessary by submitting KLEC POPS Form D to POPS.

(5) Agency access to prior test results. It shall be at the applicant and individual agency's discretion to allow another employing agency access and use of the initial agency's certification testing which is still current and valid. If agencies enter into such an agreement with the written permission of the applicant, the new employing agency shall receive the medical, psychological and polygraph results directly from the entity administering the examination. Costs incurred for duplicate KLEC test results shall be the responsibility of the agency obtaining the results.

Section 7. KLEC Administered Testing Costs. (1) The employing agency shall reimburse KLEC within sixty (60) days of receipt of the invoice for the cost of KLEC administered testing provided at the agency's request as follows:

(a) Sixty-five (65) dollars for each psychological screening;

(b) $100 for each polygraph examination;

(c) Sixteen (16) dollars for each drug screening.

(2) If an agency has scheduled KLEC testing for an applicant who fails to appear or complete the testing, the agency shall be responsible for fifty (50) percent of the cost of the test had it been completed.

(3) Financial hardship.

(a) Application. An employing agency may apply for a waiver of costs for KLEC testing pursuant to KRS 15.384(1) by demonstrating undue financial hardship. The agency shall submit to POPS the actual approved budget of the governmental unit for the current and the preceding year, the number of certification applicants for the current and preceding year, the actual revenue receipts of the governmental unit for the current and the preceding year, and a detailed explanation of why the governmental unit cannot meet the cost of providing the testing, including the reason that inadequate funding was not budgeted to cover the cost of testing.

(b) Initial Review. Within five (5) business days of receipt of the application POPS shall mail a notification to the agency that either:

1. The application has been received and is complete; or

2. The application is incomplete and the specific information which shall be supplemented in order to process the application. POPS shall receive the necessary information within ten (10) business days of the agency's receipt of the notice of insufficiency. If the agency fails to submit the supplementary information within the specified time period, the application shall be considered abandoned and the agency shall resubmit an application for financial hardship.

(c) Recommendation. Within thirty (30) days of their receipt of the completed application, POPS shall forward the application to KLEC, along with a recommendation to approve or reject the application for financial hardship, and the specific reasons supporting a recommendation to reject.

(d) KLEC review. The KLEC Committee on Certification shall review the application and POPS' recommendation and forward their recommendation to KLEC for final review. Within sixty (60) days of their receipt of the application KLEC shall issue written notice to the agency indicating whether the application has been approved or rejected, and the specific reasons supporting the rejection.

(e) Appeal. An agency may appeal a decision made by KLEC to reject an agency's application for financial hardship by filing a written notice of appeal to the Secretary of the Justice Cabinet. The notice shall be filed within thirty (30) days of receipt of the notice of rejection. The notice of appeal shall be submitted on KLEC POPS Form S with a copy of the notice of rejection of financial hardship attached. A copy of the notice of appeal shall be delivered to POPS by certified mail. The Secretary of the Justice Cabinet shall render an opinion within sixty (60) days of receipt of the notice of appeal.

(4) If an agency knowingly employs or appoints a person who fails to meet minimum certification standards pursuant to KRS 15.396(1) POPS shall immediately notify DOCJT.

Section 8. Employment Changes. (1) Pursuant to KRS 15.392, when a certified peace officer leaves an agency, the agency shall submit KLEC POPS Form F. If the officer is reemployed by another agency as a peace officer the employing agency shall submit KLEC POPS Form F within five (5) business days of the employment or appointment. Information from completed KLEC POPS Forms F shall be provided to DOCJT for Kentucky Law Enforcement Foundation Program Fund, and training authorization purposes.

(2) A peace officer who retires pursuant to KRS 61.637, and is reemployed as a peace officer with the same agency no later than twelve (12) months from the initial retirement date, shall be considered to have remained in continuous employment of that agency. The peace officer shall have 180 days from the date of reemployment to correct any in-service training deficiency resulting from the retirement period.

Section 9. Records. (1) Records retention. KLEC shall retain all certification records in electronic or original medium consistent with the Records Retention Schedule established by the Kentucky Department of Library and Archives. KLEC shall devise and maintain a database management system that organizes records adequately to the tasks of associated with certification.

(2) Security. KLEC and employing agencies shall maintain records in a manner to insure their security.

(3) Agencies shall retain all documentation pertaining to certification for five (5) years following the cessation of certification of the peace officer, regardless of where the certified peace officer is employed in the Commonwealth.

(4) An agency that knowingly discloses confidential information in violation of KRS 15.400(3) may be denied participation in KLEC polygraph and psychological examinations.

Section 10. Applicant Conduct and Behavior. (1) An applicant who has engaged in behavior constituting dishonesty, cheating, falsification of documents, or any other fraudulent behavior for the purpose of wrongfully receiving certification shall be removed from the testing process and shall be barred from further consideration for certification.

(2) Use of alcohol or other intoxicants.

(a) An applicant shall not possess, consume nor be under the influence of alcoholic beverages, controlled substances, or other intoxicating substances not therapeutically prescribed by a physician while participating in the testing process.

(b) If an applicant has taken a controlled substance as prescribed by a physician or has taken any other medication, whether prescribed or not, he shall not participate in physical agility testing if he is under the influence thereof to the extent that the applicant may be impaired or may endanger himself or other persons or property. An applicant shall advise the KLEC test administrator in writing of the use of controlled substance or medication whether or not it has been prescribed by a physician.

(3) Termination of a dangerous or disruptive situation. If the conduct or condition of an applicant constitutes an immediate danger or an immediate threat of danger to self or others, or is disruptive of, or is an immediate threat to be disruptive of testing, a KLEC staff member may take all reasonable steps necessary to terminate the situation, including removal of the applicant from testing.

(4) A copy of KLEC POPS Form R shall be mailed to the applicant and the employing agency within five (5) days following the removal stating that the applicant has been removed or barred from testing, the supporting reasons and circumstances of the removal, and whether the agency may reschedule testing.

Section 11. Compliance. (1) Inspection. Test results, testing procedures and all other certification documentation shall be retained by the agency and be available for inspection and audit at any time by agents authorized by KLEC.

(2) KLEC may initiate an inspection and audit of an agency's certification documentation randomly to assure routine compliance or to investigate a specific complaint.

(3) KLEC shall have access to the services of the DOCJT Compliance and Audit Section, as coordinated through the DOCJT Commissioner, in order to audit specific applicants and agencies to assure compliance with certification requirements.

(4) If during the course of an audit conducted by the DOCJT Compliance and Audit Section a violation of certification is detected, the DOCJT Compliance and Audit Section shall report the possible violation to KLEC.

(5) Denial of Participation in KLEFPF. If KLEC determines that an agency has knowingly employed or appointed a person who fails to meet minimum certification standards, KLEC shall immediately notify the administrator of KLEFPF.

Section 12. Issuance of Certification. All identification cards issued to a peace officer verifying certification remain the property of KLEC and shall be returned to POPS upon the peace officer's loss of certification.

Section 13. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Standards for Educational and Psychological Testing", Part IV - Standards for Administrative Procedures, (1985 Edition), American Psychological Association;

(b) Federal DOT Work Place Standards, 49 CFR §40, subparts A and B;

(c) KLEC POPS Form A - Attesting to Minimum Standards/Testing Registration, revised 9/13/00;

(d) KLEC POPS Form B - Basic Training Completed (non-DOCJT), revised 1/19/99;

(e) KLEC POPS Form C - Grandfather Information, revised 1/19/99;

(f) KLEC POPS Form D - All Standards Met, revised 9/13/00;

(g) KLEC POPS Form E - Request for Certification for Exempt Officers, revised 1/19/99;

(h) KLEC POPS Form F - Status Update/Recertification, revised 9/13/00;

(i) KLEC POPS Form G-1 - Medical Examination Report, revised 1/19/99;

(j) KLEC POPS Form G-2 - Medical History Statement, revised 1/19/99;

(k) KLEC POPS Form G-3 - Medical Guidelines Implementation Manual, revised 1/19/99;

(l) KLEC POPS Form H-1 - Background Investigation, revised 1/19/99;

(m) KLEC POPS Form H-2 - Personal History Statement, revised 1/19/99;

(n) KLEC POPS Form I-1 - Consent for Preemployment Polygraph Examination, revised 1/19/99;

(o) KLEC POPS Form I-2 - Polygraph Applicant Questionnaire, revised 1/19/99;

(p) KLEC POPS Form I-3 - Polygraph Test Questions, revised 1/19/99;

(q) KLEC POPS Form J - JTA Submission, revised 1/19/99;

(r) KLEC POPS Form K-1 - Drug Screening Applicant Consent Form, revised 1/19/99;

(s) KLEC POPS Form K-2 - Drug Screening Chain of Custody, revised 1/19/99;

(t) KLEC POPS Form L-1 - Code of Ethics, revised 1/19/99;

(u) KLEC POPS Form L-2 - Canon of Ethics, revised 1/19/99;

(v) KLEC POPS Form Q - Agency Submission Form, revised 1/19/99;

(w) KLEC POPS Form R - Removal from Testing, revised 1/19/99;

(x) KLEC POPS Form S - Notice of Appeal, revised 1/19/99;

(y) KLEC POPS Form T-1 - Medical Release - Phase I Testing, revised 1/19/99;

(z) KLEC POPS Form T-2 - Health Confirmation - Phase I Testing, revised 1/19/99.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Law Enforcement Council, Office of Peace Officer Professional Standards, 415 Funderburk Building, Eastern Kentucky University, 521 Lancaster Road, Richmond, Kentucky 40475-3102, Monday through Friday, 8 a.m. to 4:30 p.m.

WILLIAM F. WALSH, Ph.D., Chair

APPROVED BY AGENCY: February 13, 2003

FILED WITH LRC: February 14, 2003 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 21, 2003, at 9 a.m. in Room 211, Funderburk Building, Richmond, Kentucky 40475. Individuals interested in being heard at this hearing shall notify this agency in writing by March 14, 2003, five workdays 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. The hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing, or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stephanie C. Bingham, General Counsel, Department of Criminal Justice Training, Funderburk Building, Richmond, Kentucky 40475-3137; phone (859) 622-5897, fax (859) 622-3162.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephanie C. Bingham

(1)(a) What this administrative regulation does: Establishes the guidelines and procedures necessary to implement and administer peace officer certification.

(b) Necessity of this administrative regulation: The regulation is necessary so that the Kentucky Law Enforcement Council may fulfill its responsibility, as established in KRS 15.330, to approve law enforcement officers as having met training requirements, administer the Kentucky Law Enforcement Foundation Program Fund (KLEFPF), and certify peace officers pursuant to KRS 15.380 through 15.404.

(c) How this regulation conforms to the content of the authorizing statutes: KRS 15.330(1)(h) authorizes the Kentucky Law Enforcement Council to promulgate reasonable rules and administrative regulations to accomplish the purposes of KRS 15.310 to 15.510 and 15.990 to 15.992. This administrative regulation is required to establish certification procedures.

(d) How this regulation currently assists in the effective administration of the statutes: This regulation sets clear, reasonable and consistent rules and procedures for peace officer certification.

(2)(a) How the proposed amendment will change the existing regulation: The present amendment deletes the requirement of a 16 inch vertical jump in the physical agility requirements in Section 4(2)(a) and corrects statutory citations.

(b) Necessity of the amendment: A recent study has indicated that a disproportionate share of female candidates, who are otherwise well qualified, may be prevented from entering law enforcement due to failure of this portion of the physical agility test. It is believed that this change will expand the pool of available applicants for law enforcement agencies. Additionally, law enforcement agencies may be able to hire and place more officers on the street to protect the citizens of this Commonwealth. It is anticipated that the present amendment will result in a great benefit to the general public, as well as law enforcement agencies throughout the state.

(c) How this amendment conforms to the content of the authorizing statutes: Please see the response contained in (1)(c) herein;

(d) How this amendment will assist in the effective administration of the statutes: Please see the response contained in (2)(b) herein;

(3) Type and number of entities affected: All law enforcement agencies in the Commonwealth that fall within the provisions of KRS 15.380(1).

(4) How the aforestated entities will be impacted by the amendment of this regulation: It is anticipated that the agencies shall benefit by this amendment, since they may have a larger pool of applicants from which to hire.

Cost to implement this amendment to the regulation:

(a) Initially: None;

(b) On a continuing basis: None.

(6) Source of funding to be used for implementation and enforcement of administrative regulation: The restricted Kentucky Law Enforcement Foundation Program Fund (KLEFPF).

(7) Assessment of whether an increase in fees or funding shall be necessary to implement the amendment to this regulation: No

(8) Does this administrative regulation directly or indirectly increase any fees: No

(9) 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.

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: Local law enforcement agencies including city, urban-county, and county police officers, and sheriff's departments who wish to hire new law enforcement officers.

(3) State the aspect or service of local government to which this

administrative regulation relates: The hiring and precertification testing of law enforcement officers.

(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: Effect on revenue is unlikely. The amendment to this administrative regulation may provide a greater pool of candidates for employment for law enforcement agencies.

JUSTICE CABINET
Kentucky Law Enforcement Foundation Program
(Amendment)

503 KAR 5:090. Participation: requirements; application; withdrawal.

RELATES TO: KRS 15.440
STATUTORY AUTHORITY: KRS 15.450(1)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.450(1) authorizes the Secretary of the Justice Cabinet or his designated representative to promulgate administrative regulations necessary to the administration of the Kentucky Law Enforcement Foundation Program Fund. This administrative regulation establishes the requirements for application to, participation in, and withdrawal [withdraw] from the fund.

Section 1. [(1)] Education Requirements. (1) [(a)] To demonstrate that an officer has completed the education requirement found in KRS 15.440(3), the local unit shall send to the fund administrator:

(a) [1.] A copy of the high school diploma issued or recognized by the state department of education; or

(b) [2.] A copy of a general education diploma issued by a state department of education.

(2) [(b)] A police officer who was "grandfathered" into the fund without having to meet the educational requirement found in KRS 15.440(3), who subsequently experiences a separation of employment as a police officer, may regain eligibility to participate in the fund:

(a) [1.] Upon reemployment as a police officer by a local unit which is participating in the fund, and completion of the educational requirement found in KRS 15.440(3), if the separation was as a result of resignation or dismissal; or

(b) [2.] Without completion of the educational requirement found in KRS 15.440(3) if the police officer:

1. [a.] Retired pursuant to KRS 61.637; and

2. [b.] Is reemployed as a police officer with the same agency no later than twelve (12) months from the initial retirement date.

Section 2. [(2)] Basic Training Requirement. (1) [(a)] Time limit.

(a) A local unit that elects to participate in the fund shall require all police officers employed as of the date of the initial participation to demonstrate compliance with the basic training requirement within one (1) year of the date of initial participation. An officer employed thereafter shall demonstrate compliance with the basic training requirement within one (1) year of the date of employment.

(b) In the event of [If an officer fails to demonstrate compliance with the basic training requirement within one (1) year due to] extenuating circumstances beyond the control of an officer, [his control] including serious injury or illness, personal tragedy, or agency emergency,[;] the local unit may request an extension of time in which the officer shall complete basic training. The agency shall request an extension, in writing, not less than thirty (30) days prior to expiration of the one (1) year time limit as established in subsection (1)(a) of this section. The extension of time to be granted shall not exceed 180 days. [shall not be considered to be violation of this paragraph. The officer shall be required to demonstrate compliance with the basic training requirement within a reasonable time as determined by the fund administrator or his designee. The reasonable time shall not exceed one (1) year from the termination of the extenuating circumstance.]

(c) The local unit shall be in violation of this subsection [paragraph] if:

1. An officer fails to complete training during the one (1) year period and has not experienced an extenuating circumstance; or

2. An officer fails to complete training prior to expiration of a time extension based upon [during the time limit established by the fund administrator following proof of] an extenuating circumstance.

(2) [(b)] Compliance. A police officer shall demonstrate compliance with the basic training requirement by:

(a) [1.] If the officer has never completed basic training, the officer shall successfully complete:

1. [a.] The Department of Criminal Justice Training 640 hour basic training course; or

2. [b.] A basic training course approved and recognized by the council which consists of a minimum of 640 hours with a course content equivalent to the Department of Criminal Justice Training 640 hour basic training course;

(b) [2.] If the officer has successfully completed a Department of Criminal Justice Training basic training course, or another council-approved and recognized basic training course, no additional basic training shall be required if he has:

1. [a.] Been continuously employed as a police officer since the completion of that basic training; or

2. [b.] Experienced a separation of employment as a police officer for no more than twelve (12) months prior to his present eligibility to participate in the fund;

(c) [3.] If the officer has successfully completed a Department of Criminal Justice Training basic training course, or another council-approved and recognized basic training course; and has experienced a separation of employment as a police officer for more than twelve (12) months but less than thirty-six (36) months prior to his present eligibility to participate in the fund, he shall successfully complete the following Department of Criminal Justice Training courses:

1. The twenty-four (24) hour Legal Update: Penal Code course; and

2. The sixteen (16) hour Legal Update: Constitutional Procedure course;

(d) [forty (40) hour penal code update course;

4.] If the officer has experienced a separation of employment as a police officer for more than thirty-six (36) months prior to his present eligibility to participate in the fund, he shall successfully complete the following Department of Criminal Justice Training courses:

1. The twenty-four (24) hour Legal Update: Penal Code course;

2. The sixteen (16) hour Legal Update: Constitutional Procedure course; and

3. One (1) of the following forty (40) hour courses which is most appropriate for the officer's duty assignment as determined by the fund administrator:

a. Basic officer skills; or

b. Orientation for new police chiefs; or

c. Mandatory duties of the sheriff. [; and:

a. The officer's total number of months of service as a police officer is equal to or exceeds the total number of months of separation from service as a police officer; the officer shall successfully complete the Department of Criminal Justice Training forty (40) hour penal code update course; and one (1) of the following Department of Criminal Justice Training forty (40) courses which is most appropriate for the officer's duty assignment as determined by the fund administrator:

(i) Police officer basic skills; or

(ii) Orientation for new police chiefs; or

(iii) Mandatory training for sheriffs or chief deputies;

b. The officer's total number of months of service as a police officer is less than the total number of months of separation from service as a police officer, the officer shall successfully complete:

(i) The Department of Criminal Justice Training 640 hour basic training course; or

(ii) A basic training course approved and recognized by the council which consists of a minimum of 640 hours with a course content equivalent to the Department of Criminal Justice Training 640 hour basic training course;]

(3) [5.] When calculating the total number of months of separation and service described in subsection (2)(c) and (d) of this section [subparagraph 4 of this paragraph]:

(a) [~~a.~~] Calculation shall begin effective the first date employed as a police officer, and include all subsequent months.

(b) [~~b.~~] For the first or last month of a continuous period of employment or separation:

1. [~~(i)~~] If the number of days of service for a specific month is less than the maximum possible number of regular service days for that month, the officer shall receive credit for a full month of service;

2. [~~(ii)~~] If the number of days of separation for a specific month is less than the maximum possible number of regular service days for that month, the month shall not be calculated as a month of separation.

(4) A police officer that must meet the requirements of subsection (2)(c) or (d) of this section, shall not be:

(a) Eligible to participate in the fund until meeting those requirements; or

(b) Entitled to backpayment of funds from their original hire date.

(5) A police officer who has never completed basic training and is not eligible to be "grandfathered" into the fund shall not be:

(a) Eligible to participate in the fund until completing the basic training requirement in subsection (2)(a) of this section; or

(b) Entitled to backpayment of funds from their original hire date.

(6) [~~(c)~~] A police officer who was "grandfathered" into the fund without having to meet the basic training requirement found in KRS 15.440(4), shall not be required to demonstrate compliance with the basic training requirement to regain eligibility to participate in the fund if the police officer:

(a) [~~1.~~] Retired pursuant to KRS 61.637; and

(b) [~~2.~~] Is reemployed as a police officer with the same agency no later than twelve (12) months from the initial retirement date.

Section 3. [~~(3)~~] In-service Training Requirement. (1) [~~(a)~~] A local unit that elects to participate in the fund shall:

(a) Require all police officers employed as of the date of initial participation, and all officers employed thereafter, to successfully complete the forty (40) hour in-service training requirement each calendar year;

(b) [~~. The local unit shall~~] Not be considered to be in violation of this paragraph if an officer's failure to meet the in-service training requirement in a calendar year is due to an extenuating circumstance including serious injury or illness, personal tragedy, or agency emergency.

(2) An officer meeting the requirements of subsection (1)(b) of this section [~~The officer~~] shall be required to meet the in-service training requirement within a reasonable time as determined by the fund administrator or his designee. The reasonable time shall not exceed 180 days [~~one (1) year~~] from the termination of the extenuating circumstance.

(3) If an officer, under circumstances that are not extenuating, fails to successfully complete forty (40) hours of in-service training in a calendar year:

(a) [~~;~~] The fund administrator or his designee shall notify the local unit that the officer must complete the in-service training for the year of delinquency within a reasonable time, but not to exceed 180 days, as determined by the fund administrator or his designee, or else the local unit, if it continues to employ the officer full time, shall be in violation of this paragraph and shall lose its eligibility to participate in the fund.

(b) He shall not:

1. Receive a [~~If an officer, under circumstances that are not extenuating, fails to successfully complete forty (40) hours of in-service training in a calendar year, he shall receive no~~] salary supplement until he makes up the in-service training for the year of delinquency; and

2. [~~shall not~~] Be entitled to receive back pay supplement for the period of nonpayment caused by the delinquency in training.

(4)(a) [~~(b)~~] A police officer who successfully completes a basic training course approved and recognized by the council shall be considered to have fulfilled the in-service training requirement for the calendar year in which the basic training is completed when that completion occurs in the calendar year of the present application for participation in the fund.

(b) An officer who demonstrates compliance with the basic training requirement by completion of a course approved and recognized by the council prior to the calendar year of the present application for participation in the fund, [~~the officer~~] shall complete a forty (40) hour in-service training course for that calendar year in order to remain eligible to participate in the fund.

(c) Earned in-service training hours in excess of the mandatory forty (40) hours per year shall not be carried forward to subsequent calendar years.

(5) [~~An officer who demonstrates compliance with the basic training requirement by completion of a course approved and recognized by the council prior to the calendar year of the present application for participation in the fund, and is required to take a minimum of forty (40) hours of additional training pursuant to Section 1(2) of this administrative regulation shall be considered to have fulfilled the in-service training requirement for the calendar year in which the additional training was completed.~~

~~(c)~~] If a police officer who is qualified to participate in the fund has his police service terminated due to resignation or dismissal, before he meets his in-service training requirement for the calendar year, he shall still be eligible to participate in the fund for that part of the calendar year during which he was employed as a police officer.

(6) [~~(d)~~] A police officer shall [~~may~~] not, for fund eligibility purposes, take the same in-service training course that he has successfully completed in a previous year for fund eligibility purposes unless at least three (3) years have passed since the earlier course was completed.

Section 4. [~~(4)~~] Local Ordinance Requirement. (1) To be eligible to participate in the fund, a local unit shall enact an ordinance or resolution requiring the local unit and police department to comply with KRS 15.410 to 15.510 and with these administrative regulations.

(2) A certified copy of this local ordinance or resolution shall be submitted by the local unit to the fund administrator along with the application for participation in the fund.

(3) If the local unit has withdrawn from, or lost eligibility to participate in the fund, the previously enacted local ordinance or resolution shall no longer be recognized by the fund administrator, and a new ordinance or resolution shall be submitted with a new application for participation in the fund.

Section 5. [~~2.~~] Application. A local unit desiring to apply for admission to the fund shall submit an application form to the fund administrator.

Section 6. [~~3.~~] Withdrawal. (1) To withdraw from the fund, a local unit shall send a written notice of withdrawal to the fund administrator.

(2) The fund administrator or his designee shall acknowledge in writing the receipt of the withdrawal notice.

(3) [~~;~~] The withdrawal shall be effective as of the date the withdrawal notice is received by the fund administrator.

(4) Upon withdrawal, a local unit shall [~~be obligated to~~] return all salary supplement funds received from the fund for which its police officers have not yet become qualified.

Section 7. [~~4.~~] Audits. (1) A participating agency shall comply with audits when requested by the fund administrator's designee, to demonstrate compliance with all rules and administrative regulations governing participation.

(2) The audit shall include examination of records of police officer training attendance, and payroll and KLEFPF records.

JOHN W. BIZZACK, Ph.D., Commissioner

APPROVED BY AGENCY: February 13, 2003

FILED WITH LRC: February 14, 2003 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 21, 2003, at 9 a.m. in Room 211, Funderburk Building, Richmond, Kentucky 40475. Individuals interested in being heard at this hearing shall notify this agency in writing by March 14, 2003, five workdays 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. The hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a

written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing, or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stephanie C. Bingham, General Counsel, Department of Criminal Justice Training, Funderburk Building, Richmond, Kentucky 40475-3137; phone (859) 622-5897, fax (859) 622-3162.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephanie C. Bingham

(1) Provide a brief summary of:

(a) What this administrative regulation does: Establishes the requirements for participation in the Kentucky Law Enforcement Foundation Program Fund (KLEFPF).

(b) Necessity of this administrative regulation: This administrative regulation is necessary so that the secretary of the Justice Cabinet or his designated representative may fulfill his responsibility, as established in KRS 15.450(1) to administer KLEFPF.

(c) How this regulation conforms to the content of the authorizing statutes: KRS 15.450(1) requires the Secretary of the Justice Cabinet or his designated representative to administer KLEFPF, and promulgate administrative regulations necessary to carry out his responsibilities under KRS 15.410 to 15.510.

(d)How this regulation currently assists in the effective administration of the statutes: This administrative regulation establishes clear, reasonable and consistent rules and procedures for application and participation in KLEFPF.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: Currently, some officers who have been inactive for three or more years and return to full-time employment with a KLEFPF participating agency are required to successfully complete basic training, even though they may have completed basic training at an earlier date in their career. Primarily, the amendment to this administrative regulation will bring the training provisions into accord with the recent revision of KRS 15.386(3)(b)2 by the Kentucky General Assembly, thereby repealing the requirement that an officer have to repeat basic training.

(b) The necessity of the amendment to this administrative regulation: To comply with the changes made to KRS 15.386(3)(b)2 by the Kentucky General Assembly during the 2002 Regular Session.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 15.450(1) authorizes the secretary of the Justice Cabinet to promulgate administrative regulations as, in his judgment, necessary to carry out his responsibilities under KRS 15.410 through 15.510, the Kentucky Law Enforcement Foundation Program Fund statutes.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will change the current KLEFPF eligibility requirements for officers who have been out of law enforcement for 3 or more years to match the certification requirements in KRS 15.386(3)(b)2.

(3) Type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation could affect all law enforcement personnel in the Commonwealth, which is approximately 7,500 in number. However, not all of that number would be affected by the amendment to this administrative regulation. There are approximately 400 law enforcement agencies in the Commonwealth that could be affected.

(4) Assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: It is anticipated that the agencies shall benefit by this amendment, since they will be able to hire officers, who have previously completed basic training but have been inactive, without jeopardizing KLEFPF eligibility. Additionally, some officers who currently serve part-time, will be able to serve as full-time officers without jeopardizing KLEFPF eligibility of the agency. Further, the agencies should incur reduced costs related to recruitment and hiring, as well as diminished expenses and agency disruption related to an officer's completion of the 16 week basic training program.

(5) Cost to implement this administrative regulation:

(a) Initially: None

(b) On a continuing basis: None

(6) Source of funding to be used for implementation and enforcement of administrative regulation: The restricted Kentucky Law Enforcement Foundation Program Fund (KLEFPF).

(7) Assessment of whether an increase in fees or funding shall be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No

(8) Does this administrative regulation establish any fees or directly or indirectly increase any fees: No

(9) 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.

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. If yes, complete questions 2-4.

2. State what unit, part or division of local government this administrative regulation will affect. Local law enforcement agencies including city, urban-county, and county police officers, and sheriff's departments, who receive payments from the Kentucky Law Enforcement Foundation Program Fund.

3. State the aspect or service of local government to which this administrative regulation relates. KRS 15.440 establishes the requirements for participation in the Kentucky Law Enforcement Foundation Program Fund. Pursuant to KRS 15.420(2), peace officers eligible for participation include full-time city, urban-county, and county police officers, and sheriff's departments, and state or public university police officers.

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: Effect on revenue is unlikely. Local law enforcement agencies may experience a moderate reduction in expenditures. This is due to the agencies' ability, as a result of this amendment, to hire police officers, without incurring expenses related to recruitment and hiring, as well as expenses associated with an officer's completion of the 16 week basic training course.

EDUCATION, ARTS, AND HUMANITIES CABINET
Kentucky Board of Education
Department of Education
(Amendment)

702 KAR 7:125. Pupil attendance.

RELATES TO: KRS 157.320, 157.350, 157.360, 158.030, 158.060, 158.070, 158.100, 158.240, 159.010, 159.030, 159.035, 159.140, 159.170, 161.200

STATUTORY AUTHORITY: KRS 156.070, 156.160, 157.320, 158.060, 158.070

NECESSITY, FUNCTION, AND CONFORMITY: KRS 157.320 defines average daily attendance of pupils for funding purposes under the Support Education Excellence in Kentucky (SEEK) Program. KRS 157.360 bases SEEK funding upon average daily attendance. KRS 158.030, 158.100, and 159.030 require the age for compulsory school attendance. KRS 158.060 defines the school day and month and make-up of school days missed. KRS 158.070 defines the school term. KRS 158.240 and 159.035 define attendance credit for moral instruction and 4-H activities. KRS 161.200 requires attendance records to be kept by teachers. This administrative regulation establishes a uniform method of recording pupil atten-

dance.

Section 1. (1) The local board of education, upon recommendation of the local school district superintendent, shall adopt a school calendar for the upcoming school year on or before [~~prior to~~] May 15 of each year. The calendar shall:

(a) Establish the opening and closing dates of the school term;[~~,~~]

(b) Establish beginning and ending dates of each school month;[~~,~~]

(c) State the number of days of instruction;

(d) Establish the minimum length of the instructional day;

(e) State the instructional time the local board of education requires for kindergarten if in excess of the minimum three (3) hours of instruction;

(f) State whether the additional instructional time, if any, is planned to be banked to make up for full days which may be missed due to an emergency; and

(g) Designate [~~instructional days and~~] days on which schools shall be dismissed.

(2) Opening day, for planning activities without the presence of pupils, shall be scheduled to occur prior to the first instructional day of the school term.

(3) Closing day, for planning activities without the presence of pupils, shall be scheduled to occur following the completion of the last instructional day of the school term.

(4) Local school districts shall plan appropriately for the make-up of instructional time missed due to emergency. In addition to the minimum 1,050 hour instructional term, the school calendar shall include days equal to the greatest number of days missed system-wide in the local school district over the preceding five (5) school years.

(5) Graduation ceremonies shall be scheduled to occur following completion of the instructional term.

(6) An up-to-date master schedule shall be on file in a school. Up-to-date master schedules for each school in a district shall be on file in the district's central office.

Section 2. (1) The local board of education shall file the adopted school calendars [~~calendar~~] with the Department of Education no later than June 30 [~~prior to June 1~~] of each year. The local school district shall not be paid any installment of its SEEK program allotment until the school calendar has been approved by the Department of Education.

(2) The local board of education, upon recommendation of the local school district superintendent, may amend the school calendar.

(3) An amended school calendar shall be submitted for approval to the Department of Education no later than June 30 of each year. [~~prior to May 1 of each year. Subsequent amendments to the school calendar shall be submitted to the Department of Education no later than five (5) calendar days after the meeting of the local board of education at which the amendment is approved.~~]

Section 3. (1) The regularly scheduled school day shall not be shortened after the school calendar has been adopted by the local board of education and approved by the Department of Education except in cases of emergency declared by the local school district superintendent in accordance with policies of the local board of education.

(2) The local school district shall be allowed a total of five (5) hours missed each school year that [~~which~~] do not have to be made up, and that [~~which~~] occurred as a result of school days shortened due to emergency. These hours shall be reported to the department on the amended school calendar.

(3) Except for the provisions of subsection (2) of this section, all time missed on school days shortened due to emergency shall be made up and shall be reported to the Department of Education on the amended school calendar.

Section 4. (1) [~~A local board of education request for districtwide disaster days shall be submitted to the Commissioner of Education for approval. A copy of the local board order shall accompany this request.~~

~~(2)~~] A school district shall not be considered for disaster days unless the district has missed more than twenty (20) regular instructional days system-wide. The local school district shall make up at least the first twenty (20) regular instructional days missed in a school year by adding these hours back into the school calendar.

(2) A local board of education request for district-wide disaster days shall be submitted to the Commissioner of Education for approval. A copy of the local board order shall accompany this request.

Section 5. A local board of education may request [~~for~~] disaster days if one (1) school, or part of the district, is forced to miss school on a particular day due to an emergency. The request shall be submitted to the Commissioner of Education for approval. A copy of the local board order shall accompany this request.

Section 6. (1) The following shall constitute the activities to be conducted during the instructional school day:

(a) Courses and content included in the "Program of Studies for Kentucky Schools, Grades Primary-12", pursuant to 704 KAR 3:303;

(b) Courses and activities included in the local school district program of studies for which a letter of assurance of compliance has been submitted to the Department of Education pursuant to 704 KAR 3:305;

(c) Cocurricular activities which are unequivocally instructional in nature, directly related to the instructional program and scheduled to minimize absences from classroom instruction; and

(d) A maximum of five (5) minutes passing time between instructional periods, and travel time required to participate in regular instructional programs off of the school campus including vocational schools, day treatment centers, and alternative schools. Travel time to off-campus facilities shall be scheduled to minimize absence from classroom instruction.

(2) The local board of education shall adopt a policy specifying cocurricular instructional activities which may be included in the instructional school day, as described in subsection (1)(c) of this section.

(3) Each school shall have available a master schedule that delineates instructional time periods and noninstructional time periods for all grade levels served and schedules provided.

Section 7. (1) Daily attendance of pupils in elementary schools shall be determined by taking attendance [~~checking their attendance a minimum of~~] one (1) time each day prior to the start of instruction [~~in the morning and one (1) time in the afternoon~~] and maintaining a student entry and exit log at each school.

(2) Daily attendance of pupils in middle and high school shall be determined by taking [~~checking their~~] attendance by class period and maintaining a student entry and exit log at each school.

(3) The student entry and exit log shall include the date, student name, grade or homeroom, time of late arrival, time of early departure (with the reason for both listed), parent or legal guardian signature (for elementary students who sign out) and other information required by the local board of education.

(4) Pupils shall be physically present in the school to be counted in attendance except under the following conditions:

(a) The pupil is a participant in a cocurricular instructional activity that [~~which~~] has been authorized by the local board of education and is a definite part of the instructional program of the school;

(b) The pupil is a participant in an activity as provided in either KRS 158.240 or 159.035; [~~or~~]

(c) The pupil is participating in an off-site virtual high school class or block. A student may be counted in attendance for a virtual high school class or block for the year of semester in which the student initially enrolled in the class or block if the final grade for that class or block is passing or above.

(d) The pupil's mental or physical condition prevents or renders inadvisable attendance in a school setting, and the pupil meets the requirements of KRS 159.030(2). A pupil being served in the home/hospital program shall receive a minimum of one (1) hour of instruction two (2) times per five (5) instructional days;

(e) The student has been court ordered to receive educational services in a setting other than the classroom. A pupil being served through a court order shall receive a minimum of one (1) hour of instruction two (2) times per five (5) instructional days; or

(f) The student has an individual education plan (IEP) that requires less than full-time instructional services. [~~in attendance in the~~

~~class immediately preceding or following (if applicable) the designated virtual class or block shall be counted in attendance for the virtual high school class.~~]

(5) Even if a pupil's absence or tardy is due to factors beyond the pupil's control, including inclement weather or failure of the transportation system to operate, the pupil shall be counted absent or tardy.

(6) The local board of education shall determine by local board policy what constitutes an excused and an unexcused absence.

(7) A pupil shall not be allowed to make up absences for the purpose of including make-up activities in the calculation of average daily attendance.

Section 8. (1) A full day of attendance shall be recorded for a pupil who is in attendance 100 percent of the regularly scheduled school day for the pupil's [~~his~~] grade level.

(2) A tardy shall be recorded for a pupil who is absent less than thirty-five (35) percent of the regularly scheduled school day for his grade level.

(3) One-half (1/2) day of attendance shall be recorded for a pupil who is absent thirty-five (35) to eighty-four (84) percent of the regularly scheduled school day for the pupil's [~~his~~] grade level.

(4) A full-day absence shall be recorded for a pupil who is absent greater than eighty-four (84) percent of the regularly scheduled school day for his grade level.

(5) The percentages described in this section shall apply to the regularly scheduled school day approved by the local board of education and shall be applicable to entry level through grade level twelve (12).

Section 9. A local board of education may permit [~~released time as~~] an arrangement whereby a pupil has a shortened school day in accordance with KRS 158.060, or local board of education policy. The time a student is in attendance [~~Released time~~] shall [~~not~~] be included in calculating the district's average daily attendance.

Section 10. A local board of education may permit [~~shared time as~~] an arrangement in which a pupil pursues part of the student's education under the direction and control of one (1) public school and part of the student's education under the direction and control of another public or [~~concurrently attends a public common school part time and a nonpublic school part time pursuing part of his education under the direction and control of the public common school and part of his education under the direction and control of the~~] nonpublic school. The time a [~~the~~] student is served by [~~the~~] public school [~~district~~] shall be included when [~~in~~] calculating the district's average daily attendance.

Section 11. If a local school district, under the provisions of KRS 157.360(6), enrolls a child with a disability in a private school or agency, the private school or agency shall certify the attendance of the child to the local school district at the close of each school month.

Section 12. (1) If a local school district enrolls a pupil in the entry level program who will not be five (5) years of age on or before [~~by~~] October 1 of the year of enrollment, the total aggregate days attendance for the pupil shall not be included in calculating the district's average daily attendance.

(2) If a local school district enrolls a pupil in the second level of the primary program who will not be six (6) years of age on or before [~~by~~] October 1 of the year of enrollment, the total aggregate days attendance for the pupil shall not be included in calculating the district's average daily attendance.

(3) [~~If~~] A local school district shall enroll any resident pupil, not holding a high school diploma, under the age of twenty-one (21) years of age who wishes to enroll; however, days attended after the student's 21st birthday shall not be included in the calculation of ADA. [~~enrolls a pupil who is at least twenty-one (21) years of age, the aggregate days attendance for the pupil upon age twenty-one (21) and following shall not be included in calculating the district's average daily attendance.~~]

Section 13. The Growth Factor Report for the first two (2) school months of the school year pursuant to KRS 157.360(8) shall be submitted to the Department of Education no later than [~~prior to~~] November 1 of each year.

Section 14. (1) A copy of the written agreement local boards of education execute for enrollment of nonresident pupils as provided by KRS 157.350(4) shall be submitted to the Department of Education no later than [~~prior to~~] November 1 of each year. The written agreement shall include the names of all nonresident pupils enrolled in the district covered by the agreement.

(2) A change may be made to the original nonresident pupil agreement up to the close of the school year to include the nonresident pupils enrolling after the close of the second school month. The amendment shall be submitted to the Department of Education with the local Superintendent's Annual Attendance Report (SAAR) no later than [~~prior to~~] June 30 of each year.

Section 15. The superintendent's annual attendance report (SAAR) shall be considered the request to substitute prior year's average daily attendance for up to ten (10) designated weather-related low attendance days, and certification that the low attendance was due to inclement weather in accordance with KRS 157.320. Documentation that the low attendance was due to inclement weather shall be retained at the central office.

Section 16. (1) The school's records of daily attendance and teacher's monthly attendance reports, daily and class period absentee lists, [~~and~~] student entry and exit logs, and the Home/Hospital Program Form, shall be the original source of attendance data for all pupils enrolled in the public common schools and shall be verified at the end of each school month.

(2) The school's records of daily attendance and teachers' monthly attendance reports shall be signed by a designated certified person within the elementary or secondary school who shall be responsible for verifying and certifying the state attendance documents for accuracy.

(3) The school's records of daily attendance and tenth month teacher's monthly attendance reports shall be retained at least twenty (20) years. The daily and class period absentee lists, and student entry and exit logs shall be retained at least two (2) full school years after the current school year.

Section 17. The following entry, reentry and withdrawal codes shall be used to indicate the enrollment status of pupils:

(1) E01 - A pupil enrolled for the first time during the current year in either a public or nonpublic school in the United States;

(2) E02 - A pupil previously enrolled during the current school year in either a public or nonpublic school in another state who has not previously enrolled in Kentucky during the current school year;

(3) E03 - A pupil enrolling for the first time during the current school year in either a public or nonpublic school, who has withdrawn as a W06, W07, W13, W16 or W18 during the previous school year;

(4) R01 - A pupil received from another homeroom in the same school;

(5) R02 - A pupil received from another public school in the same public school district;

(6) R03 - A pupil received from a nonpublic school in the same public school district;

(7) R04 - A pupil received from a public school in Kentucky outside this public school district;

(8) R05 - A pupil received from a nonpublic school in Kentucky outside this public school district;

(9) R06 - A pupil reentering the school after dropping out [~~withdrawal~~], discharge or expulsion from a school district in Kentucky during the current school year, who has not entered any other school during the intervening period;

(10) R07 - A pupil received from a school in another state after having been previously enrolled during the current school year in Kentucky as an E01, E02, or E03;

(11) R10 - An expelled pupil received from a state agency in the current school year prior to the completion of the expulsion period;

(12) R11 - An expelled pupil received in the current school year, from a regional alternative facility not run by the expelling school

district, prior to the completion of the expulsion period;

(13) W01 - A pupil transferred to another homeroom in the same school. The reentry code to use with W01 shall be R01;

(14) W02 - A pupil transferred to another public school in the same public school district. The reentry code to use with W02 shall be R02;

(15) W03 - A pupil transferred to a nonpublic school in this public school district. The reentry code to use with W03 shall be R03;

(16) W04 - A pupil transferred, without change of residence, to a school outside this public school district. The reentry code to use with W04 shall be R04, R05, or R07;

(17) W05 - A pupil who has moved out of this public school district and for whom a request for student records has been received or enrollment has been substantiated. The reentry code to use with W05 shall be R04, R05, or R07;

(18) W06 - A pupil who is at least sixteen (16), but not yet eighteen (18) years of age and has dropped out [~~withdrawn~~]. The reentry code to use with W06 shall be R06;

(19) W07 - A pupil withdrawn due to those communicable medical conditions that pose a threat in school environments listed in 902 KAR 2:020, Section 1(1), accompanied by a doctor's statement certifying the condition, or any other health related condition for which the student is too ill to participate in regular school attendance or local homebound instructional services, or if the student has obtained [~~accompanied by~~] a doctor's statement certifying the condition. The reentry code to use with W07 shall be R06;

(20) W08 - A pupil withdrawn due to death;

(21) W09 - A pupil who has graduated or completed a 504 plan or and individual education plan prior to the end of the school term or year;

(22) W10 - A pupil who has been expelled for behavioral reasons withdrawn to a state agency. The reentry code to use with W10 shall be R06; if the student returns to the expelling local school district in the current school year after the expulsion period has been completed. The reentry code to use with W10 shall be R10 if the student returns to the expelling local district in the current school year prior to completion of the expulsion period;

(23) W11 - A pupil who has been expelled for behavioral reasons and withdrawn to a regional alternative facility not run by the expelling local school district. The reentry code to use with W11 shall be R06 if the student, after the expulsion period has ended, returns during the current school year. [~~returns in the current school year after the expulsion period has been completed. The reentry code to use with W11 is~~] R11 shall be used if the student returns in the current school year prior to completion of the expulsion period;

(24) W12 - A pupil under the jurisdiction of the court. The reentry code to use with W12 shall be R06. For end of year adjustments, for accountability purposes, a W12 shall be recorded as a W16 if the district cannot substantiate enrollment in the proper educational setting as designated by the court;

(25) W13 - A pupil withdrawn for a second or subsequent time who initially withdrew as a W06, W07, W10, W13, W16 or W18, and has previously been reported as a drop out for accountability purposes. The reentry code to use with W13 shall be R06;

(26) W16 - A pupil who has moved out of the public school district for whom enrollment elsewhere has not been substantiated. For end of year adjustments for accountability purposes, the W16 code shall be applicable to pupils enrolled at the end of the previous school year who failed to enroll in this or any other school district at the beginning of the current school year;

(27) W17 - An entry level student in the primary program, withdrawn during the first two (2) school months due to immaturity or mutual agreement by the parent, guardian or other custodian and the school in accordance with 704 KAR 5:060; and

(28) W18 - A pupil eighteen (18) years of age or over who has withdrawn. The reentry code to use with W18 shall be R06.

Section 18. (1) The following suspension codes shall be used to indicate the suspension status of pupils:

(a) S - Suspension from school for one (1) full day; and

(b) N - Suspension from school for one-half (1/2) day.

(2) Suspension shall be considered an unexcused absence.

Section 19. [~~The following expulsion codes shall be used to indicate the expulsion status of pupils:~~

~~(1) XP1 - A student expelled from school during the current school year for behavioral reasons, being provided educational services by the expelling local school district;~~

~~(2) XP2 - A student expelled from another local school district during the current school year for behavioral reasons, being provided educational services by a regional alternative facility not run by the expelling local school district;~~

~~(3) XP3 - A student expelled from school during the current school year for behavioral reasons, not being provided educational services.~~

~~(4) XE1 - A student expelled from school during the prior school year for behavioral reasons whose expulsion extends into the current school year and is being provided educational services by the local school district;~~

~~(5) XE2 - A student expelled from another local school district during the prior school year for behavioral reasons whose expulsion extends into the current school year and is being provided educational services by a regional alternative facility not run by the expelling local school district; and~~

~~(6) XE3 - A student expelled from school during the prior school year for behavioral reasons whose expulsion extends into the current school year and is not being provided educational services.~~

~~Section 20.~~] The following ethnic codes shall be used to indicate the ethnic origin of pupils [~~until June 30, 2002~~]:

(1) 1 - White (not Hispanic) - A person having origins in any of the original peoples of Europe, North Africa or the Middle East;

(2) 2 - Black (not Hispanic) - A person having origins in any of the black racial groups of Africa;

(3) 3 - Hispanic - A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture of origin regardless of race;

(4) 4 - Asian or Pacific Islander - A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands;

(5) 5 - American Indian or Alaskan Native - A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition; and

(6) 6 - Other.

[~~Section 21. (1) Beginning July 1, 2002, the following ethnic codes shall be used to indicate the ethnic origin of pupils:~~

~~(1) H - Hispanic or Latino - A person of Mexican, Puerto Rican, Cuban, South or Central American, or other Spanish culture or origin, regardless of race; and~~

~~(2) N - Not Hispanic or Latino.~~

~~Section 22. (1) Beginning July 1, 2002, the following race codes shall be used to indicate the racial categories of pupils:~~

~~(a) W - White - A person having origins in any of the original peoples of Europe, North Africa or the Middle East;~~

~~(b) B - Black or African American - A person having origins in any of the black racial groups of Africa;~~

~~(c) H - Native Hawaiian or Other Pacific Islander - A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands;~~

~~(d) A - Asian - A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, including Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam; and~~

~~(e) I - American Indian or Alaska Native - A person having origins in any of the original peoples of North America and South America (including Central America), and who maintains tribal affiliation or community attachment.~~

~~(2) More than one (1) racial category may be selected. Local school districts shall be able to identify the number of students that have elected more than one (1) racial category as described in this section.~~]

Section 20. [~~23.~~] (1) The Student Dropout Questionnaire shall be completed during the one (1) hour counseling session mandated in accordance with KRS 159.010. Information obtained from this sur-

vey shall be submitted to the Department of Education on the local Superintendent's Annual Attendance Report no later then [~~prior to~~] June 30 of each year.

(2) The request for records and other information involving the withdrawal and transfer of pupils shall be processed by the local superintendent or his designee pursuant to KRS 159.170, and shall be maintained in the student's permanent file. A local school district shall use the Student Record Release Form, or obtain approval from the Department of Education to use an alternative form.

Section 21. [~~24.~~] Incorporation by Reference. (1) The following material is incorporated by reference:

(a) The "Growth Factor Report" file layout, dated August 8, 2002 [~~July 15, 1999~~];

(b) The "Superintendent's Annual Attendance Report" file layout, dated August 8, 2002 [~~December 1, 1999~~];

(c) The "Student Dropout Questionnaire" dated December, 2002 [~~August 1, 2000~~]; and

(d) The Student Record Release Form, dated December, 2002 [~~February 1, 2001~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Finance, [~~Attendance and Data Collection Branch,~~] 15th Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

GENE WILHOIT, Commissioner
HELEN MOUNTJOY, Chairperson
APPROVED BY AGENCY: February 11, 2003
FILED WITH LRC: February 12, 2003 at 2 p.m.

PUBLIC HEARING: A public hearing on this proposed administrative regulation shall be held on March 24, 2003, at 10 a.m. in the State Board Room, 1st Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. In 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 be heard at the public hearing or written comments on the proposed administrative regulation to Kevin M. Noland, Deputy Commissioner and General Counsel, Bureau of Operations and Support Services, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky, 40601, phone 502/564-4474, fax 502/564-9321.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Kevin M. Noland

(1) Provide a brief summary of:

(a)What this administrative regulation does: This administrative regulation provides guidance to local school districts in the area of student attendance reporting.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide school districts with guidance related to student attendance reporting and compliance as it relates to KRS 156.070, 156.160, 157.320, 158.060 and 158.070.

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation provides the specifics for compliance with requirements for participation in the fund to Support Education Excellence in Kentucky as stated in KRS 157.350

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation provides the specifics for attendance recording and reporting which serves as the basis for the allocation of SEEK funds.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: Many changes were developed to improve the clarity of the existing regulation. More significant changes include: 1) More detailed information to be reported on the school calendar; 2) To include the exception of Home and Hospital instruction related to the requirement for physical presence for counting a student present; 3) Removal of student expulsion codes; 4) Removal of ethnic codes that were to be enacted July 1, 2002.

(b) The necessity of the amendment to this administrative regulation: The amendment of this regulation was necessitated by the federal government's decision to not implement the ethnic codes as communicated earlier. It was also necessary to remove the student expulsion codes from the regulation due to changes in data collection.

(c) How the amendment conforms to the content of the authorizing statute: This amendment clarifies requirements for reporting student attendance for purposes of receiving state SEEK funding.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will facilitate compliance by districts by providing updated and clearer requirements.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All 176 school districts in the state of Kentucky.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: This amendment should result in clearer guidance to local district in the area of attendance reporting and will attain required compliance with federal regulations.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There will be no costs to the agency to implement this administrative regulation.

(b) On a continuing basis: There will be no increase in cost to the agency.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding required

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees will be necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fee.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

LABOR CABINET
Department of Workplace Standards
Division of Occupational Safety and Health Compliance
Division of Occupational Safety and Health Education and Training
(Amendment)

803 KAR 2:180. Recordkeeping; statistics.

RELATES TO: KRS 338.161, 29 CFR Part 1904
STATUTORY AUTHORITY: KRS 338.061, 338.161
NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.161(1) authorizes the Department of Workplace Standards to promulgate administrative regulations requiring employers to report their occupational safety and health statistics. This administrative regulation establishes recordkeeping and reporting requirements for employers covered under KRS Chapter 338 as necessary and appropriate for the enforcement of KRS Chapter 338, for developing information regarding the causes and prevention of occupational accidents and illnesses, and for maintaining a program of collection, compilation, and analysis of occupational safety and health statistics.

Section 1. Definitions. (1) "Occupational Safety and Health Act" means the Kentucky Occupational Safety and Health Act of 1972

(KRS Chapter 338).

(2) "OSH Act" means the Kentucky Occupational Safety and Health Act of 1972 (KRS Chapter 338).

(3) "OSHA" means the Occupational Safety and Health Administration or the Kentucky Occupational Safety and Health Program.

(4) "Secretary of Labor" means the Secretary of the United States Department of Labor or the Secretary of the Kentucky Labor Cabinet.

(5) "Section 11(c) of the Act" means KRS 338.121(3).

Section 2. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) 29 CFR 1904, "Recording and Reporting Occupational Injuries and Illnesses", revised as of July 1, 2002 [~~2000~~], published by the Office of the Federal Register, National Archives and Record Services, General Services Administration;

(b) The revisions to 29 CFR 1904, "Recordkeeping and Reporting Occupational Injuries and Illnesses", as published in the Federal Register, Volume 67, Number 126, July 1, 2002 are incorporated by reference [~~66, Number 13, January 19, 2001~~]; and

(c) The revisions to 29 CFR 1904, "Recordkeeping and Reporting Occupational Injuries and Illnesses", as published in the Federal Register, Volume 67, Number 242, December 17, 2002, are incorporated by reference. [~~66, Number 198, October 12, 2001.~~]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Labor Cabinet, Division of Education and Training, U.S. 127 South, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

JOE NORSWORTHY, Chairman

APPROVED BY AGENCY: February 13, 2003

FILED WITH LRC: February 14, 2003 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 24, 2003, at 10 a.m. (ET) at the Kentucky Labor Cabinet, 1047 U.S. 127 South, Bay 3 Conference Room, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by 4:30 p.m. (ET) March 17, 2003, 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: Tim Chancellor, Health Standards Specialist, Kentucky Labor Cabinet, 1047 U.S. 127 South, Suite 4, Frankfort, Kentucky 40601, phone (502) 564-3070, fax (502) 564-1682.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Kembra Taylor, Tim Chancellor

(1) Provide a brief summary of:

(a) What this administrative regulation does: The amendment revises the criteria for recording occupational hearing loss and delays the effective date of 3 provisions of the recordkeeping rule, published January 19, 2001. The delayed provisions define a musculoskeletal disorder (MSD) and require employers to check an "MSD" column on the OSHA log, require employers to enter a check in the hearing loss column on the OSHA log, and the state that musculoskeletal disorders are not considered privacy concern cases. The effective date of these provisions is delayed until January 1, 2004.

(b) The necessity of this administrative regulation: It is necessary to promulgate this administrative regulation to comply with federal mandate 29 CFR 1953.23, which requires implementation of the federal standard, or one more stringent, within 6 months of the date of promulgation of the federal standard; and, to keep the state program as effective as the federal program.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes of KRS 338.161.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: These amendments will enhance injury and illness recordkeeping, improve worker safety throughout Kentucky, and keep the state program as effective as the federal program.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment delays for 1 year the effective date of 3 provisions of the recordkeeping rule, establishes criteria for recording cases of work-related hearing loss, and updates the reference to the Code of Federal Regulations to 2002.

(b) The necessity of the amendment to this administrative regulation: It is necessary to promulgate this administrative regulation to comply with federal mandate 29 CFR 1953.23, which requires implementation of the federal standard, or one more stringent, within six months of the date of promulgation of the federal standard; and, to keep the state program as effective as the federal program.

(c) How the amendment conforms to the content of the authorizing statutes: This emergency regulation conforms to the content of the authorizing statutes of KRS 338.161.

(d) How the amendment will assist in the effective administration of the statutes: The amendments will enhance recordkeeping and worker safety throughout Kentucky.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: These amendments affect public and private sector employers covered by KRS Chapter 338.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: This amendment delays for 1 year the effective date of 3 provisions of the recordkeeping rule, and establishes criteria for recording cases of work-related hearing loss.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There will be no initial cost to implement this emergency regulation.

(b) On a continuing basis: There will be no additional costs on a continuing basis to implement this regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Current state and federal funding.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is neither an increase in fees nor a need for increase in funding necessary to implement these revisions.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation neither establishes any fees nor directly or indirectly increases any fees.

(9) TIERING: Is tiering applied? Tiering is not applied. Kentucky's Occupational Safety and Health Program regulations affect all employers with 1 or more employees. Inspections are conducted at the facilities of those industries or firms that pose higher risks to worker safety and health, those employers from which the KYOSH Program has received worker complaints, referrals, or where a workplace fatality (or accident resulting in the hospitalization of 3 or more employees) has occurred.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. PL 91-596 (Occupational Safety and Health Act of 1970, Section 18(c)(2)).

2. State compliance standards. The amendments incorporate revisions published in 2 Federal Registers to federal regulations incorporated by reference in 803 KAR 2:180 addressing the recording and reporting of occupational injuries and illnesses.

3. Minimum or uniform standards contained in the federal mandate. This administrative regulation, in Section 2, incorporates 2 Federal Register notices amending 29 CFR 1904. The first notice is contained in the Federal Register publication, dated July 1, 2002,

Volume 67, Number 126, pp. 44037-44048, and amends the criteria for recording occupational hearing loss. The second notice contained in the Federal Register publication, dated December 17, Volume 67, Number 242, pp. 77165-77170, delays the effective date of 3 provisions of the recordkeeping rule, published January 19, 2001. The delayed provisions define a musculoskeletal disorder (MSD) and require employers to check an "MSD" column on the OSHA log, require employers to enter a check in the hearing loss column on the OSHA log, and the state that MSD's are not considered privacy concern cases. The effective date of these provisions is delayed until January 1, 2004. Finally, this amendment updates the incorporation by reference of 29 CFR part 1904 to July 1, 2002.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation will not impose stricter, additional, or different requirements, responsibilities, or requirements than required by the federal mandate.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The revisions impose no stricter, additional, or different responsibilities than the federal standards.

FISCAL NOTE ON LOCAL GOVERNMENT

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

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. The amendments affect local government entities covered by KRS Chapter 338.

3. State the aspect or service of local government to which this administrative regulation relates. The proposed regulations affect the safety and health of employees of local government entities covered by the Occupational Safety and Health Act. The amendments will affect revise the standards addressing the recording and reporting of occupational injuries and illnesses, delay for 1 year the effective date of 3 provisions of the recordkeeping rule, and establish criteria for recording cases of work-related hearing loss.

4. How does this administrative regulation affect the local government or any service it provides? The purpose of these amendments is to comply with federal regulations relating to a uniform national program of collection, compilation, and analysis of occupational safety and health statistics. There will be no increase or decrease in local government revenues or significant expenditures. The proposed amendments will not affect the number of local government employees.

LABOR CABINET
Department of Workplace Standards
Division of Occupational Safety and Health Compliance
Division of Occupational Safety and Health
Education and Training
(Amendment)

803 KAR 2:406. Signs, Signals, and Barricades [~~**Adoption of 29 CFR Part 1926.200-.203**~~]**.**

RELATES TO: KRS Chapter 338, 29 CFR 1926

STATUTORY AUTHORITY: KRS 338.051(3), 338.061, 29 CFR 1926 [~~Chapter 13A~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) authorizes [~~and 338.061 authorize~~] the Kentucky Occupational Safety and Health Standards Board to [~~adopt and~~] promulgate occupational safety and health [~~rules,~~] administrative regulations. KRS 338.061(2) authorizes the board[~~, and standards. Express authority~~] to incorporate by reference established federal standards and national consensus standards. This administrative regulation establishes [~~is also given to the board. The following administrative regulation contains those~~] standards to be enforced by the Division of Occupational Safety and Health Compliance in the [~~area of~~] construction industry. [~~The standards are arranged in numerical order in order to facilitate reference to 29 CFR 1926.~~]

Section 1. Definitions. (1) "Administration" means the Kentucky Occupational Safety and Health Program, Frankfort, Kentucky;

(2) "Area director" means Director, Division of Occupational Safety and Health Compliance, Kentucky Labor Cabinet;

(3) "Assistant secretary" means Secretary of Labor, Kentucky Labor Cabinet;

(4) "U.S. Department of Labor" means Kentucky Labor Cabinet or U.S. Department of Labor.

Section 2. The construction industry shall follow the federal regulations incorporated by reference in Section 3 of this administrative regulation as modified by the definitions established in Section 1 of this administrative regulation.

Section 3. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) The revisions to 29 CFR 1926.200, 1926.201, 1926.202, and Appendices, as published in the September 12, 2002, Federal Register, Volume 67, Number 177; and

(b) 29 CFR Part 1926, revised as of July 1, 2002.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Labor Cabinet, Division of Education and Training, 1047 U.S. 127 South, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material may also be obtained from the Office of the Federal Register, National Archives and Records Services, General Services Administration. [~~The Occupational Safety and Health Standards Board hereby adopts Chapter 29, Part 1926.200-.203 of the Code of Federal Regulations, revised as of July 1, 1986, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby incorporated by reference with the following additions, exceptions, and deletions:~~

~~(1) 29 CFR 1926.200(g)(2), 1926.201(a)(2) and 1926.202 shall be amended to require signs, signaling and barricades to conform to specifications as set forth in ANSI D6.1, "Manual of Uniform Traffic Control Devices for Streets and Highways," (1978 Edition), Revisions, Numbers 1 through 4, as adopted by ANSI D6.1 (1978 edition), "Manual on Uniform Traffic Control Devices," are incorporated by reference.~~

~~(2) The addition to 29 CFR 1926.200, "Accident Prevention Signs and Tags", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.~~

~~Section 2. Public Notice. (1) In accordance with KRS 13A.224(3)(c), this material may be inspected and copied at: Kentucky Labor Cabinet, Division of Education and Training, U.S. 127 South, Frankfort, Kentucky 40601.~~

~~(2) Office hours are 8 a.m. - 4:30 p.m. (EST), Monday through Friday.~~]

JOE NORSWORTHY, Chairman

APPROVED BY AGENCY: February 13, 2003

FILED WITH LRC: February 14, 2003 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 21, 2003, at 10 a.m. (ET) at the Kentucky Labor Cabinet, 1047 U.S. 127 South, Bay 3 Conference Room, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by 4:30 p.m. (ET) March 14, 2003, five working days prior to the hearing, of their intent to attend. If a written 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 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: Charles N. Stribling, Jr., ASP, Safety Standards Specialist, Kentucky Labor Cabinet, 1047 U.S. 127 South, Suite 4, Frankfort, Kentucky 40601, phone (502) 564-3070, fax (502) 564-1682.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Kembra Taylor, Charles Stribling

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation, in Section 2, incorporates by reference a September 12, 2002, Federal Register publication, Volume 67, Number 177, page 57736, which revises 29 CFR 1926, Subpart G, "Signs, Signals, and Barricades." It requires that traffic control signs, signals, barricades, or devices protecting construction workers conform to Part VI of either the 1988 Edition of the Federal Highway Administration Manual on Uniform Traffic Control Devices with 1993 revisions, or the 2000 Millennium Edition of the Federal Highway Administration Manual on Uniform Traffic Control Devices. Finally, this administrative regulation updates the incorporation by reference of the Code of Federal Regulations to July 1, 2002.

(b) The necessity of this administrative regulation: Kentucky's occupational safety and health program is mandated by 29 CFR 1953, to be at least as effective as the federal Occupational Safety and Health Administration. Kentucky does not have an effective alternative to this revision. Accordingly, in order to maintain its state program as effective as the federal program, Kentucky must incorporate these federal requirements.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes of KRS 338.051 and 338.061.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: These amendments will enhance worker safety throughout Kentucky and keep the state program as effective as the federal program.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment updates the incorporation of the 1971 edition of the Manual on Uniform Traffic Control Devices to the 1988 Edition of the Federal Highway Administration Manual on Uniform Traffic Control Devices with 1993 revisions, or the 2000 Millennium Edition. This administrative regulation also updates the incorporation by reference of the Code of Federal Regulations to July 1, 2002.

(b) The necessity of the amendment to this administrative regulation: It is necessary to promulgate this administrative regulation to comply with 29 CFR 1953. Part 1953.23 requires state implementation of the new federal standard, or a more stringent amendment, within 6 months of the promulgation date of the federal standard. Accordingly, in order to maintain its state program as effective as the federal program, Kentucky must incorporate these federal requirements.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes of KRS 338.051 and 338.061.

(d) How the amendment will assist in the effective administration of the statutes: The amendments will enhance worker safety throughout Kentucky.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: These amendments affect all private and public sector employers in the Commonwealth engaged in construction activities covered by KRS Chapter 338.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: The changes to Subpart G update the incorporation of the 1971 edition of the Manual on Uniform Traffic Control Devices to the 1988 Edition of the Federal Highway Administration Manual on Uniform Traffic Control Devices with 1993 revisions, or the 2000 Millennium Edition. This administrative regulation also updates the incorporation by reference of the Code of Federal Regulations to July 1, 2002. This change will have little anticipated impact in Kentucky. The amendments to Subpart G will primarily affect the construction industry.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There will be no initial cost to implement this administrative regulation.

(b) On a continuing basis: There will be no additional costs on a continuing basis to implement this regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Current state and federal funding.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is neither an increase in fees nor a need for increase in funding necessary to implement these revisions.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation neither establishes any fees nor directly or indirectly increases any fees.

(9) TIERING: Tiering is not applied. Kentucky's Occupational Safety and Health Program regulations affect all employers with 1 or more employees. Inspections are conducted at facilities that pose higher risks to worker safety and health or at sites where the Kentucky Occupational Safety and Health Program has received referrals, worker complaints, or where a workplace fatality or an accident resulting in the hospitalization of 3 or more employees has occurred.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. PL 91-596 (Occupational Safety and Health Act of 1970, Section 18(c)(2)).

2. State compliance standards. The amendments incorporate federal regulations that require that traffic control signs, signals, barricades, or devices protecting construction workers conform to Part VI of either the 1988 Edition of the Federal Highway Administration Manual on Uniform Traffic Control Devices with 1993 revisions, or the 2000 Millennium Edition of the Federal Highway Administration Manual on Uniform Traffic Control Devices. Finally, this regulation updates the incorporation by reference of the Code of Federal Regulations to July 1, 2002.

3. Minimum or uniform standards contained in the federal mandate. The amendment adopts revisions published in the September 12, 2002, Federal Register, Volume 67, Number 144, page 57736, referring the user to 29 CFR Part 1926.200, 1926.201, 1926.202, and Appendices (incorporated into Kentucky regulations by 803 KAR 2:406) addressing the types of signs, signals, barricades, and devices that must be used to protect construction employees from traffic hazards.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation will not impose stricter, additional, or different requirements, responsibilities, or requirements than required by the federal mandate.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The revisions impose no stricter, additional, or different responsibilities than the federal standards.

FISCAL NOTE ON LOCAL GOVERNMENT

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

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. The amendments affect local government entities engaged in construction industry work.

3. State the aspect or service of local government to which this administrative regulation relates. The proposed regulations affect the safety and health of employees of local government engaged in construction industry work.

4. How does this administrative regulation affect the local government or any service it provides? The purpose of these amendments is to comply with federal regulations relating to occupational safety and health. There will be no increase or decrease in local government revenues or significant expenditures. These proposed amendments will not affect the number of local government employees.

LABOR CABINET
Department of Workplace Standards
Division of Occupational Safety and Health Compliance
Division of Occupational Safety and Health
Education and Training
(Amendment)

803 KAR 2:500. Maritime employment.

RELATES TO: KRS Chapter 338 [~~338.051, 338.061~~], 29 CFR Parts 1915, 1917, 1918, 1919

STATUTORY AUTHORITY: KRS 338.051(3), 338.061, 29 CFR Parts 1915, 1917, 1918, 1919

NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) authorizes the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations. KRS 338.061(2) authorizes the board to [~~provides that the board may~~] incorporate by reference established federal standards and national consensus standards. This [~~The following~~] administrative regulation establishes [~~contains those~~] standards to be enforced by the Division of Occupational Safety and Health Compliance in the [~~area of~~] maritime industry. [~~employment.~~]

Section 1. Definitions. [~~As used in the material incorporated by reference in Section 2 of this administrative regulation:~~]

(1) "Administration" means the Kentucky Occupational Safety and Health Program, Frankfort, Kentucky;

(2) "Area director" means Director, Division of Occupational Safety and Health Compliance, Kentucky Labor Cabinet;

(3) "Assistant secretary" means Secretary of Labor, Kentucky Labor Cabinet;

(4) "U.S. Department of Labor" means Kentucky Labor Cabinet or U.S. Department of Labor.

Section 2. The maritime industry shall follow the federal regulations incorporated by reference in Section 3 of this administrative regulation as modified by the definitions established in Section 1 of this administrative regulation.

Section 3. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) The revisions to 29 CFR 1915.4 through 1915.1001, and Appendices, as published in the Federal Register July 3, 2002, Volume 67, Number 128; [~~29 CFR 1915, revised as of July 1, 2000;~~]

(b) 29 CFR 1917, revised as of July 1, 2002 [~~2000~~];

(c) 29 CFR 1918, revised as of July 1, 2002 [~~2000~~]; and

(d) 29 CFR 1919, revised as of July 1, 2002 [~~2000~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Labor Cabinet, Division of Education and Training, 1047 U.S. 127 South, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material may also be obtained from the Office of the Federal Register, National Archives and Records Services, General Services Administration. [~~Office hours are 8 a.m. - 4:30 p.m. (ET), Monday through Friday.~~]

JOE NORSWORTHY, Chairman

APPROVED BY AGENCY: February 13, 2003

FILED WITH LRC: February 14, 2003 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 21, 2003, at 10 a.m. (ET) at the Kentucky Labor Cabinet, 1047 U.S. 127 South, Bay 3 Conference Room, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by 4:30 p.m. (ET) March 14, 2003, five working days prior to the hearing, of their intent to attend. If a written 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 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: Charles N. Stribling, Jr., ASP, Safety Standards Specialist, Kentucky Labor Cabinet, 1047 U.S. 127 South, Suite 4, Frankfort, Kentucky 40601, phone (502) 564-3070, fax (502) 564-1682.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Kembra Taylor, Charles Stribling

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation, in Section 2, incorporates by reference a July 3, 2002, Federal Register publication, Volume 67, Number 128, pages 44540-44546, which revises 29 CFR 1915, "Occupational Safety and Health Standards for Shipyard Employment." This regulation makes necessary technical revisions to 29 CFR 1915 for purposes of correcting a number of minor typographical, grammatical, and inaccurate cross-reference errors. This regulation also updates the incorporation by reference of the Code of Federal Regulations to July 1, 2002.

(b) The necessity of this administrative regulation: Kentucky's occupational safety and health program is mandated by 29 CFR 1953, to be at least as effective as the federal Occupational Safety and Health Administration. Kentucky does not have an effective alternative to this revision. Accordingly, in order to maintain its state program as effective as the federal program, Kentucky must incorporate these federal requirements.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes of KRS 338.051 and 338.061.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: These amendments will enhance worker safety throughout Kentucky and keep the state program as effective as the federal program.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment makes necessary technical revisions to Part 1915 for purposes of correcting a number of minor typographical, grammatical, and inaccurate cross-reference errors. This regulation updates the incorporation by reference of the Code of Federal Regulations to July 1, 2002.

(b) The necessity of the amendment to this administrative regulation: It is necessary to promulgate this administrative regulation to comply with 29 CFR 1953. Part 1953.23 requires state implementation of the new federal standard, or a more stringent amendment, within 6 months of the promulgation date of the federal standard. Accordingly, in order to maintain its state program as effective as the federal program, Kentucky must incorporate these federal requirements.

(c) How the amendment conforms to the content of the authorizing statutes: This regulation conforms to the content of the authorizing statutes of KRS 338.051 and 338.061.

(d) How the amendment will assist in the effective administration of the statutes: The amendments will enhance worker safety throughout Kentucky.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: These amendments affect all public sector employers in the Commonwealth engaged in shipyard employment.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: The above groups will not be impacted by this administrative regulation as these amendments only correct a number of minor typographical, grammatical, and inaccurate cross-reference errors and update the incorporation by reference of the Code of Federal Regulations to July 1, 2002.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There will be no initial cost to implement this regulation.

(b) On a continuing basis: There will be no additional costs on a continuing basis to implement this administrative regulation.

(6) What is the source of the funding to be used for the imple-

mentation and enforcement of this administrative regulation: Current state and federal funding.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is neither an increase in fees nor a need for increase in funding necessary to implement these revisions.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation neither establishes any fees nor directly or indirectly increases any fees.

(9) TIERING: Is tiering applied? Tiering is not applied. Kentucky's Occupational Safety and Health Program regulations affect all employers with 1 or more employees. Inspections are conducted at facilities that pose higher risks to worker safety and health or at sites where the Kentucky Occupational Safety and Health Program has received referrals, worker complaints, or where a workplace fatality or an accident resulting in the hospitalization of 3 or more employees has occurred.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. PL 91-596 (Occupational Safety and Health Act of 1970, Section 18(c)(2)).

2. State compliance standards. The amendments incorporate federal regulations that correct typographical and other types of errors in maritime standards incorporated into Kentucky regulations by 803 KAR 2:500.

3. Minimum or uniform standards contained in the federal mandate. The amendment adopts revisions published in the July 3, 2002, Federal Register, Volume 67, Number 128, pages 44540-44546, that corrects minor typographical, grammatical, and inaccurate cross-reference errors in the shipyard employment standards, referring the user to 29 CFR 1915 (incorporated into Kentucky regulations by 803 KAR 2:500).

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation will not impose stricter, additional, or different requirements, responsibilities, or requirements than required by the federal mandate.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The revisions impose no stricter, additional, or different responsibilities than the federal standards.

FISCAL NOTE ON LOCAL GOVERNMENT

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

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. The amendments affect local government entities engaged in shipyard industry work.

3. State the aspect or service of local government to which this administrative regulation relates. The proposed regulations affect the safety and health of employees of local government engaged in shipyard industry work.

4. How does this administrative regulation affect the local government or any service it provides? The purpose of these amendments is to comply with federal regulations relating to occupational safety and health. There will be no increase or decrease in local government revenues or significant expenditures. These proposed amendments will not affect the number of local government employees.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance
Division of Agent Licensing
(Amendment)

806 KAR 9:220. Continuing education.

RELATES TO: KRS 304.9-295, 304.15-700(3)

STATUTORY AUTHORITY: KRS 304.2-110(1), 304.9-295(6), (8), 304.15-700(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110(1) authorizes [~~provides that~~] the Commissioner of Insurance to [~~may~~] promulgate administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code as defined in KRS 304.1-010. KRS 304.9-295(6) and (8) authorize the commissioner to limit the number of continuing education hours carried forward to the subsequent biennium and to prescribe the form used to certify completion of a continuing education course. KRS 304.15-700(3) provides that the commissioner shall promulgate administrative regulations that are necessary for the licensing of viatical settlement brokers. This administrative regulation establishes procedures for approval of agent and viatical settlement broker continuing education courses and obtaining credit for attending continuing education courses.

Section 1. Definition. [~~As used in this administrative regulation:~~] "Provider" means the sponsor of a continuing education course.

Section 2. Continuing Education Course Requirements. (1) A continuing education course shall be offered by a provider approved by the commissioner.

(a) The application for approval of a provider shall be submitted on the "Provider Approval Application" Form prescribed by the commissioner; and

(b) The information shall show that the provider is qualified, through knowledge or experience, to provide prelicensing or continuing education courses and that the provider is properly authorized to charge a course fee, if any.

(2) A continuing education course shall be filed with and approved by the commissioner at least sixty (60) days in advance of advertising unless the commissioner, in his sole discretion, waives the sixty (60) day period.

(3) [~~(2)~~] All applications for approval of a continuing education course shall be submitted on the "Course Approval Application" [~~in the~~] Form prescribed by the commissioner and shall be accompanied by the "Filing Fee Submission Form" and an initial fee of ten (10) dollars which is deemed earned when paid and is not refundable. After review and assignment of the number of credit hours, the commissioner shall notify the provider of the additional fee of five (5) dollars per credit hour due pursuant to 806 KAR 4:010. A continuing education course is not deemed approved until all fees are paid.

(4) [~~(3)~~] The commissioner shall approve a continuing education course if it meets the following requirements:

(a) The continuing education course shall contribute directly, at a professional level, to the competence of the licensee including the following subjects:

1. Insurance, annuities and risk management;
2. Insurance laws and administrative regulations;
3. Mathematics, statistics, and probability;
4. Economics;
5. Business law;
6. Finance;
7. Taxes;
8. Business environment, management, or organization;
9. Ethics; and
10. Other topics approved by the commissioner; and[~~.~~]

(b) Course development and presentation:

1. The continuing education course shall have substantial intellectual or practical content to enhance and improve the knowledge and professional competence of participants;

2. The course shall be developed by persons who are qualified in the subject matter and instructional design;

3. The course content shall be current;

4. Each course shall have a written outline and study materials

or texts;

5. Information shall show that the instructors are qualified, through training or experience, to instruct the continuing education course competently and shall be submitted on the "Instructor Approval Application" and shall be accompanied by the "Filing Fee Submission Form";

6. The number of participants and physical facilities shall be consistent with the teaching method specified; and

7. All courses shall include some means of evaluating quality.

(5) [~~(c)~~] Continuing education credit shall not be provided for:

(a) [~~1.~~] Any course used to prepare for taking an examination required pursuant to KRS Chapter 304;

(b) [~~2.~~] Committee service of professional organizations;

(c) [~~3.~~] Computer science courses unless approved by the commissioner;

(d) [~~4.~~] Motivational or sales training courses; and

(e) [~~5.~~] Any course not in accordance with this administrative regulation.

(6) [~~(d)~~] Any material change in a continuing education course shall be filed with and approved by the commissioner prior to use. The material change shall not be deemed approved until the filing fees are paid in accordance with this section.

(7) [~~(4)~~] Providers shall renew approval of continuing education courses and instructors at the end of each continuing education biennium. Providers shall file applicable information with and pay the applicable fee specified in 806 KAR 4:010 to the commissioner prior to June 30 immediately preceding the next continuing education biennium.

Section 3. Measurement of Credit. (1) Each credit hour of a continuing education course shall include at least fifty (50) minutes of continuous instruction or participation.

(2) A [~~No~~] course shall not be credited for continuing education by a licensee more than once per continuing education biennium;

(3) Licensees shall be limited to a maximum of twelve (12) credit hours for correspondence courses per continuing education biennium; and

(4) A correspondence course shall not be approved for continuing education credit of more than twelve (12) hours unless the course is identified by KRS 304.9-295(4)(a)1 [~~304.9-205(4)(a)1~~] to 7 and 10.

Section 4. Reasons for Withdrawal. (1) The commissioner may withdraw approval of a continuing education course, provider, or instructor for any of the following reasons:

(a) The continuing education course teaching methods or course content no longer meet the requirements of KRS 304.9-295 or this administrative regulation or the course has been materially changed without being filed with and approved by the commissioner;

(b) The continuing education course provider has certified to the commissioner that a licensee has satisfactorily completed the course when, in fact, the licensee has not done so;

(c) The continuing education course provider fails to certify to the commissioner that a licensee has satisfactorily completed the course when, in fact, the licensee has done so; or

(d) There is other good and just cause to withdraw approval of a continuing education course, provider, or instructor.

Section 5. Proof of Completion. (1) Within thirty (30) days of completion of a continuing education course, the provider shall certify to the commissioner the names of all licensees who satisfactorily completed the continuing education course. The certification of completion required by this section for a classroom course shall be submitted on the "Continuing Education Course Attendance Roster" Form. The certification of completion required by this section for a self-study or correspondence course shall be submitted on the "Approved Continuing Education Certificate of Completion" Form, which the provider shall file with the commissioner or shall forward to the licensee for signature and with instructions for the licensee to file with the commissioner. In addition, the information may be submitted by the provider to the commissioner in an electronic format [~~shall be in the form~~] prescribed by the commissioner.

(2) The provider of the continuing education course shall furnish to the licensee attending the course a certificate and the licensee shall retain the certificate for at least three (3) years. The certification required by this subsection shall be on the "Approval Continuing Education Certificate of Completion" [~~a~~] Form prescribed by the commissioner. The provider of the continuing education course shall retain a copy of the certificate for at least three (3) years. Providers of continuing education courses and licensees shall make available to the commissioner or his or her designee copies of these certificates upon the request of the commissioner.

(3) Pursuant to KRS 304.9-295(8), every licensee shall be responsible for ensuring that his or her continuing education certificates of completion are timely filed with the department.

(4) At least six (6) hours of total credit earned per biennium shall [~~must~~] be directly related to any one (1) or more of the lines of authority for which the agent is actively licensed. At least two (2) hours of total credit earned per biennium shall [~~must~~] be in ethics. Hours may be classroom, correspondence, or a combination of both.

(5) Each correspondence course shall require successful completion of a written examination or the submission of a statement by the licensee made under oath that the course was completed within the biennium.

(6) Licensees may carry forward up to twelve (12) excess credit hours to the subsequent continuing education biennium.

Section 6. Cancellation and Reinstatement of Licenses. (1) If the department does not receive proof of the fulfillment of a licensee's continuing education requirements for a resident licensee on or before July 30 in even numbered years, and for a nonresident licensee before July 30 in odd-numbered years, the commissioner shall:

(a) Make information of the deficiency available to the licensee on or before August 5; and

(b) Terminate the license if proof of completion of the deficient hours on the "Continuing Education Course Attendance Roster" Form or the "Approved Continuing Education Certificate of Completion" form is not received by the department on or before August 30.

(2) Within twelve (12) [~~twenty-four (24)~~] months after a license is terminated for failing to submit certification of continuing education, the license may be reissued if the licensee satisfies the delinquent continuing education requirements, submits a new application for a license, and submits the applicable fees.

(3) If the continuing education delinquency remains unsatisfied for twelve (12) [~~twenty-four (24)~~] months or longer, the former licensee shall satisfy all of the licensing requirements specified in KRS Chapter 304.

Section 7. Affidavit for Exemption from Continuing Education. (1) Use of a supporting affidavit that the agent license is maintained for the sole purpose of receiving renewals or deferred commissions for any other reason, including an extension for completion of continuing education requirements for a continuing education biennium, shall be a violation of KRS 304.9-295 and shall subject the affiant to suspension or revocation of the agent license.

(2) An agent exempted from continuing education requirements on the basis of a supporting affidavit that the agent license is maintained for the sole purpose of receiving renewals or deferred commissions may give up the continuing education exemption and may have all restrictions against selling, soliciting, and negotiating insurance removed from the agent license by:

(a) Completing the continuing education requirements for the immediate preceding continuing education biennium;

(b) Providing a certification of completion of those continuing education requirements; and

(c) Providing a signed, written statement withdrawing the affidavit.

Section 8. Limited lines of authority as identified in KRS 304.9-230 shall be exempt from all continuing education requirements.

Section 9. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) Form KYP-01, "Provider Approval Application (2/2003 edition)";

(b) Form CE/PL-100, "Course Approval Application (2/2003 edition)"

(c) Form KYF-01, "Filing Fee Submission Form (2/2003 edi-

tion)";

(d) ~~[CE/PL-100, "Continuing Education/Prelicensing Course Approval Request" (1/2001 edition);~~

~~(b)~~] Form CE/PL-200, "Instructor Approval Application" (2/2003 edition)"; ~~[Qualification Form" (1/2001 edition);]~~

(e) [~~(c)~~] Form CE-300, "Continuing Education Course Attendance Roster[~~"~~] (2/2003 [~~1/2001~~] edition)"; and

(f) [~~(d)~~] Form CE-301, "Approved Continuing Education Certificate of Completion[~~"~~] (2/2003 [~~1/2001~~] edition)".

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Insurance, 215 West Main Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

JANIE A. MILLER, Commissioner, Secretary

APPROVED BY AGENCY: February 12, 2003

FILED WITH LRC: February 13, 2003 at 2 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 21, 2003, at 2 p.m. at the Kentucky Department of Insurance, 215 West Main Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify the Department of Insurance in writing by March 14, 2003, five workdays 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. (The cost of the transcript shall be the responsibility of the requesting person.) Anyone who does not wish to be heard at the public hearing may submit written comments on this proposed administrative regulation to be received by the Department by the end of the workday on March 21, 2003. Send written notification of intent to be heard at the public hearing or written comments on this proposed administrative regulation to the contact person.

CONTACT PERSON: Melea Kelch, Administrative Regulation Coordinator, or Suetta W. Dickinson, Counsel, Department of Insurance, Post Office Box 517, Frankfort, Kentucky 40602-0517, phone (502) 554-6075, fax (502) 564-1453.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Suetta W. Dickinson

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes procedures for approval of agent and viatical settlement broker continuing education courses and obtaining credit for attending continuing education courses.

(b) The necessity of this administrative regulation: Agents are required by KRS 304.9-295 and viatical settlement brokers are required by 806 KAR 9:310, Section 5 to complete specific types and numbers of hours of continuing education courses approved by the commissioner. This administrative regulation is necessary to establish the standards for approval of those courses and the procedure for granting credit for completion of continuing education courses.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 304.2-110(1) authorizes the commissioner to promulgate administrative regulations necessary for or to help effectuate provisions of the Insurance Code. KRS 304.9-295(6) and (8) authorize the commissioner to limit the number of continuing education hours carried forward to the subsequent biennium and to prescribe the form used to certify completion of a continuing education course. KRS 304.15-700(3) requires the commissioner to promulgate administrative regulations that are necessary for the licensing of viatical settlement brokers. (806 KAR 9:310 establishes the requirements for a viatical settlement broker license and Section 5 specifies the types and number of hours of continuing education required each biennium.) This administrative regulation establishes standards and procedures for approval of agent and viatical settlement broker continuing education courses and obtaining credit for completing continuing education courses.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will inform all providers of courses, applicants for agent and viatical settlement broker licenses, and individuals holding agent or viatical settlement broker licenses about the standards and procedures for continuing education courses and credit.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: First, the proposed amendment will clarify which form incorporated by reference is to be used. Second, it will correct a typographical error in a statutory reference. Third, it will extend the deadline from July 30 to August 30 for the department to receive proof that the licensee completed the required continuing education requirements during the continuing education biennium ending June 30. Fourth, it will bring the period for exemption from prelicensing training and examination into compliance with the 12-month statutory exemption provided in KRS 304.9-170.

(b) The necessity of the amendment to this administrative regulation: The first and second purposes of the amendment (for clarification of the form to be used and the correction of a typographical error) will make the administrative regulation more easily understood. The third purpose of the amendment (for a 30-day extension of the deadline for the department to receive proof that the licensee completed the required continuing education requirements during the continuing education biennium) will give licensees an opportunity to rectify any course provider's failure to file the certificates of completion. Under the current provisions, the course provider has 30 days after the completion of a course to file the certificate of completion with the department that the licensee has completed the course. Hence, the licensee taking a course the last of June may not know until after the July 30 deadline that the course provider failed to file the certificate of completion with the department; and at that time, the department is required to terminate the license. With a 30-day extension for the department to receive the certificate of completion, the licensee will have an opportunity to file a copy of his or her certificate of completion directly with the department or to see that the course provider files its certificate of completion with the department. Thus, this amendment will avoid the termination of the license of most individuals who fulfill the continuing education requirements but do not have the certification of completion filed with the department by the course provider. The fourth purpose for the amendment (allowing the former licensee 12 months to complete any delinquent continuing education requirement and be exempted from prelicensing training and examination rather than 24 months) will bring the administrative regulation into compliance with the 12-month exemption provided in KRS 304.9-170.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment clarifies the current standards and procedures for approval of and for credit for continuing education courses. In addition, it gives licensees the opportunity, before their licenses are terminated, to see that they have been given credit for the continuing education courses they have completed. It also removes a conflict with the 12-month exemption from prelicensing training and examination provided by statute.

(d) How the amendment will assist in the effective administration of the statutes: The amendment makes the administrative regulation more understandable, avoids unnecessary termination and reissuance of licenses, and removes the conflict with statutory provisions.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 24,000 individuals who hold resident agent licenses and 7 individuals who hold viatical settlement broker licenses are affected by this administrative regulation. In addition, 236 individuals and businesses that are providers of continuing education courses are affected.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment: All of the impacted individuals and business entities will have a clearer understanding of which of the incorporated forms are to be used. Agents and viatical settlement brokers will have a clearer understanding of how long a period they have for exemption from prelicensing training and examination if they allow their licenses to lapse. Also, licensees will have an extended opportunity to straighten out their credit for continuing education to avoid interruption in their licenses and livelihood.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: The department does not anticipate any cost to implement this administrative regulation.

(b) On a continuing basis: The department does not anticipate any cost on a continuing basis to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The funding source will be the budget of the Kentucky Department of Insurance.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: The department does not anticipate an increase in fees or funding to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No, this administrative regulation does not directly or indirectly increase any fees. Rather, it maintains the same fees that have been in effect since 1995 or before.

(9) TIERING: Is tiering applied? No, tiering is not used. Tiering is not necessary because the statutes have already determined that business entities, limited lines of authority, and individuals with other licenses should not be required to complete continuing education courses.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Racing Commission
(Amendment)

811 KAR 1:090. Stimulants and drugs.

RELATES TO: KRS 230.215, 230.260(1), 230.265(2), (3), 230.310

STATUTORY AUTHORITY: KRS 230.240(2), 230.260(3), (6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) authorizes the commission to regulate conditions under which harness racing shall be conducted in Kentucky. KRS 230.240(2) authorizes the commission to promulgate administrative regulations restricting or prohibiting the use and administration of drugs and stimulants The function of this administrative regulation is to provide for the testing of horses for stimulants and drugs and the administrative regulation of stimulants and drugs.

Section 1. (1) Except as provided herein, at every meeting where pari-mutuel wagering is permitted, a urine test, or blood test, or both shall be conducted to determine the presence of:

(a) Medication;
(b) Stimulant;
(c) Sedative;
(d) Depressant;
(e) Local anesthetic; or
(f) Any foreign substance except as provided by this administrative regulation.

(2) The tests shall be conducted on the winning horse in every heat and race.

(3) The judges may order a horse in a race to be subjected to a urine test, or blood test, or both.

(4) Testing shall be performed by a laboratory designated by the commission.

(5)(a) A positive test during a time trial shall be treated as a violation.

(b) The winning time shall be disallowed, and the trainer of record shall be:

1. Fined; or
2. Suspended; or
3. Fined and suspended.

Section 2. (1)(a) When a blood or urine sample is taken by a veterinarian, the owner, trainer or authorized agent shall be present.

(b) A sample shall be:

1. Placed in two (2) containers and designated as the "primary" and "secondary" samples.

2. Immediately sealed, with tamper-proof tape and bear a portion of the multiple part "identification tag" that has identical printed numbers only.

(c) After both portions of the samples have been identified as provided in paragraph (b)1 of this subsection, the "primary sample" shall be delivered to the commission chemist's laboratory.

(d) The "secondary sample" shall remain in the custody of the commission veterinarian at the detention area and shall be preserved in the same condition and temperature as the primary sample.

(2)(a) If a positive report has been received, an owner or trainer may request the commission to have the other portion of the split sample sent to a referee lab for analysis, the cost of which shall be paid by the owner or trainer.

(b) A list of approved referee labs shall be provided by the commission veterinarian or the presiding judge.

(c) The cost of the shipping shall be paid by the Kentucky Racing Commission.

Section 3. (1) If there is a positive test finding the presence of a medication, stimulant, sedative, depressant, local anesthetic, or any foreign substance except as provided by this administrative regulation in the postrace test, the laboratory shall immediately notify the presiding judge or commission veterinarian, who will notify the presiding judge.

(2) If a positive report is received from the laboratory by the presiding judge:

(a) The person held responsible shall be notified; and

(b) A thorough investigation shall be conducted by or on behalf of the judges.

(3)(a) A time shall be set by the judges for a hearing to dispose of the matter.

(b) The hearing shall be continued if the judges determine that circumstances justify a continuance.

(4) If the chemical analysis of blood, urine, or other sample of the postrace test taken from a horse indicates the presence of a medication, stimulant, sedative, depressant, local anesthetic, or any foreign substance except as provided by this administrative regulation, it shall be considered prima facie evidence that the forbidden substance had been administered to the horse.

Section 4. (1) No horse participating in a race or entered in a race shall carry in its body any substance as established in Section 1(1) of this administrative regulation, except as provided for in this administrative regulation.

(2) A substance established in Section 1(1) of this administrative regulation shall not be administered within twenty-four (24) hours prior to the scheduled post time for the first race except furosemide as provided for in this administrative regulation to a horse entered to race by:

(a) Injection;
(b) Intravenous administration;
(c) Dose syringe;
(d) Oral administration;
(e) Nasal gastric tube;
(f) Rectal infusion or suppository;
(g) Inhalation; or
(h) Any other means.

(3) The prohibitions in this section include injection or intravenous administration of vitamins, electrolyte solutions, and amino acid solutions.

(4) A person who administers, influences, or conspires with another person to administer to a horse a medication, stimulant, sedative, depressant, local anesthetic, or any foreign substance except as provided by this administrative regulation within twenty-four (24) hours of a race in which the horse participates, shall be subject to the penalties provided in Section 16 of this administrative regulation.

Section 5. If the postrace test or tests prescribed in Section 1 of this administrative regulation disclose the presence in a horse of a medication, stimulant, sedative, depressant, local anesthetic, or any foreign substance except as provided by this administrative regula-

tion, in any amount, it shall be presumed that the substance was administered by the person having control, care, or custody of the horse.

Section 6. A horse shall not be tubbed in ice in the paddock prior to its racing commitment.

Section 7. (1) A trainer shall be responsible at all times for the condition of all horses trained by him.

(2) A trainer shall not start a horse or permit a horse in his custody to be started if he knows, or if by the exercise of reasonable care he might have known or have cause to believe, that the horse has received a medication, stimulant, sedative, depressant, local anesthetic, or any foreign substance except as provided by this administrative regulation.

(3) A trainer shall guard or cause to be guarded each horse trained by him in a manner and for a period of time prior to racing the horse necessary to prevent a person not employed by or connected with the owner or trainer from administering a medication, stimulant, sedative, depressant, local anesthetic, or any foreign substance except as provided by this administrative regulation.

Section 8. (1) An owner, trainer, driver, or agent of the owner, having the care, custody, or control of a horse shall not refuse to submit the horse to tests:

(a) Required by the provisions of this administrative regulation; or

(b) Ordered by the judges.

(2) An owner, trainer, driver, or agent of the owner, having the care, custody, or control of a horse who refuses to comply with the provisions of this section shall be subject to fine, or suspension, or both, pursuant to Section 16 of this administrative regulation.

Section 9. (1) A horse in which an offense was detected pursuant to the provisions of this administrative regulation shall be placed last in the order of finish.

(2) The winnings of a horse in which an offense was detected pursuant to the provisions of this administrative regulation shall be:

(a) Forfeited; and

(b) Paid over to the track [~~trace~~] where the infraction occurred for redistribution among the remaining horses in the race entitled to them.

(3) A forfeiture and redistribution of winnings shall not effect the distribution of the pari-mutuel pools at tracks where pari-mutuel wagering is conducted, if the distribution of pools is made upon the official placing at the conclusion of the heat or dash.

Section 10. Blood Gas Testing. (1) Testing procedure.

(a) No advance announcement of program testing by blood gas analyzer shall be made.

(b) Announcement for selected races or selected horses shall be made by the judges at the appropriate time and location.

(c) The judges shall make the necessary selections of test subjects at its discretion.

(d) Each horse entered to compete in a race shall be made available upon entering the paddock for the purpose of having a blood sample drawn by the commission veterinarian or blood gas technician.

(e) Failure to report within the prescribed time or refusal by a horseman to present a selected horse under his care, custody or control for the blood gas analyzer testing shall result in an automatic scratch of the horse from the racing program, and shall be subject to the penalties provided in Section 16 of this administrative regulation.

(f) After a horse that is in the paddock has had the first blood drawn for the total carbon dioxide test (TCO2), the horse shall not be allowed to leave the paddock for any reason unless permitted by the presiding judge. Removing a horse from the paddock after the first blood has been drawn for the total carbon dioxide test (TCO2) without permission of the presiding judge shall result in an automatic scratch of the horse from the racing program and the trainer shall be subject to the penalties provided in Section 16 of this administrative regulation.

(g) The commission veterinarian or blood gas technician shall document the name of the trainer or party who failed to report for testing or refused to have blood drawn from the horse, and shall file a report with the judges.

(2) Test documentation.

(a) The commission veterinarian or blood gas technician shall be responsible for documenting every aspect of the blood gas analyzer test procedure.

(b) The blood gas analyzer shall be calibrated by the commission veterinarian or blood gas technician prior to the program testing.

(c) The blood gas analyzer shall be properly maintained and secured during any absence of the commission veterinarian or blood gas technician.

(d) At the conclusion of testing the commission veterinarian or blood gas technician shall secure documentation of testing at the commission field office.

(3) Sample handling.

(a) The blood samples shall be tested by the commission veterinarian or blood gas technician and the results of that test shall be recorded by the commission veterinarian or blood gas technician.

(b) In the event the testing of a horse shows the total carbon dioxide (TC02) level at thirty-seven (37) millimoles per liter or higher for nonlasix horses and a total carbon dioxide (TC02) of thirty-nine (39) millimoles per liter or higher for lasix horses.

1. The trainer or licensed designee and the presiding judge shall be notified immediately by the commission veterinarian or blood gas technician and the horse in question shall be expeditiously retested by the same procedure.

2. The blood gas analyzer testing shall be observed by the trainer of the horse or his designee, and when possible the commission veterinarian.

3. A second excessive level of total carbon dioxide (TC02), as defined by this paragraph shall be deemed a positive test and the judges shall be immediately notified and the horse scratched.

(c) It is the responsibility of the commission veterinarian or blood gas technician to identify properly each horse and label each blood tube accordingly prior to taking any blood samples for the blood gas analyzer test.

(4) Sanctions.

(a) The trainer or responsible party shall receive a warning for the first violation of this section.

(b) No ruling shall be issued for the first violation of this section.

(c) All violations thereafter the trainer of said horse shall be subject to the penalties provided in Section 16 of the administrative regulation.

Section 11. Hypodermic Syringe Prohibited. (1) Except for a licensed veterinarian approved by the commission, a person shall not have a hypodermic syringe, hypodermic needle, or other device that can be used for the injection or other infusion into a horse of a medication, stimulant, sedative, depressant, local anesthetic, or any foreign substance except as provided by this administrative regulation:

(a) Within the grounds of a licensed harness race track; or

(b) In or upon the premises which he occupies, or has a right to occupy; or

(c) In his or her personal property or effects.

(2) A licensed harness racing association upon the grounds of which horses are lodged or kept shall use every reasonable effort to prevent a violation of this section.

Section 12. (1) A veterinarian practicing on the grounds of an extended pari-mutuel meeting shall:

(a) Keep a log of his or her activities on "Veterinary Report Of Horses Treated"; and

(b) Submit a copy of "Veterinary Report Of Horses Treated" to the commission veterinarian office of the track each day of a race meeting.

(2) The log shall include the:

(a) Name of horse;

(b) Name of trainer;

(c) Nature of ailment;

(d) Type of treatment; and

(e) Date and hour of treatment.

(3) The veterinarian shall report to the presiding judge or the

commission veterinarian any internal medication given by the veterinarian by injection or orally to a horse after he has been declared to start in any race.

Section 13. (1) A veterinarian practicing veterinary medicine on a race track where a race meeting is in progress or any other person using a needle or syringe shall:

(a) Use only one (1) time disposable type needles; and

(b) Not reuse a disposable needle.

(2) The disposable needles shall be kept in his possession until disposed of by him off the track.

(3) A veterinarian, assistant veterinarian or his employee shall not leave a needle or syringe with anyone on a race track where a race meeting is in progress except upon written authorization from the commission.

Section 14. (1) Approval and prescription of lasix for racing shall be made:

(a) By the commission veterinarian, or a licensed veterinarian approved by the commission; and

(b) If the:

1. Commission or licensed veterinarian has seen the horse bleed from the nostrils; or

2. Horse has been scoped and declared a bleeder by the commission veterinarian or a licensed veterinarian.

(2) If the commission veterinarian or a licensed veterinarian approved by the commission agrees that the horse is a bleeder, the horse shall qualify and meet the standards of the meeting.

(3) Only the commission veterinarian or a licensed veterinarian approved by the commission, may administer lasix prior to a race, including nonbetting, pari-mutuel races, and time trials. All lasix administered by a licensed veterinarian shall be turned into the commission veterinarian in a timely manner.

(4) The use of oral lasix shall be forbidden.

(5) The judges shall keep a record of horses using lasix for the first time.

(6) A lasix administration time schedule shall be posted.

(7) No more than 250 milligrams four (4) hours prior to a race shall be administered.

(8) A fee of ten (10) dollars shall be paid to the commission designee for when lasix is administered to a horse.

(9) If a trainer no longer wishes to use lasix:

(a) A "Termination of Lasix" shall be submitted to the judges office at the track; and

(b) Before being allowed to race without lasix, a horse shall:

1. Perform in a qualifying race without the use of lasix; and

2. Meet the standards of the meeting; and

(c) A horse shall qualify and meet the standards of the meeting prior to being permitted to use lasix again.

(10)(a) Testing shall be quantitative, and a urine test with a specific gravity of less than 1.010 along with a blood level of 100 nanograms or greater shall subject the person who has control, care, and custody of the horse to the penalties provided in Section 16 of this administrative regulation.

(b) A mutual decision to take random samples shall be made by the commission veterinarian and the judges.

(11) Horses that bleed while on bleeder medication shall be placed on the veterinarian's list and shall remain on the list until removed by the commission veterinarian after consultation with the practicing veterinarian.

(a) If the commission veterinarian and the practicing veterinarian disagree on the removal of the horse from the veterinarian's list, then a third veterinarian shall be appointed by the chairman of the commission or his designee.

(b) The opinion of the third veterinarian shall be delivered to the presiding judge and the commission veterinarian who shall make a final decision on the issue.

Section 15. Phenylbutazone. (1) The oral or intravenous administration of phenylbutazone shall not be permitted within twenty-four (24) hours of post time of the first race.

(2) The phenylbutazone dosage administered shall not exceed:

(a) Two (2) grams (g) oral; or

(b) Two (2) grams (g) intravenous.

(3) A post race sample reported to exceed a level of five (5) micrograms per milliliter of blood plasma shall be subject to the penalties provided in Section 16 of this administrative regulation.

(4) The oral administration of phenylbutazone may be performed by the trainer.

(5) Phenylbutazone, injected intravenously, shall be administered by the commission veterinarian or a licensed veterinarian approved by the commission.

Section 16. Unless otherwise provided, the penalty for violation of the provisions of this administrative regulation shall be:

(1) A fine not to exceed $10,000;

(2) Suspension not to exceed one (1) year;

(3) A fine not to exceed $10,000, and a suspension not to exceed one (1) year; or

(4) Expulsion.

Section 17. Material Incorporated by Reference. (1) The following documents are incorporated by reference:

(a) "Termination of Lasix, KRC-1(8/97)"; and

(b) "Veterinary Report Of Horses Treated, KRC-2(8/97)".

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Racing Commission, 4063 Iron Works Pike, Lexington, Kentucky 40511, Monday through Friday, 8 a.m. to 4:30 p.m.

C. FRANK SHOOP, Chairman

APPROVED BY AGENCY: February 10, 2003

FILED WITH LRC: February 13, 2003 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Monday, March 24, 2003, 10 a.m. at the office of the Kentucky Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by March 17, 2003, five work 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 be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Rena Elswick, Kentucky Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511, phone (859) 246-2040, Ext. 235, fax (859) 246-2039.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Rena Elswick

(1) Provide a brief summary of:

(a) What the administrative regulation does: This administrative regulation provides for the testing of horses for stimulants and drugs and the administrative regulation of stimulants and drugs.

(b) The necessity of the administrative regulation: This administrative regulation sets the guidelines of stimulants and drugs in standardbred racing and the penalties for violating these regulations.

(c) How the administrative regulation conforms to the content of the authorizing statutes: KRS 230.215(2) authorized the commission to promulgate administrative regulations restricting or prohibiting the use and administration of drugs and stimulants.

(d) How the administrative regulation currently assists or will assist in the effective administration in the statutes: By setting strict guidelines for drug testing in standardbred horses will bring a higher level of integrity in harness racing in Kentucky.

(2) If this is an amendment of an existing administrative regulation, provide a brief narrative summary of:

(a) How the amendment will change the existing administrative regulation: There are 2 proposed changes. The first will not allow a horse to leave the paddock after the first blood is drawn for a total carbon dioxide test (TCO2). The second change will allow a licensed veterinarian approved by the commission to give lasix.

(b) The necessity of the amendment of the administrative regulation: By allowing a licensed veterinarian approved by the commission to give the lasix will cut down on overtime by the commission veterinarian and their assistant. By not allowing a horse to leave the paddock after the first blood has been drawn for the total carbon dioxide test (TCO2) will alleviate the problem of some trainers taking their horse(s) back on the track for a second warm-up which will generally lower the TCO2 level for the second test, therefore avoiding a positive TCO2 test result.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 230.215(2) authorizes the commission to regulate conditions under which harness racing shall be conducted in Kentucky.

(d) How the amendment will assist in the effective administration of the statutes: It will provide more stringent guidelines for drug testing in the standardbred industry of Kentucky.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by the administrative regulation: These proposed changes will affect all trainers racing horses at a Kentucky standardbred track and all trainers that have horses racing on lasix.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment. If a trainer removes a horse from the paddock after the first total carbon dioxide test (TCO2) has been drawn without the permission of the presiding judge, it will result in the horse being scratched that day and the trainer will be subject to penalties set forth in the administrative regulation. By allowing a licensed veterinarian approved by the commission to give the lasix will not have any impact on horses racing on lasix.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: Their will be no cost to implement these changes. Currently the commission receives $10/lasix shot and the commission veterinarian and one assistant work 4 to 5 additional hours each race day giving the lasix which usually results in overtime for both the commission veterinarian and the assistant. Therefore this proposed change will result in a major savings to the commission.

(b) On a continuing basis: Same as the first year.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No additional funding will be needed.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: There will not be an increase of fees or funding to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administration regulation does not establishes any fees.

(9) TIERING: Is tiering applied? Tiering was not applied. The 2 proposed amendments deal with not allowing a horse to leave the paddock after the first blood has been drawn for a total carbon dioxide test (TCO2) and will allow a licensed veterinarian approved by the commission to give lasix.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Racing Commission
(Amendment)

811 KAR 1:125. Pari-mutuel rules.

RELATES TO: KRS 230.210, 230.215, 230.260(1), (2), 230.361(1), (2), (3), 230.990

STATUTORY AUTHORITY: KRS 230.260(3), (6), 230.361(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.361(1) requires the commission to promulgate administrative regulations governing mutuel wagering under the pari-mutuel system of wagering. This administrative regulation establishes the requirement for pari-mutuel wagering at race meetings.

Section 1. Equipment. (1) Licensees may use vending machines for the sale of pari-mutuel tickets.

(2) The controls necessary to operate the odds board in the infield, relative to the way the horses finish, (if the finish is being contested, if there is a photo, dead heat, time, or race) shall be located in the judge's stand and controlled only by the presiding judge, or one associate judge designated to do so.

Section 2. Sale of Pari-mutuel Tickets. (1) Only one (1) method of selling pari-mutuel tickets shall be used for the sale of tickets on individual races during any racing day.

(2) Unless prior commission approval has been obtained, pari-mutuel tickets shall not be sold except through regular ticket windows.

(3) Book making or betting other than pari-mutuel betting shall be strictly prohibited.

(4) A minor shall not be allowed to bet and a mutuel employee shall not sell or pay a wager to a minor.

(5) All wagering shall stop as soon as the word "go" shall be given by record or by voice of the starter. Vending machines for the sale of pari-mutuel tickets shall be electrically locked by the presiding judge from the judge's stand.

(6) When the sale of pari-mutuel tickets has closed, it shall remain closed until after the race has finished and has been declared official, unless an objection imposes a delay. If an objection imposes a delay, the sale of pari-mutuel tickets for the next succeeding race may be begun without waiting for the race to be declared official.

(7) The method of selling pari-mutuel tickets shall be approved by the commission.

(8) The manager of the pari-mutuel department shall be properly and timely advised by the presiding judge, prior to the beginning of wagering on each race, of the horses that will compete in the race.

(9) If less than five (5) interests qualify horses to start in a race, the manager of the pari-mutuel department may prohibit show wagering on that race.

(10) If less than four (4) interests qualify horses to start in a race, the manager may prohibit both place and show wagering on that race.

(11) If less than three (3) interests qualify horses to start in a race, the manager may prohibit wagering on that race.

(12) The manager may prohibit win, place, or show [~~or place~~] wagering on any particular horse or entry in any race. The exclusions shall be clearly indicated on the program or score card or announced and horses excluded shall be numbered to indicate that they are not coupled in the field. Horses once excluded from the betting shall remain excluded during the day or race in which they are scheduled to start.

(13) If more horses representing separate interests are started in a race than the number of post positions on the infield tote board, all horses in excess of a number of interests one (1) less than the total number of post positions on the infield tote board shall be grouped in the betting as the field.

(14) A refund at cost value shall be made to all holders of a purchased ticket bearing the number of a horse in any race which has been scratched or withdrawn before the horse has become a starter in the race under the rules, unless the horse is part of an entry, and one (1) or more of the entry starts.

Section 3. Payments. (1) Payments due on all wagers shall be made in conformity with the well established practice of the pari-mutuel system. The practice shall work in dollars and not in the number of tickets. Money wagering on winning tickets shall be returned in full plus the profits. For a winning mutuel pool, each licensee shall redistribute not less than one (1) dollar and ten (10) ten cents on each one (1) dollar wagered. If there is a minus pool, the minimum payoff of each one (1) dollar wagered shall be one (1) dollar and five (5) cents.

(2) At the end of each race, the judges shall advise the manager of the pari-mutuel department by the use of the tote equipment or by telephone of the official placement of the horses, and no payoffs shall be made until the receipt of the notice.

(3) If a horse wins and there is no money wagered on him to win, the win pool shall be apportioned among the holders of the place tickets on that horse, if any, otherwise among holders of the

show tickets.

(4) If no money has been wagered to place on a horse which is placed first or second in a race, the place pool for that race shall be apportioned among the holders of the place tickets on the other horse which was placed first or second.

(5) If no money has been wagered to show on a horse which has placed first, second, or third in a race, the show pool in that race shall be apportioned among the holders of show tickets on the other horses which are placed first, second, or third in that race.

(6) If only two (2) horses finish in any one (1) race, the show pool shall be figured the same as the place pool and monies shall be apportioned to the holders of show tickets on the two (2) finishing horses. If only one (1) horse finishes in any one (1) race, all three (3) pools shall be figured separately as straight pools and all the monies shall be awarded to the ticket holders of the finishing horse. If no horse finishes the race, then the entire pool shall be refunded to all ticket holders.

(7) If two (2) horses finish in a dead heat for first place, the money in the win mutuel pool shall be divided between the two (2) dead-heaters according to their proportionate shares in the pool.

(8) If two (2) horses finish in a dead heat for second place, the division shall be made as follows: There shall be allotted to the pool of the winner of the race one-half (1/2) of the place pool and the two (2) dead-heaters one-half (1/2) each of the remaining half of the place pool.

(9) If two (2) horses coupled in the betting as an entry or the field finish first and second, first and third, or second and third, two-thirds (2/3) of the net show pool shall be allotted to the pool of the entry and the balance one-third (1/3) to the other horse.

(10) If one (1) horse of the entry or the field finishes first or second and the other part of the entry or field finishes in a dead heat for third with another horse, the division of the net show pool shall be as follows: one-half (1/2) of the net show pool shall be allotted to the pool of the entry, one-third (1/3) to the nonentry horse not involved in the dead heat, and one-sixth (1/6) to the nonentry horse finishing in the dead heat.

(11) If the entry or field horses finish first, second, and third, the entire money in each pool shall go to the entry or field tickets, and no other tickets shall participate.

(12) A mutilated pari-mutuel ticket that is not easily identifiable as being a valid ticket shall not be accepted for payment.

(13) Claims for lost pari-mutuel tickets shall not be considered.

(14) If an error is made in calculation resulting in a price being too high, the association shall lose the amount between the proper price and the one paid. If the error in calculation results in a price being too low, the amount between proper price and price paid shall be added to the net pool of the same position in the following race on the same day or if it is the last race of the day then it shall be added to the net pool of the same position in the same race on the following day. If an error occurs causing underpayment on the last race of the entire racing meeting, the underpayment shall be paid to the Kentucky Revenue Cabinet.

Section 4. Daily Doubles. (1) There shall not be an exchange of daily double tickets after the purchaser has left the sales window.

(2) The daily double shall not be a parlay, and shall not have a connection with or relation to any other pari-mutuel pool conducted by the association, nor to any win, place, or show pool shown on the totalistor board. All tickets on the daily double shall be calculated in an entirely separate pool. Without prior commission approval, only one (1) daily double shall be permitted during any single program.

(3) All tickets shall be to win (straight) only. Entries and the field shall run as one (1) horse in the daily double. If two (2) or more horses in a race are coupled on the same totalizator ticket, there shall not be refunds, unless all of the horses so coupled are excused before off time.

(4) Selections shall be made of one (1) horse for each of the two (2) races in the daily double by tote program numbers.

(5) If no ticket is sold combining the two (2) winners of the daily double, the pool shall then be apportioned equally between those having tickets including the winner in the first race of the daily double and those having tickets including the winner in the second race of the daily double in the same manner in which a place pool is calculated and distributed.

(6) If no ticket is sold on the winner of the first race of the daily double on any combination, the entire pool shall be apportioned to the holders of tickets on the winner of the second race of the daily double. If no ticket is sold on the winner of the second race of the daily double or any combination, the entire pool shall be apportioned to the holders of tickets on the winner of the first race of the daily double.

(7) If a dead heat to win results in either the first or second race of the daily double, the total pool shall be calculated as a place pool. If there is a dead heat for the winner of the first race of the daily double, the posting of payoff prices shall be made after the winner of the second race of the daily double is official.

(8) If no ticket is sold containing the numbers of either winner on any combination, the pool shall be allotted to those having tickets on horses finishing next to the winners.

(9) If any horse or horses in the first half of the daily double are excused by the judges after the horses have left the paddock for the post, or after the betting on the daily double has been closed, or if any horse or horses in the first half of the daily double are prevented from racing because of failure of the arm or arms of the starting gate to open, the money wagered on any horse or horses excused or prevented from racing shall be deducted from the daily double pool and refunded to the purchaser or purchasers of tickets on the horse or horses excused or prevented from racing.

(10) If a horse is scratched from the second half of the daily double before it becomes a starter in the second half, but after the first half of the daily double has been run, all daily double tickets combining the scratched horse in the second race of the daily double with the actual winner of the first race of the daily double shall be paid a price equivalent to that fraction of the net pool derived by dividing the net pool by the total purchase price of all tickets combining the winner of the first race of the daily double with all horses in the second race of the daily double. The total payoff on all tickets combining the winner of the first race of the daily double with the scratched horse in the second race of the daily double as determined by the method set forth in this rule shall be deducted from the net daily double pool.

(11) The possible payoff prices shall be posted or announced to the public before the start of the last race of the daily double, and as soon as possible after the horses in the race of the last half of the daily double have entered upon the track on the way to the post.

(12) If for any reason the second race of the daily double is cancelled or declared "no race" by the judges after the first daily double race is declared official, then the net daily double pool shall be distributed to wagering combinations which include the horse or betting interest which finished first in the first daily double race.

(13) If a daily double is scheduled to be held, subsections (1) to (12) of this section shall be printed in conspicuous places in the grandstand area and an abbreviated version shall be printed on the day's racing program, and a notice shall be printed on the program as follows: "Retain Your Tickets Until The Result of the Daily Double Has Been Posted."

Section 5. Perfecta Wagering. (1) The perfecta shall be a contract by the purchaser of a ticket combining two (2) horses in a single race, selecting the two (2) horses that will subsequently finish first and second in that race. Payment of the ticket shall be made only to the purchaser who has selected the same order of finish as officially posted.

(2) The perfecta shall not be a parlay and shall not have a connection with or relation to the win, place, or show betting and shall be calculated as an entirely separate pool.

(3) If no ticket is sold on the winning combination of a perfecta pool, the net pool shall be distributed equally between holders of tickets selecting the winning horse to finish first. If no ticket is sold on the winning combination of a perfecta pool or tickets selecting the winning horse to finish first, the net pool shall be distributed equally between holders of tickets selecting the second place horse to finish second.

(4) If no ticket is sold that would require distribution of a perfecta pool to a winner pursuant to subsection (3) of this section, the association shall make a complete and full refund of the perfecta pool.

(5) If there is a dead heat between two (2) horses for first place, the net perfecta pool shall be calculated and distributed as a place

pool to holders of tickets of the winning combinations. If there is a dead heat between two (2) horses for second place, the perfecta pool shall be figured as a place pool, and the holders of tickets combining the winning horse and the two (2) horses finishing second shall participate in the payoff.

(6) If there is a dead heat for second place, and if no ticket is sold on one (1) of the two (2) winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the other winning combination. If no tickets combine the winning horse with either of the place horses in the dead heat, the perfecta pool shall be calculated and distributed as a place pool to holders of tickets representing any interest in the net pool.

(7) If two (2) or three (3) horses coupled in an entry or the mutuel field finish first and second or first, second, and third, the winning combination shall be the coupled horses and the horse placed immediately behind such entry or field.

Section 6. Quinella Wagering. (1) The quinella shall be a form of a pari-mutuel wagering consisting of selecting the first two (2) horses to finish, irrespective of their place of finish.

(2) The quinella shall not be a parlay and shall not have a connection with or relations to the win, place, or show betting and shall be calculated as an entirely separate pool.

(3) If there is a dead heat between two (2) horses for first place, the combination shall be the winner of the quinella pool. If there is a dead heat between two (2) horses for second place, the quinella pool shall be figured as a place pool, and the holders of tickets combining the winning horse and the two (2) horses finishing second shall participate in the payoff.

(4) If there is a dead heat for second place, and if no ticket is sold on one (1) of the winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the other winning combination. If no tickets combine the winning horse with either of the place horses in the dead heat, the net pool shall be calculated and distributed as a place pool to holders of tickets combining either of the place horses; except, if any tickets combine both horses in the dead heat for place, the net pool shall be calculated and distributed as a win pool to holders of such tickets.

(5) If no ticket is sold on the winning combination of a quinella pool, the net pool shall then be apportioned equally between those having tickets including the horse finishing first and those having tickets including the horse finishing second in the same manner in which a place pool is calculated and distributed.

(6) If no ticket is sold that would require distribution of a quinella pool to a winner as defined in this section, the association shall make a complete and full refund of the quinella pool.

(7) If a perfecta or quinella is scheduled to be held, each association shall print an abbreviated version of the rules established by this section on the day's racing program.

(8) If two (2) or three (3) horses coupled in an entry or the mutuel field finish first and second, or first, second, and third, the winning combination shall be the coupled horses and the horse placed immediately behind such entry or field.

Section 7. Double Perfecta Wagering. (1) The double perfecta shall be a form of pari-mutuel wagering in which the bettor selects the two (2) horses that will finish first and second in each of two (2) consecutive races in the exact order as officially posted.

(2) Double perfecta tickets shall be sold only at double perfecta windows and only from automatic double issue machines.

(3) Each bettor purchasing double perfecta tickets shall designate his two (2) selections as the first two (2) horses to finish in that order in the first of two (2) consecutive races.

(4) After the official declaration of the first two (2) horses to finish in the first race of the double perfecta, each bettor holding a ticket combining the first two (2) horses in the exact order of finish shall, prior to the running of the second double perfecta race, exchange the ticket at the double perfecta window and shall select the two (2) horses to finish in the second race of the double perfecta in the exact order as officially posted. Further money shall not be required of the holder of the ticket to make the exchange.

(5) A double perfecta exchange ticket upon the second race shall not be issued except upon the exchange of the double perfecta ticket from the first race pursuant to subsection (4) of this section. The double perfecta pool obtained from the sales of double perfecta tickets upon the first race shall be held and divided among the winning tickets of the double perfecta exchange tickets, subject to the rules established by this section. Double perfecta windows shall be open to make the exchange only after the first race has been declared official.

(6) If a winning double perfecta ticket from the first race is not presented for exchange within the time provided, the bettor shall forfeit all rights to any distribution or refund unless the second half of the double perfecta is cancelled or declared "no race".

(7) If a horse is scratched in the first race of the double perfecta races, all double perfecta tickets on the scratched horse shall be refunded.

(8) If a horse is scratched in the second race of the double perfecta, after the first race of the double perfecta has been declared official, all exchange tickets combining the scratched horse shall become consolation tickets and shall be paid a price per dollar denomination calculated as follows: the net double perfecta pool (gross pool less commission) shall be divided by the total purchase price of all tickets combining the winners of the first race of the double perfecta. The quotient thus obtained shall be the price to be paid to holders of exchange tickets combining the scratched horse in the second race of the double perfecta. The entire consolation pool (number of eligible tickets times the consolation price) shall be deducted from the net double perfecta pool.

(9) If no double perfecta ticket is sold as a winning combination in the first race of the double perfecta, the double perfecta pool shall be divided among those having tickets including the horse finishing first and those having tickets including the horse finishing second and the distributions shall be calculated and made as a place pool. If that occurs, the double perfecta race shall end and the pool shall be closed for the day.

(10) If no double perfecta exchange ticket is sold on the winning combination, the net pool shall then be apportioned equally between those having tickets including the horse finishing first and those having tickets including the horse finishing second in the same manner by which a place pool is calculated and distributed.

(11) If a double perfecta exchange ticket combines only one (1) of the two (2) winners and no double perfecta exchange ticket combines the other winner, the entire pool shall be distributed as a straight pool to the holders of those tickets.

(12) If no exchange ticket includes either the first or second horse of the second half of the double perfecta, the entire net pool shall be distributed as a straight pool to all holders of exchange tickets.

(13) If there is a dead heat for place in the first race of the double perfecta races, all double perfecta tickets combining the first horse and either of the place horses shall be eligible for exchange for double perfecta exchange tickets.

(14) If there is a dead heat for place in the second race of the double perfecta, the double perfecta pool shall be divided, calculated, and distributed as a place pool to the holders of double perfecta exchange tickets combining the first horse and either of the place horses. If there is a dead heat to place and there are no tickets sold on one (1) combination, then the other combination having the winning horses shall be declared the winner. If no exchange tickets combine the winning horse with either of the place horses in the dead heat, the double perfecta pool shall be calculated and distributed as a win pool to holders of tickets representing any interest in the net pool.

(15) If for any reason the second of the double perfecta races is cancelled or declared "no race", the pool shall be calculated as a straight pool and shall be distributed among the holders of the tickets combining the first two (2) horses of the first race of the double perfecta otherwise eligible for double perfecta exchange tickets and also distributed to holders of the double perfecta exchange tickets.

(16) If there is a dead heat for the winning horse in either of the two (2) consecutive races for the double perfecta, the calculation of the distribution of the double perfecta pool shall be made in the manner in which any ordinary perfecta pool would be made if there was a dead heat for the win despite the number of horses involved in the dead heat.

(17) The purchase of double perfecta tickets other than through pari-mutuel machines and the sale of double perfecta tickets from

one (1) individual to another shall be deemed illegal and shall be prohibited.

Section 8. Big Q Rules. (1) Each operator wishing to conduct Big Q wagering shall first petition the commission for permission to do so.

(2) Each operator shall either print in the daily program or prominently post at all areas where Big Q wagering is conducted the complete rules for Big Q wagering as established by this section.

(a) The Big Q shall consist of selecting the quinella (the first two (2) horses to finish) of each of two (2) consecutive races. Pari-mutuel wagering tickets shall be sold upon the first race of the (2) races only. The division of the pool shall be calculated as in a straight pool, except as provided by this section.

(b) Entries or field horses shall not be allowed to start in any race comprising the Big Q.

(c) Tickets shall be sold only at Big Q windows and only from automatic double-issuing machines.

(d) Each bettor purchasing tickets shall designate his two (2) selections as the first two (2) horses to finish in the first race of the two (2) races.

(e) After the official declaration of the first two (2) horses to finish the first of the Big Q races, each bettor holding a ticket combining the two (2) horses to finish shall, prior to the running of the second race, exchange the winning ticket for a Big Q exchange ticket at the Big Q windows and shall select the first two (2) horses to finish in the second race of the Big Q. Further money shall not be required of the holder of the ticket to make the exchange.

(f) A Big Q exchange ticket upon the second race shall not be issued except upon the surrender of the Big Q ticket from the first race pursuant to paragraph (f) of this subsection. The Big Q pool obtained from the sales of the Big Q tickets upon the first race shall be held and divided among the winning tickets of the Big Q exchange tickets, pursuant to the rules established by this section. Big Q windows shall be open to make the exchange only after the first race has been declared official and the windows shall close at post time at the start of the second race of the Big Q races.

(g) If a winning Big Q ticket from the first race is not presented for exchange within the time provided, the bettor shall forfeit all rights to any distribution or refund unless the second half of the Big Q is cancelled or declared "no race", or if no exchange ticket includes either the first or second horse of the second half of the Big Q.

(h) If a horse is scratched in the first race, all Big Q tickets on the scratched horse shall be refunded. If a horse is scratched in the second race, the holders of tickets on the scratched horse shall be entitled to exchange their tickets for another selection. If there is a late scratch, after the exchange windows have closed, all exchange tickets combining the scratched horse shall become consolation tickets and shall be paid a price per dollar denomination calculated as follows: The net Big Q pool (gross pool less commission) shall be divided by the total purchase price of all tickets combining the winnings of the first race of the Big Q. The quotient obtained shall be the price to be paid to holders of exchange tickets combining the scratched horse in the second race of the Big Q. The entire consolation pool (number of eligible tickets times the consolation price) plus the breakage shall be deducted from the net Big Q pool.

(i) If no ticket is sold as a winning combination in the first race of the Big Q, the Big Q pool shall be divided among those having tickets including the horse finishing first or second and the distributions shall be calculated and made as a place pool. If that occurs, the Big Q race shall end and the pool shall be closed for the day.

(j) If no Big Q exchange ticket is sold on the winning combination, the net pool shall be apportioned equally between those having tickets including the horse finishing second in the same manner in which a place pool is calculated and distributed.

(k) If a Big Q exchange ticket combines only one (1) of the winners and no Big Q exchange ticket combines the other winner, the entire pool shall be distributed as a straight pool to the holders of those tickets.

(l) If no exchange ticket includes either the first or second horse of the second half of the Big Q, the entire net pool shall be distributed as a straight pool to all holders of exchange tickets and winning combinations of the first half that have not been exchanged.

(m) If there is a dead heat for place in the first race of the Big Q races, all Big Q tickets combining the first horse and either of the place horses shall be eligible for exchange for Big Q exchange tickets.

(n) If there is a dead heat for place in the second race of the Big Q races, the pool shall be divided, calculated, and distributed as a place pool to the holders of Big Q exchange tickets combining the first horse and either of the place horses. If there is a dead heat to place and there are no tickets sold on one (1) combination, then the other combination having winning horses shall be declared the winner.

(o) If no exchange tickets combine the winning horse with either of the place horses in the dead heat, the Big Q pool shall be calculated and distributed as a place pool to holders of tickets combining either of the place horses, except if any exchange tickets combine both horses in the dead heat for place, the Big Q pool shall be calculated and distributed as a place pool to holders of such tickets.

(p) If for any reason the first race of the Big Q races is cancelled or declared "no race", a full and complete refund shall be made from the Big Q pool.

(q) If for any reason, the second of the Big Q races is cancelled or declared "no race", the pool shall be calculated as a straight pool and shall be distributed among the holders of tickets combining the first two (2) horses of the first race of the Big Q otherwise eligible for Big Q exchange tickets and also distributed to holders of the Big Q exchange tickets.

(r) If there is a dead heat for the winning horses in either of the two (2) consecutive races for the Big Q, the calculation of the distribution of the Big Q pool shall be made in the manner in which any ordinary quinella pool would be made if there was a dead heat for the win despite the number of horses involved in the dead heat.

(s) If an incorrect exchange ticket is issued during the second half of the Big Q pool, the incorrect exchange ticket shall be turned in to the state auditor prior to the running of the second half. The tickets shall be deducted from both exchange and individual combination totals. The ticket shall be voided and filed with the performance worksheets and a report, including the seller's name and license number, shall be made to the commission of the complete incident.

Section 9. Trifecta Wagering. (1) The trifecta shall be a contract by the purchaser of a ticket combining three (3) horses in a single race, selecting the three (3) horses that will subsequently finish first, second, and third in that race. Payment of the ticket shall be made only to the purchaser who has selected the same order of finish as officially posted.

(2) The trifecta shall not be a parlay and shall have no connection with or relation to the win, place, and show betting and shall be calculated as an entirely separate pool.

(3) Trifecta tickets shall not be sold in less than one (1) dollar denominations.

(4) If no ticket is sold on the winning combination of a trifecta pool, the net pool shall be distributed to the holders of tickets selecting the win and place finishers in that order. If no ticket is sold combining the win and place finish, the net pool shall be distributed to the holders of tickets selecting the winner.

(5) If no ticket is sold that requires distribution of the net trifecta pool to a winner pursuant to subsection (4) of this section, the association shall make a full refund of the trifecta pool.

(6) If there is a dead heat or dead heats, all trifecta tickets selecting the correct order of finish, counting a horse in a dead heat as finishing in either position dead heated, shall be winning tickets. The payoff shall be calculated as a place pool.

(7) If there is a scratch in the trifecta, no exchanges shall be made. All tickets which include the scratched horse shall be eliminated from further participation in the trifecta pool and shall be refunded.

(8) Those horses constituting an entry of coupled horses or those horses coupled to constitute the field in a race comprising the trifecta shall race as a single wagering interest for the purpose of trifecta pari-mutuel pool calculations and payouts to the public.

(9) Trifecta tickets shall be sold only by the licensee through pari-mutuel machines programmed to print all selections on one (1) ticket. Resale of such tickets from one (1) individual to another shall

be prohibited and shall be grounds for ejection.

(10) Each association shall print in heavy type in a conspicuous place in its printed program all the provisions of this section and post printed copies of this section about the track.

(11) For the purpose of trifecta wagering, the trifecta race shall be drawn to consist of six (6) separate wagering interests.

(12) Nothing in this section shall preclude the sale of combination trifecta tickets in the amount of six (6) dollars.

Section 10. Twin Trifecta. The twin trifecta shall be a form of pari-mutuel wagering. It shall not be a parlay and shall not have a connection with or relation to any other pari-mutuel pools made and conducted by an association. The twin trifecta shall not be connected with or related to any win, place, and show pools shown on the totalizator board, and it shall not be governed by any division rules pertaining to the distribution of any other pari-mutuel pools.

(1) In the twin trifecta, the bettor shall select the three (3) horses that will finish first, second, and third in each of the two (2) designated twin trifecta races in the exact order as officially posted.

(2) Twin trifecta tickets shall be sold and exchanged only from the association's ticket-issuing machines.

(3) Twin trifecta wagers shall be made only in denominations of three (3) dollars.

(4) Each bettor purchasing twin-trifecta tickets shall designate three (3) selections as the first three (3) horses to finish in that order in the first race of the designated two (2) twin trifecta races.

(5) After the wagering closes for the first half of the twin trifecta, the commissions shall be deducted from the pool pursuant to KRS 138.510. The remaining pool shall then be divided into two (2) separate pools of equal amounts.

(6) The money in the first part of the divided pool shall be distributed to the holders of the twin trifecta tickets selecting the first three (3) horses, in order, on the first designated twin trifecta race, in accordance with this administrative regulation. The term "first part of divided pool" shall mean one-half (1/2) of the net distributive pool of the total money wagered in the twin trifecta on the current program only and, specifically excluded therefrom shall be any carry-over of any special cumulative second race twin trifecta pool from any previous program.

(7) The second part of the divided pool shall be placed in a separate pool to be distributed to holders of second half twin trifecta tickets selecting the first three (3) horses, in order, on the second designated twin trifecta race, in accordance with this administrative regulation.

(8) In the first half of the twin trifecta only, if there is a failure to select, in exact order, the first three (3) horses, payoffs and exchanges shall be made on twin trifecta tickets selecting in the following order of priority:

(a) The first two (2) horses in exact order, if no such ticket is outstanding, then;

(b) The first horse, and any ticket within the applicable above order of priority shall be deemed a winning ticket entitling the holder thereof to an exchange ticket, in addition to the usual payoff for first half winners; and

(c) Failure to select winner to win, regardless of the selection of the exact order of the second or third horse shall cause a refund to all twin trifecta tickets.

(9) After the official declaration of the first three (3) horses to finish in the first race of the twin trifecta, each bettor holding a winning ticket shall, prior to the running of the second twin trifecta race, exchange the winning ticket for both the monetary value established by the association's mutuel department and a twin trifecta exchange ticket and shall select the three (3) horses to finish in the second race of the twin trifecta in exact order as officially posted. Further money shall not be required of the holder of the winning ticket in order to make the exchange. Each association conducting the twin trifecta shall designate all windows to be used as exchange windows unless the first half payoff is $900 or more in winnings (if such winnings are at least 300 times the amount of the single wager). If that occurs, valid exchange tickets shall be exchanged only at all windows designated IRS windows.

(10) A twin trifecta exchange ticket upon the second race of the twin trifecta shall not be issued except upon surrender of the winning twin trifecta ticket from the first race of the twin trifecta pursuant to subsection (9) of this section. Windows for the purpose of cashing and exchanging twin trifecta tickets shall be open only after the first race of the twin trifecta has been declared official and windows shall close when wagering closes for the race designated as the second half of the twin trifecta. More than one (1) race shall not elapse between the race designated the first half of the twin trifecta and the race designated as the second half of the twin trifecta.

(11) If a winning twin trifecta ticket from the first race is not presented for cashing and exchange with the time provided, the bettor may still collect the monetary value attached to the ticket but shall forfeit all rights to any distribution of the second race twin trifecta pool and the carry-over jackpot.

(12) If a horse is scratched from the first race of the twin trifecta, all twin trifecta tickets on the scratched horse shall be refunded. If a horse is scratched from the second race of the twin trifecta, public address announcements shall be made and a reasonable time shall be given for exchange of tickets on the scratched horse.

(13) If there is a dead heat in either the first or second half of the twin trifecta, all twin trifecta tickets selecting the correct order of finish counting a horse in a dead heat as finishing in any position dead heated shall be winning tickets. If there is a dead heat occurring in the first half, the payoff shall be calculated as a win pool. If there is a dead heat occurring in the second half, contrary to the usual pari-mutuel practice, the aggregate number of winning tickets shall be divided into the net pool and be paid the same payoff price.

(14) If there is no twin trifecta ticket issued accurately selecting the officially declared first three (3) finishers of the second race, the pool, as divided earlier, shall be held for the next consecutive program and combined with that program's second race twin trifecta pool. This sum shall be termed the "carry-over jackpot". Distribution of the special cumulative second race twin trifecta pool shall be made only upon the accurate selection, in exact order, of the first three (3) officially declared finishers of the second twin trifecta race except on the closing program of the meeting pursuant to subsection (16) of this section.

(15) If for any reason the second half of the twin trifecta is not declared "official", the winning ticket holders who have cashed their tickets on the first half and have received an exchange ticket shall be entitled to the remaining amount of the current program's divided pool.

(16) On the closing program of the meeting, the current carry-over jackpot, if any, plus the second half pool for that program shall be combined and distributed in the following manner:

(a) The total twin trifecta pool shall be distributed to the holders of twin trifecta exchange tickets showing the first three (3) horses to finish, in exact order.

(b) If there are no twin trifecta exchange tickets showing the first three (3) horses, in the exact order, the payoff shall be made on twin trifecta exchange tickets selecting the first two (2) horses in exact order.

(c) If there is no twin trifecta exchange ticket showing the first two (2) horses in exact order, the first horse, and any ticket within the applicable above order of priority shall be deemed a winning ticket entitling the holder to the total twin trifecta pool.

(d) If there are no valid exchange ticket holders, the total twin trifecta pool shall be distributed to the holders of first half tickets selecting the first two (2) horses in the exact order.

(e) If there are no first half twin trifecta tickets showing the first two (2) horses, the total twin trifecta pool shall be distributed to the holders of first half tickets selecting the horse of the first half of the twin trifecta.

(f) If no ticket is sold that requires the distribution of the net pools as established by this subsection, the association shall equally distribute the total twin trifecta pool to all first half ticket holders.

(17) Sales of twin trifecta tickets other than from the association's ticket- issuing machines or from one (1) individual to another shall be deemed illegal. Exchange tickets shall not be transferable. Persons involved in the unauthorized transfer of exchange tickets shall be ejected.

Section 11. Superfecta Wagering. (1) The superfecta shall be a contract by the purchaser of a ticket combining four (4) horses in a single race, selecting the four (4) horses that subsequently finish first, second, third, and fourth in that race.

(2) Payment of the ticket shall be made only to the purchaser who has selected the same order of finish as officially posted.

(3) The superfecta shall not be a parlay and shall have no connection with or relation to the win, place, or show betting and shall be calculated as an entirely separate pool.

(4) Superfecta tickets shall not be sold in less than one (1) dollar denominations.

(5) If no ticket is sold on the winning combination of a superfecta pool, the net pool shall be distributed to the holders of tickets selecting the win, place, and show finishers in that order.

(a) If no ticket is sold combining the win, place, and show finish, the net pool shall be distributed to the holders of tickets selecting the win, and place finishers in that order.

(b) If no ticket is sold combining the win and place finish, the net pool shall be distributed to the holders of tickets selecting the winner.

(6) If no ticket is sold that requires distribution of the net superfecta pool to a winner pursuant to subsection (5) of this section, the association shall make a full refund of the superfecta pool.

(7) If there is a dead heat or dead heats, all superfecta tickets selecting the correct order of finish, counting a horse in a dead heat as finishing in either position dead heated, shall be winning tickets and the payoff shall be calculated as a place pool.

(8) If there is a scratch in the superfecta, no exchanges shall be made. All tickets which include the scratched horse shall be eliminated from further participation in the superfecta pool and shall be refunded.

(9) Those horses constituting an entry of coupled horses or those horses coupled to constitute the field in a race comprising the superfecta shall race as a single wagering interest for the purpose of superfecta pari-mutuel pool calculations and payouts to the public.

(10) Superfecta tickets shall be sold only by the licensee through pari-mutuel machines programmed to print all sections on one (1) ticket. Resale of the tickets from one (1) individual to another shall be prohibited and shall be grounds for ejection.

(11) Each association shall print in heavy type in a conspicuous place in its printed program all the provisions of this section and post printed copies of this section about the track.

(12) For the purposes of superfecta wagering, the superfecta race shall be drawn to consist of eight (8) separate wagering interests.

(a) In the event that a horse or horses are scratched from a superfecta race with the race now containing less than eight (8) separate wagering interests and wagering has not commenced, the superfecta pool shall be cancelled.

(b) In the event that a horse or horses are scratched from a superfecta race and wagering has commenced, the superfecta pool shall remain until there are less than six (6) separate wagering interests.

(13) Nothing in this section shall preclude the sale of combination superfecta tickets in the amount of twenty-four (24) dollars.

Section 12. Pick-3 Wagering. (1) The Pick-3 pari-mutuel pool is not a parlay and has no connection with or relation to any other pari-mutuel pool conducted by the association, nor to any win, place, or show pool shown on the totalizator board, nor to the administrative regulation governing the distribution of the other pools.

(2) A valid Pick-3 ticket shall be evidence of a binding contract between the holder of the ticket and the racing association, and the ticket shall constitute an acceptance of Pick-3 provisions and administrative regulations.

(3) The Pick-3 pari-mutuel pool consists of amounts contributed for a selection for win only in three (3) consecutive races designated by the association with the approval of the Kentucky Racing Commission. Each person purchasing a Pick-3 ticket shall designate the winning horse in each of the three (3) races comprising the Pick-3.

(4) Those horses constituting an entry of coupled horses or those horses coupled to constitute the field in a race comprising the Pick-3 shall race as a single wagering interest for the purpose of the Pick-3 pari-mutuel pool calculations and pay-outs to the public. If any part of either entry or field racing as a single interest is a starter in a race, the entry or the field selection shall remain as the designated selection to win in that race for the Pick-3 calculation, and the selection shall not be deemed scratched.

(5) The net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of tickets which correctly designate the winners in all three (3) races comprising the Pick-3.

(6) If no ticket is sold combining the three (3) winners of the Pick-3, the net amount in the pari-mutuel pool shall be distributed among the holders of tickets which include the winners of at least two (2) of the three (3) races comprising the Pick-3.

(7) If no ticket is sold combining at least two (2) winners of the Pick-3, the net amount in the pari-mutuel pool shall be distributed among the holders of tickets which include the winner of any one (1) race comprising the Pick-3.

(8) If no ticket is sold that would require distribution of the Pick-3 pool to a winner pursuant to subsections (6) and (7) of this section, the association shall make a complete and full refund of the Pick-3 pool.

(9) If for any reason one of the races comprising the Pick-3 is cancelled, the net amount of the pari-mutuel pool shall be distributed as provided above in subsections (6), (7), and (8) of this section.

(10) If for any reason two (2) or more races comprising the Pick-3 are cancelled, a full and complete refund shall be made of the Pick-3 pool.

(11) In the event a Pick-3 ticket designates a selection in any one (1) or more races comprising the Pick-3 and that selection is scratched, excused, or determined by the judges or stewards to be a nonstarter in a race, the actual favorite, as evidenced by the amounts wagered in the final win pool of the race, shall be substituted for the nonstarting selection for all purposes, including pool calculations and payoffs. In the event the win pool total for two (2) or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number.

(12) In the event of a dead heat for win between two (2) or more horses in any Pick-3 race, all of the horses in the dead heat for win shall be considered as winning horses in the race for the purpose of calculating the pool.

(13) A pari-mutuel ticket for the Pick-3 shall not be sold, exchanged, or cancelled after the time of the closing of wagering in the first of the three (3) races comprising the Pick-3, except for refunds on Pick-3 tickets as required by this administrative regulation, and a person shall not disclose the number of tickets sold in the Pick-3 pool or the number of tickets selecting winners of Pick-3 races until the time that the judges or stewards have determined the last race comprising the Pick-3 to be official.

Section 13. Pick-4 Wagering. (1) The Pick-4 pari-mutuel pool is not a parlay and has no connection with or relation to any other pari-mutuel pool conducted by the association, nor to any win, place, or show pool shown on the totalizator board, nor to the rules governing the distribution of the other pools.

(2) A valid Pick-4 ticket shall be evidence of a binding contract between the holder of the ticket and the racing association, and the ticket shall constitute an acceptance of Pick-4 provisions and administrative regulations.

(3) The Pick-4 pari-mutuel pool consists of amounts contributed for a selection for win only in four (4) consecutive races designated by the association with the approval of the Kentucky Racing Commission. Each person purchasing a Pick-4 ticket shall designate the winning horse in each of the four (4) races comprising the Pick-4.

(4) Those horse constituting an entry of coupled horses or those horses coupled to constitute the field in a race comprising the Pick-4 shall race as a single wagering interest for the purpose of the Pick-4 pari-mutuel pool calculations and pay-outs to the public. If any part of either entry or field racing as a single interest is a starter in a race, the entry or the field selection shall remain as the designated selection to win in that race for the Pick-4 calculation, and the selection shall not be deemed scratched.

(5) The net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of tickets which correctly designate the winners in all four (4) races comprising the Pick-4.

(6) If no ticket is sold combining the four (4) winners of the Pick-4, the net amount in the pari-mutuel pool shall be distributed among holders of tickets which include the winners of at least three (3) of the four (4) races comprising the Pick-4.

(7) If no ticket is sold combining at least three (3) winners of the pick-4, the net amount in the pari-mutuel pool shall be distributed amount of the holders of tickets which include the winners of at least two (2) of the four (4) races comprising the Pick-4.

(8) If no ticket is sold combining at least two (2) winners of the Pick-4, the net amount in the pari-mutuel pool shall be distributed among the holders of tickets which include the winner of any one (1) race comprising the Pick-4.

(9) If no ticket is sold that would require distribution of the Pick-4 pool to a winner pursuant to subsections (6), (7), and (8) of this section, the association shall make a complete and full refund of the Pick-4 pool.

(10) If for any reason one (1) of the races comprising the Pick-4 is cancelled, the net amount of the pari-mutuel pool shall be distributed as provided above in subsections (6), (7), (8), and (9) of this section.

(11) If for any reason three (3) or more races comprising the Pick-4 are cancelled, a full and complete refund will be made of the Pick-4 pool.

(12) In the event a Pick-4 ticket designates a selection in any one (1) or more races comprising the Pick-4 and that selection is scratched, excused, or determined by the judges or stewards to be a nonstarter in a race, the actual favorite, as evidenced by the amounts wagered in the final win pool of the race, shall be substituted for the nonstarting selection for all purposes, including pool calculations and payoffs. In the event the win pool total for two (2) or more favorites are identical, the substitute selection shall be the betting interest with the lowest program number.

(13) In the event of a dead heat for win between two (2) or more horses in any Pick-4 race, all of the horses in the dead heat for win shall be considered as winning horses in the race for the purpose of calculating the pool.

(14) A pari-mutuel ticket for the Pick-4 shall not be sold, exchanged, or cancelled after the time of the closing of wagering in the first of the four (4) races comprising the Pick-4, except for refunds on Pick-4 tickets as required by this administrative regulation, and a person shall not disclose the number of tickets sold in the Pick-4 pool or the number of tickets selecting winners of Pick-4 races until the time when the judges or stewards have determined the last race comprising the Pick-4 to be official.

Section 14. Pick-4 Wagering with Carryover. (1) The Pick-4 with a carryover abides by the same requirements as stated in Section 13 of this administrative regulation with the exception of how the payoff is calculated.

(2) The net amount of the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of tickets which correctly designate the winners of all four (4) races comprising the Pick-4.

(3) If no ticket is sold combining the four (4) winners of the Pick-4, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick-4 races.

(4) The remainder of the net pool shall be added to the carryover. The carryover amount shall then be added to the Pick-4 pool the following race day.

(5) In the event that there is no ticket sold combining the four (4) winners of the Pick-4 and it is the final race of the meet, the entire net pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of races.

Section 15. The following types of wagering shall be permitted at all tracks given racing dates by the commission:

(1) Normal win, place, and show betting on each race;

(2) A daily double on the first and second race; and

(3) Any other methods of betting approved in advance by the commission.

Section 16. Betting Interests Involving More than One (1) Horse. If two (2) or more horses entered for the same race are determined by the commission to have common ties through ownership and are joined by the commission as a mutuel entry, the mutuel entry shall become a single betting interest and a wager on one (1) horse in a mutuel entry shall be a wager on all horses in the same mutuel entry. If the number of horses competing in a race exceeds the numbering capacity of the totalizator, the racing secretary shall assign the highest pari-mutuel numbers to horses so that the highest numbered horse within the numbering capacity of the totalizator together with horses of higher numbers, shall be grouped in the mutuel field as a single betting interest, and a wager on one (1) horse in the mutuel field shall be a wager on all horses in the same mutuel field.

Section 17. Emergency Situation. If any emergency arises in connection with the operation of the pari-mutuel department not provided for by this administrative regulation, the pari-mutuel manager shall make an immediate decision and shall by the quickest means possible notify the presiding judge and render a full report to the commission.

Section 18. Incorporation by Reference. (1) "Race Track Pari-Mutuel and Admissions Report, 73A100", 7/00 is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Racing Commission, 4063 Iron Works Pike, Building B, Lexington, Kentucky 40511, Monday through Friday, 8 a.m. to 4:30 p.m.

C. FRANK SHOOP, Chairman

APPROVED BY AGENCY: February 10, 2003

FILED WITH LRC: February 13, 2003 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Monday, March 24, 2003, 10 a.m. at the office of the Kentucky Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by March 17, 2003, five work 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 be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Rena Elswick, Kentucky Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511, phone (859) 246-2040 Ext. 235, fax (859) 246-2039.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Rena Elswick

(1) Provide a brief summary of:

(a) What the administrative regulation does: This administrative regulation provides and regulates pari-mutuel wagering at standardbred race meets.

(b) The necessity of the administrative regulation: It establishes the guidelines for which all pari-mutuel wagering/betting is conducted at standardbred race meets.

(c) How the administrative regulation conforms to the content of the authorizing statutes: KRS 230.361 states the commission shall promulgate administrative regulations governing and regulating mutual wagering on horse races under what is known as the pari-mutuel system of wagering.

(d) How the administrative regulation currently assists or will assist in the effective administration in the statutes: This administrative regulation governs all areas of pari-mutuel wagering from tote equipment, taxes, betting pools, exotic wagering, and coupled entries.

(2) If this is an amendment of an existing administrative regulation, provide a brief narrative summary of:

(a) How the amendment will change the existing administrative regulation: The amendment will add the language "win" to Section 1(12) that had been omitted in a previous amendment change.

(b) The necessity of the amendment of the administrative regulation: This change will update the regulation and bring it up to current standards.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 230.361 gives the commission the authority to govern and regulate pari-mutuel wagering on horse racing.

(d) How the amendment will assist in the effective administration of the statutes: By updating the regulation will make it easier and more efficient to govern and enforce this regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by the administrative regulation: The 3 organizations affected will be the 3 standardbred tracks. The individuals affected would be any individual betting at any of the 3 standardbred tracks.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment. The only impact would be for the betting public. This amendment is only adding the word "win" that had previously been omitted.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There would be no cost to implement this administrative regulation

(b) On a continuing basis: None

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding would be needed for the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: There would no increase in fees or funding for this amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administration regulation does not establish any fees and will not directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering was not applied. The proposed amendment for this administrative regulation is to add the language "win" to Section 1(12) that had previously been omitted.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Racing Commission
(Amendment)

811 KAR 1:215. Kentucky Standardbred Development Fund.

RELATES TO: KRS 230.210 to 230.375, 230.990

STATUTORY AUTHORITY: KRS 230.770

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.770(1) establishes the Kentucky standardbred, quarter horse, Appaloosa, and Arabian development fund. KRS 230.770(5) and (6) authorize the commission to promulgate administrative regulations establishing the eligibility of horses participating in races for which a portion of the purse is provided by the Kentucky Standardbred Development Fund and the conditions, class, and quality of the races. This administrative regulation establishes eligibility standards, administrative practices to enforce the standards, mandatory criteria for races, and the administration of purses and payments in these races.

Section 1. (1)(a) An owner or lessee of a standardbred stallion who desires to use him for breeding purposes and to have him qualify for the Kentucky Standardbred Development Fund, shall register the stallion by February 1 of the breeding season with the Kentucky Racing Commission.

(b) Unless the stallion is contracted to stand at stud in the southern hemisphere, the stallion shall stand in the Commonwealth of Kentucky for the remainder of the breeding season.

(2) A virgin standardbred stallion entering stud for the first time:

(a) May be registered prior to his first breeding; and

(b) Shall stand in the Commonwealth of Kentucky the remainder of the breeding season, unless he is contracted to stand at stud in the southern hemisphere.

(3) A stallion shall be registered on "Application for Standardbred Stallion Certificate for Eligibility".

Section 2. The following fees shall be paid:

(1) Sire registration fee for a stallion with an annual book of twenty-five (25) or more mares shall be one (1) full advertised stud fee.

(2) Sire registration fee for a stallion with an annual book of twenty-four (24) mares or less shall be twenty (20) percent of the advertised stud fee or a minimum of $200.

(3) The annual stallion registration fee shall follow the gait of the stallion.

(4) Stallion fees shall be due October 1 of the year nominated.

(5) If a stallion was nominated to the Kentucky Standardbred Development Fund/Kentucky Sires Stakes Program, the stallion fee shall be paid on the October 1 deadline whether or not mares were bred to the nominated stallion.

(6) The registration fee for a stallion standing at Private Treaty shall be the average stud fee charged for the breeding season.

(7) At the end of a breeding season, the owner or lessee of a stallion standing at Private Treaty shall submit to the Kentucky Racing Commission a list of mares bred and prices charged.

Section 3. (1) The registration of a stallion that remains in the state for more than one (1) breeding season shall be renewed annually.

(2) The "Standardbred Stallion Certification of Eligibility Renewal" shall be filed by February 1 of the breeding season.

(3) The annual renewal fee for registration of stallions to the Kentucky Standardbred Development Fund shall be:

(a) One (1) full advertised stud fee for a stallion with an annual book of twenty-five (25) or more mares; and

(b) Twenty (20) percent of the stud fee or a minimum of $200 for stallions with an annual book of twenty-four (24) or less mares.

(4) The annual stallion registration fee shall follow the gait of the stallion.

(5) Stallion fees shall be due October 1 of the year nominated.

(6) If a stallion was nominated to the Kentucky Standardbred Development Fund/Kentucky Sires Stakes Program, the stallion fee shall be paid on the October 1 deadline whether or not mares were bred to the nominated stallion.

Section 4. An owner of a standardbred stallion registered with the commission shall submit by October 1 the stallion registration fee, as set forth in Sections 2 and 3 of this administrative regulation, and a report of each stallion and mares bred by each stallion during the preceding twelve (12) months.

Section 5. (1) In order to qualify for the Kentucky Standardbred Development Fund, a foal shall be the product of the mating of a mare with a Kentucky registered and resident stallion.

(2) Effective with the foals of 2004 and thereafter, foals other than the first born to a mare (donor or recipient) in each calendar year produced by any method including, but not limited to embryo/ovum transplant (ET), shall not be eligible for racing in the Commonwealth of Kentucky.

(a) This rule shall not apply to natural birth twins produced from the same pregnancy and foaling by the natural, nonrecipient mare.

(b) Any future offspring of foals ineligible for racing under this rule shall not be eligible for racing in the Commonwealth of Kentucky.

Section 6. (1) If an owner or a lessee of a registered stallion fails to furnish information the commission has requested relating to the registration or renewal of registration of a horse, the commission shall:

(a) Suspend or deny the registration of the stallion; and

(b) Schedule a hearing, pursuant to 810 KAR 1:029.

(2) After the hearing, the commission shall determine whether the failure to furnish information was willful and shall do one (1) or more of the following:

(a) Suspend the registration;

(b) Rescind its suspension of the registration;

(c) Deny or revoke the registration; or

(d) Bar from further registration, horses owned by the person who executed the application containing false or misleading information.

Section 7. (1) If the commission determines that a registration is incorrect, or an application for registration, renewal of registration, or transfer of a registered stallion contains false or misleading information, the commission shall:

(a) Suspend or deny the registration of the stallion; and

(b) Summon the person who executed the application, and any person who has knowledge relating to the application, to appear before the commission at a hearing pursuant to 811 KAR 1:105 [~~810 KAR 1:029~~].

(2) After the hearing, the commission shall determine whether the person knew or had reason to know that the information was false or misleading, and shall do one (1) or more of the following:

(a) Rescind its suspension or denial of the registration;

(b) Suspend, deny, or revoke the registration; or

(c) Bar from further registration, horses owned by the person who executed the application containing false or misleading information.

(3) If a person summoned by the commission fails to respond to the summons, the commission:

(a) Shall suspend or deny the registration of the stallion;

(b) Shall notify the person in writing of the action taken by the commission; and

(c) May bar from further registration, horses owned by the person who executed the application containing false or misleading information.

Section 8. An owner or lessee of a stallion eligible or the Kentucky Standardbred Development fund shall designate a resident of Kentucky as the authorized agent who shall be responsible for:

(1) The registrations and records of the farm; and

(2) Complying with the requirements of the Kentucky Standardbred Development Fund.

Section 9. An owner, lessee, or stallion manager of a stallion used for breeding purposes to produce horses eligible for racing in the Commonwealth of Kentucky may only issue one (1) mating certificate required to register the first born foal produced by a mare in each calendar year, except in the case of natural birth twins produced from the same pregnancy and foaling by the natural, nonrecipient mare. Where it has been determined that an owner, lessee, or stallion manager of such a stallion has issued a mating certificate for a foal other than the first born to a mare (donor or recipient), all such foals produced by the mare (donor or recipient) in the applicable calendar year shall not be eligible for racing in the Commonwealth of Kentucky.

Section 10. The "Authorized Agent" form shall be filed with the stallion registration.

Section 11. [~~Section 10.~~] Sires stakes races in which any part of the purse is provided by the Kentucky Standardbred Development Fund shall be subject to administrative regulations promulgated by the Kentucky Racing Commission.

Section 12. [~~Section 11.~~] A participant in a Kentucky sires stakes race shall have:

(1) Been sired by a stallion registered with the Kentucky Racing Commission; and

(2) Maintained eligibility for the Kentucky Standardbred Development Fund.

Section 13. [~~Section 12.~~] Each race shall be a one (1) mile dash.

Section 14. [~~Section 13.~~] Post positions for the final, consolation, and elimination races shall be an open draw with two (2) "also eligibles" drawn for the final and consolation race.

Section 15. [~~Section 14.~~] A horse shall start in the eliminations in order to be eligible for the final or consolation race.

Section 16. [~~Section 15.~~] A horse that is automatically eligible to race in the final race shall not start in the consolation race.

Section 17. [~~Section 16.~~] Any horse which qualifies for the final or consolation by virtue of its finish in an elimination race but is disqualified and scratched from the final after the elimination race has been declared official, due to violation of 811 KAR 1:090, shall be replaced by the next horse that placed highest in the official order of finish of that particular elimination division, but did not quality for the final or consolation.

(1) Two (2) horses shall be selected from those in eliminations that do not quality for the final and consolation to be designated "also eligible".

(a) These "also eligibles" shall replace any other horse(s) scratched from the final or consolation for reasons other than violations of 811 KAR 1:090.

(b) The preference to determine which is the first "also eligible" shall be determined by taking the horse that placed highest in the official order of finish of all elimination divisions, but did not quality for the final or consolation.

1. If horses are equal in the finish position, final preference shall be determined by lot.

2. The other horse shall be the second "also eligible".

(2) Scratched horses in the final and consolation shall be replaced by the horses designated in subsection (1) of this section in the following manner:

(a) If post positions have not been drawn, the horse shall take its place in the normal draw.

(b) If post positions have already been drawn, the horse shall assume the position of the scratched horse.

(c) A horse shall not be moved into the final or consolation as a replacement after the official "scratch time" deadline for the publication of the program.

(3) A single consolation race shall be held for those horses that are not racing in the final.

(a) The preference to determine the field for the consolation race shall be determined by taking the nine (9) horses, including the two (2) "also eligibles" selected for the final, that placed highest in the official order of finish of all elimination divisions, but did not race in the final.

(b) If horses are equal in the finish position, final preference shall be determined by lot.

(c) The other horse shall be the second "also eligible".

(d) A minimum of six (6) starters shall be required for the consolation.

(e) Two (2) "also eligibles" may be drawn for the consolation.

Section 18. [~~Section 17.~~] All starters shall be subject to the detention policy of the racetrack.

Section 19. [~~Section 18.~~] (1) There shall not be more than:

(a) Nine (9) starters per final race on a mile track; and

(b) Eight (8) horses on a one-half (1/2) or five-eighths (5/8) mile track.

(2) If more than nine (9) horses for a mile track or (8) eight horses for a one-half (1/2) mile track declare in, eliminations shall be held the week before the final race.

(3) All horses shall be on the gate for the final race.

Section 20. [~~Section 19.~~] (1) There shall be a $500 starting fee for each horse declared to race.

(2) The starting fee shall be payable to the racing association at the time of declaration.

(3) Purses for the final races and the consolation races shall consist of:

(a) Nominating fees;

(b) Sustaining fees;

(c) Stallion fees; and

(d) Added money from the Commonwealth of Kentucky.

(4) These monies shall be divided as follows:

(a) Eighty (80) percent for the final race, and twenty (20) percent for the consolation race in each sex and gait division; or

(b) All money to the final race, if there is not a consolation race in that sex and gait division.

(5) Elimination races shall be raced for the $500 starting fee plus added money from the Kentucky Standardbred Development Fund.

(6) No further payments shall be required to start.

Section 21. [~~Section 20.~~] (1) The total number of horses entered shall determine the number of elimination races that shall be required.

(2) The number of horses entered to require elimination races to be split into divisions shall be as follows:

(a) One (1) mile track:

1. Nine (9) horses entered or less - an elimination race shall not be required.
2. Ten (10) to twelve (12) horses entered - one (1) elimination race.
3. Thirteen (13) to eighteen (18) horses entered - two (2) elimination races.
4. Nineteen (19) to twenty-seven (27) horses entered - three (3) elimination races.
5. Twenty-eight (28) to thirty-six (36) horses entered - four (4) elimination races.
6. Thirty-seven (37) to forty-five (45) horses entered - five (5) elimination races.
7. Forty-six (46) to fifty-four (54) horses entered - six (6) elimination races.
8. If the need exists for seven (7) or more eliminations, eligibility to the final shall be determined in a manner consistent with the published conditions.

(b) One-half (1/2) and five-eighths (5/8) mile track:

1. Eight (8) horses entered or less - an elimination race shall not be required.
2. Nine (9) to ten (10) horses entered - one (1) elimination race.
3. Eleven (11) to sixteen (16) horses entered - two (2) elimination races.
4. Seventeen (17) to twenty-four (24) horses entered - three (3) elimination races.
5. Twenty-five (25) to thirty-two (32) horses entered - four (4) elimination races.
6. Thirty-three (33) to forty (40) horses entered - five (5) elimination races.
7. Forty-one (41) to forty-eight (48) horses entered - six (6) elimination races.
8. If the need exists for seven (7) or more eliminations, eligibility to the final shall be determined in a manner consistent with the published conditions.

Section 22. [~~Section 21.~~] Starters for the final races, if eliminations are required, shall be as follows:

(1) One (1) mile track:

(a) Two (2) elimination races - the first four (4) horses from each race and one (1) horse drawn from the fifth place finishers.

(b) Three (3) elimination races - the first three (3) horses from each race.

(c) Four (4) elimination races - the first two (2) horses from each race and one (1) horse drawn from the third place finishers.

(d) Five (5) elimination races - the winners from each race and four (4) horses drawn from the second place finishers.

(e) Six (6) elimination races - the winners from each race and three (3) horses drawn from the second place finishers.

(2) One-half (1/2) and five-eighths (5/8) mile track:

(a) Two (2) elimination races - the first four (4) finishers from each race.

(b) Three (3) elimination races - the first two (2) horses in each race and two (2) horses drawn from the third place finishers.

(c) Four (4) elimination races - the first two (2) horses from each race.

(d) Five (5) elimination races - the winners from each race and three (3) horses drawn from the second place finishers.

(e) Six (6) elimination races - the winners from all six (6) races and two (2) horses drawn from the second place finishers.

(3) In the event of a dead heat among the horses qualifying to the final or consolation, preference shall be determined by lot among such tie horses.

Section 23. [~~Section 22.~~] (1) There shall not be a consolation race if:

(a) Less than fifteen (15) horses declare in to the stake on a one (1) mile track; and

(b) Less than fourteen (14) horses declare in to the stake on a one-half (1/2) mile track.

(2) If a consolation race is not held, all monies shall be added to the final race.

Section 24. [~~Section 23.~~] (1) Gait shall be specified by the first two (2) year old payment.

(2) Change of gait:

(a) May be made at the time of declaration at the track; and

(b) Sustaining payments shall remain in the funds of the original gait specified.

(3) A horse shall not race on both gaits in the same year.

Section 25. [~~Section 24.~~] A race shall be raced in separate divisions as follows:

(1) Colt/gelding/ridgeling division; and

(2) Filly divisions.

Section 26. [~~Section 25.~~] (1) The purses for all races shall be distributed on the following percentage basis:

(a) 50-25-12-8-5: five (5) starters or more;

(b) 50-25-15-10: four (4) starters;

(c) 60-30-10: three (3) starters;

(d) 65-35; two (2) starters; and

(e) 100: one (1) starter.

(2) The percentage basis established by subsection (1) of this section shall apply at each of the Kentucky pari-mutuel tracks.

Section 27. [~~Section 26.~~] (1) If circumstances prevent the racing of an event, and the race is not drawn, all stake payments shall be refunded to the eligible horses for the uncontested event at the time the event is canceled.

(2) The eligible horses shall include only horses that made the three (3) payments required by Section 33 of this administrative regulation.

(3) The added monies provided by the Commonwealth of Kentucky shall be:

(a) Rolled over into the following year; and

(b) Distributed evenly between the races of each:

1. Age;
2. Sex; and
3. Gait.

(4)(a) If the race is drawn, the monies shall be equally divided among the horses entered to start; and

(b) The monies shall include:

1. Stake payments;
2. Declaration fees;
3. Purses provided by the Kentucky Standardbred Development Fund; and
4. Added monies provided by the Commonwealth of Kentucky.

Section 28. [~~Section 27.~~] Starters shall declare in at each track at the time specified and advertised by the association conducting the event.

Section 29. [~~Section 28.~~] (1) At the declaration a started shall:

(a) Show at least one (1) charted race line with no breaks within forty-five (45) days prior to the day of the race; and

(b) Have satisfied the following time requirements:

1. A two (2) year old trotter shall have been timed in 2:14 or faster;
2. A two (2) year old pacer shall have been timed in 2:12 or faster;
3. A three (3) year old trotter shall have been timed in 2:10 or faster; and
4. A three (3) year old pacer shall have been timed in 2:08 or faster.

(2) A horse shall be scratched from a race if the declarer has not advised the race secretary of a start that might be on the electronic eligibilities.

(3) The requirements of this subsection shall apply to wagering and nonwagering races.

Section 30. [~~Section 29.~~] (1) At a scheduled meeting of the commission, the commission:

(a) Shall establish the following year's distribution of funds for stake races; and

(b) Shall authorize expenditures at a time it designates.

(2) The racing dates for sires stakes shall be issued after the track's race dates are set.

Section 31. [~~Section 30.~~] The Kentucky Standardbred Development Fund shall provide a trophy for each event.

Section 32. [~~Section 31.~~] (1) After payment of the nomination fee, foals shall remain eligible for events each year by making the required sustaining and declaration payments for that year.

(2) The two (2) year old March 15 payment shall be made in order to remain eligible as a three (3) year old.

Section 33. [~~Section 32.~~] Nomination and sustaining payments shall be made to the Kentucky Standardbred Development Fund in U.S. funds.

Section 34. [~~Section 33.~~] (1) Yearlings shall be nominated by May 15 of their yearling year.

(2) Nomination fee shall be forty (40) dollars per yearling.

(3) A nomination shall be accompanied by a photocopy of the United States Trotting Association registration certificate.

(4)(a) If the May 15 deadline to nominate a yearling is missed, a late supplemental payment of $350 shall be required.

(b) The late supplemental payment shall be accepted if:

1. It is received by April 1 of the two (2) year old; and

2. The two (2) year old March 15th payment has been made.

(5) A fee shall be payable to the Kentucky Standardbred Development Fund in U.S. funds.

(6) Sustaining payments shall be as follows:

(a) TWO (2) YEAR OLD PAYMENTS	
March 15	$200
April 15	$200
May 15	$200
Declaration Fee	$500
March 15 payment shall be mandatory to make entry eligible as a three (3) year old.	

(b) THREE (3) YEAR OLD PAYMENTS	
February 15	$200
March 15	$200
April 15	$200
Declaration Fee (for each race)	$500

Section 35. [~~Section 34.~~] Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for Standardbred Stallion Certificate for Eligibility", 5/97;

(b) "Standardbred Stallion Certificate of Eligibility Renewal", 5/97; and

(c) "Authorized Agent" form, 5/97.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Racing Commission, 4063 Iron Works Pike, Building B, Lexington Kentucky 40511, Monday through Friday, 8 a.m. to 4:30 p.m.

C. FRANK SHOOP, Chairman

APPROVED BY AGENCY: February 10, 2003

FILED WITH LRC: February 13, 2003 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Monday, March 24, 2003, 10 a.m. at the office of the Kentucky Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by March 17, 2003, five work 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 be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Rena Elswick, Kentucky Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511, phone (859) 246-2040 Ext. 235, fax (859)246-2039.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Rena Elswick

(1) Provide a brief summary of:

(a) What the administrative regulation does: This administrative regulation establishes eligibility standards, mandatory criteria for races, administration of purses, and payment for these races.

(b) The necessity of the administrative regulation: This administrative regulation sets the guidelines for the individuals nominating their horses to the Kentucky Standardbred Development Fund/Kentucky Sires Stakes Program.

(c) How the administrative regulation conforms to the content of the authorizing statutes: Under KRS 230.770 the commission has the authority to promote races and provide purses for the races of horses sired by stallions standing within the Commonwealth of Kentucky.

(d) How the administrative regulation currently assists or will assist in the effective administration in the statutes: This administrative regulation provides all the information on how a horse can become eligible to the development fund, from the nomination of the stallion, nomination fees for the horse racing, how the races are to be conducted, to the purses paid.

(2) If this is an amendment of an existing administrative regulation, provide a brief narrative summary of:

(a) How the amendment will change the existing administrative regulation:

(b) The necessity of the amendment of the administrative regulation:

(c) How the amendment conforms to the content of the authorizing statutes:

(d) How the amendment will assist in the effective administration of the statutes:

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by the administrative regulation: The only entities affected are the individuals or farms that own stallions nominated to the Kentucky Standardbred Development Fund/KY Sires Stakes Program.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment. These proposed amendments will eliminate the possibilities of Kentucky sires having more than one offspring per mare in a calendar year. Effective with the foals of 2004 and thereafter, foals other than the first born to a mare (donor or recipient) in each calendar year produced by any method including, but not limited to embryo/ovum transplant (ET), shall not be eligible for racing in the Commonwealth of Kentucky.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There will be no cost to implement this administrative regulation.

(b) On a continuing basis: Same as initially.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Funding will not be needed for the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: An increase in fees or funding will not be needed to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation establishes fees for nominating to the Kentucky Standardbred Development Fund/KY Sires Stakes Program,

but the proposed amended changes will not affect the fees directly or indirectly.

(9) TIERING: Is tiering applied? Tiering was not applied. This proposed amendment will only allow the first born to a mare (donor or recipient) in each calendar year produced by any method including, but not limited to embryo/ovum transplant (ET) shall not be eligible for racing in Kentucky. This regulation will not apply to natural birth twins produced from the same pregnancy and foaling by the natural, nonrecipient mare.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Racing Commission
(Amendment)

811 KAR 1:225. Substance abuse by commission employees and licensees.

RELATES TO: KRS 230.215, 230.260(1), 230.290(2), (3), 230.310

STATUTORY AUTHORITY: KRS 230.215(2), 230.260(3), 230.290(2) 230.310, 230.320(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.290 provides that all licensees shall be subject to all administrative regulations promulgated by the commission. KRS 230.320 gives the commission the authority to promulgate administrative regulations that would result in disciplinary action being taken against a licensee. This administrative regulation prohibits licensees of the Kentucky Racing Commission from abusing alcohol or engaging in illegal drug use or activity while performing their duties, provides for drug and alcohol testing, and establishes consequences for violations of this administrative regulation.

Section 1. Definitions. (1) "Alcohol concentration" means either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(2) "Association" is defined by KRS 230.210(1).

(3) "Commission" is defined by KRS 230.210(2).

(4) "Crimes involving drugs and drug paraphernalia" means all activities made illegal under KRS Chapter 218A, other statutes or administrative regulations of this Commonwealth, and similar laws and regulations of other states and the United States, which include the use, possession, or trafficking in marijuana, cocaine, or any other controlled substances; possession or distribution of drug paraphernalia, or obtaining or using prescription drugs without a valid prescription.

(5) "Documentation" means proof of regular attendance at meetings, counseling sessions, clean drug test results (if suspended for a drug violation), and certification from the treatment program indicating full compliance with treatment and completion of the program.

(6) "Drug paraphernalia" means all equipment, products and material of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body an illegal drug in violation of any law or administrative regulation of this Commonwealth, any state, or the United States.

(7) "Licensee" means a person who:

(a) Has been duly issued a current and valid license to participate in horse racing in this Commonwealth;

(b) Is actively involved with the day to day activities associated with the training and handling of a horse; and

(c) Is not attending or participating in the sales of horses conducted on the premises of associations.

(8) "Under the influence of intoxicants" means a person's mental or physical abilities are impaired by the presence of alcohol or other drugs in his body to the degree that the person is not able to safely and properly perform his job functions.

Section 2. Prohibited Activities. A licensee shall not:

(1) Be under the influence of intoxicants while:

(a) Engaged in the activities for which the license is held; and

(b) On association grounds;

(2) Commit any crime involving drugs or drug paraphernalia;

(3) Fail to comply with substance abuse treatment imposed pursuant to an evaluation conducted under this administrative regulation;

(4) Tamper with a drug or alcohol test; or

(5) Refuse to submit to drug or alcohol testing upon request of the commission, a steward or judge or other authorized employee of the commission.

Section 3. Evidence of Violation. The following shall be presumptive evidence of a violation of this administrative regulation:

(1) A breath or blood test result revealing an alcohol concentration of 0.05 percent or more while:

(a) Engaged in the activities for which the license is held; and/or

(b) On association grounds;

(2) A positive result from a drug test for marijuana, cocaine, or other controlled substance for which the licensee does not have a current and valid prescription while; [~~or~~]

(a) Engaged in the activities for which the license is held; or

(b) On association grounds;

(3) A positive result from a prescribed medication in which the individual has a valid prescription, but said prescription indicates taking said medication may impair vision, cause drowsiness, indicates using care when operating a car or machinery, or impair the ability to perform normal daily functions while:

(a) Engaged in the activities for which the license is held; or

(b) On association grounds;

(4) A positive result indicating more than one (1) prescribed medication in which the individual has valid prescriptions, but which the prescription directions advise against taking more than one (1) prescribed medication at a time while:

(a) Engaged in the activities for which the license is held; or

(b) On association grounds;

(5) A positive result that exceeds the allowable limit prescribed on the medication label while:

(a) Engaged in the activities for which the license is held; or

(b) On association grounds;

(6) [~~(3)~~] A conviction in any court of law for a drug related offense.

Section 4. Discipline. (1) First offense.

(a) For a first time violation of this administrative regulation, the offender's license shall be suspended.

(b) The offender shall be required to undergo an evaluation by a professional in the field of addictive or substance abuse disorders approved by the commission.

(c) If the evaluator determines the existence of a substance abuse problem, the offender shall be required to comply with the recommended course of treatment.

(d) Upon the expiration of seven (7) calendar days from the date of the suspension, the offender may request to be reinstated by the commission stewards.

(e) For a first time violation of this administrative regulation for an alcohol infraction or crime involving drugs and drug paraphernalia, the stewards shall have the discretion to impose a lesser penalty and may excuse the offense for counting purposes under this administrative regulation.

(2) Second offense.

(a) For a second violation of this administrative regulation within a three (3) year period, the offender's license shall be suspended.

(b) The offender shall be required to enroll in and complete a substance abuse program approved by the commission.

(c) Upon the expiration of sixty (60) calendar days from the date of the suspension, the offender may request to be reinstated by the commission stewards/judges.

(3) Third offense. A third violation of this administrative regulation within a three (3) year period shall result in the revocation of the offender's license.

(4) Zero tolerance offense. Conviction in any court of law of a drug trafficking offense shall result in revocation of the offender's license even if it is a first offense under this administrative regulation.

(5) Preexisting offenses. A previous violation of 811 KAR 1:225, Section 3[~~(9) or (19)~~], relating specifically to intoxication or drug addiction shall be counted as a previous offense under this section.

(6) Fines. Any offender under this administrative regulation may also be fined not less than fifty (50) dollars nor more than $1,000, at the discretion of the commission or stewards, in addition to any suspension imposed.

(7) In determining the three (3) year period under this administrative regulation, the period shall be measured from the date on which the violation occurred. If the violation is a failure to complete recommended treatment, the violation date shall be calculated from the date of the first missed meeting, or session.

Section 5. Reinstatement after Suspension. (1) To be reinstated after the first offense the offender shall submit:

(a) Documentation of the completed evaluation;

(b) The recommendation of the evaluator in writing; and

(c) If treatment is recommended, evidence of compliance with the imposed course of treatment.

(2) After second offense. To be reinstated the offender shall submit documentation of compliance with the imposed course of treatment.

(3) Continuing compliance with treatment.

(a) If an offender is reinstated before the completion of the imposed course of treatment, continuing compliance with treatment shall be required.

(b) Documentation of continued compliance and final completion of treatment shall be provided upon request to the stewards or other employee authorized by the commission.

(c) Failure to comply with and complete the imposed course of treatment after reinstatement shall be deemed an additional violation.

Section 6. In deciding when drug tests should be administered the stewards/judges may require:

(1) All licensees be tested on a particular day;

(2) Licensees on a particular day be tested totally at random; or

(3) Those licensees that the stewards or judges have a reasonable suspicion may be under the influence of intoxicants submit to drug and alcohol testing.

(4) When determining whether there is reasonable suspicion to require testing, the stewards or judges may consider any of the following factors:

(a) Unexplained or continued violations of the statutes or administrative regulations which have a detrimental effect on racing;

(b) Involvement in any accident which causes injury to person or animal at the track as well as any near accident which created a clear danger of accident or injury to person or animal at the track;

(c) Willful conduct detrimental to horse racing as evidenced by continued violations of the statutes or administrative regulations, other disciplinary problems, behavioral problems, disturbances, or other similar conduct at the track;

(d) Observable physical or emotional impairment at the track;

(e) Involvement in a race of questionable outcome or circumstance as determined by the stewards or judges in the exercise of their expertise;

(f) Willful abuse of animal or person who is engaged in a race, work, or exercise at the track;

(g) Prior positive drug or alcohol test or tests in this or other jurisdictions, excluding those where a valid legal prescription has been revealed;

(h) Performance of prescribed duties in a manner which indicates a best effort to win is not present a the track;

(i) Information supplied by:

1. A law enforcement agency;
2. The United States Trotting Association;
3. The Kentucky Horsemen's Association;
4. The Standardbred Investigative Services;
5. The Association or Racing Commissioners International; or
6. The racing commission of any state or country;

(j) Any other physical conduct at the track which can be documented which would indicate reasonable grounds to believe the existence of, dependence on, possession of, or usage of:

1. A controlled substance; or
2. An alcohol violation;

(k) Refusal to provide a urine or blood sample when requested to do so within this administrative regulation; or

(l) Recent arrest or pending criminal charges regarding the sale, possession, manufacture, cultivation, or use of illegal drugs.

Section 7. Payment for Expenses Related to this Administrative Regulation. Licensees shall be responsible for all or part of the expenses associated with violating this administrative regulation, including the cost of treatment and reinstatement of the license. The responsibility for payment of expenses shall be as follows:

(1) For a first offense, the offender's responsibility for costs shall be at the discretion of the stewards or judges or other authorized commission employee.

(2) For a second offense, the offender shall bear all costs.

(3) For a drug or alcohol test initiated by the commission to determine if a violation has occurred, the commission shall bear the cost unless the test reveals a violation. If the test reveals a violation, subsections (1) and (2) of this section shall apply.

(4) Failure to pay any costs imposed shall be grounds for denial of reinstatement.

Section 8. Administration of Administrative Regulation. The commission shall employ a competent individual to oversee and assist in the administration of this administrative regulation. The stewards and judges of the commission shall enforce this administrative regulation under the direction of the commission and its authorized employee.

C. FRANK SHOOP, Chairman

APPROVED BY AGENCY: February 10, 2003

FILED WITH LRC: February 13, 2003 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Monday, March 24, 2003, 10 a.m. at the office of the Kentucky Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by March 17, 2003, five work 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 be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Rena Elswick, Kentucky Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511, phone (859) 246-2040, Ext. 235, fax (859) 246-2039.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Rena Elswick

(1) Provide a brief summary of:

(a) What the administrative regulation does: This administrative regulation prohibits licensees of the Kentucky Racing Commission from abusing alcohol or engaging in illegal drug use or activity while performing their duties, provides for drug and alcohol testing, and establishes consequences for violations of this administrative regulation.

(b) The necessity of the administrative regulation: This administrative regulation provides for safer racing by making all involved administer to drug and alcohol testing.

(c) How the administrative regulation conforms to the content of the authorizing statutes: KRS 230.290 provides that all licensees shall be subject to all administrative regulations promulgated by the commission. KRS 230.320 gives the commission the authority to promulgate administrative regulations that would result in disciplinary action being taken against a licensee.

(d) How the administrative regulation currently assists or will assist in the effective administration in the statutes: This regulation provides guidelines for which the judges/stewards can better enforce

problems dealing with substance abuse at standardbred tracks in Kentucky.

(2) If this is an amendment of an existing administrative regulation, provide a brief narrative summary of:

(a) How the amendment will change the existing administrative regulation: The proposed amendment will upgrade the administrative regulation to help deal with problems encountered recently at the standardbred tracks by adding language that deals with licensees and employees that have a positive drug test resulting from:

1. A prescribed medication in which the individual has a valid prescription, but said prescription indicates taking said medication may impair vision, cause drowsiness, indicates using care when operating a car or machinery, or impair the ability to perform normal daily functions;

2. More than 1 prescribed medication in which the individual has valid prescription, but which the prescription directions advise against taking more than 1 prescribed medication at a time; and

3. Exceeding the allowable limit prescribed on the medication label.

(b) The necessity of the amendment of the administrative regulation: These proposed changes will more clearly define the guidelines of substance abuse for the stewards/judges at the standardbred tracks in Kentucky.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 230.290 gives the commission full authority to promulgate administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: These changes will give the judges/stewards more defined guidelines for drug testing and for disciplinary measures.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by the administrative regulation: All individuals licensed by the Kentucky Racing Commission, except those participating in horse sales held at the race track, will be affected. Approximately 6,000 standardbred licenses are issued each year.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment. All employees and licensees will be affected by these changes. It will prohibit licensees from abusing alcohol or engaging in illegal drug use or activity, to provide for drug and alcohol testing, and to establish consequences for violations of this regulation.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There will be no cost to implement this administrative regulation.

On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Funding will not be needed to implement and enforce this administration regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: There will be no increase in fees or funding to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees and does not directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering was not applied. The proposed amendment will upgrade the administrative regulation to help deal with problems encountered recently at the standardbred tracks by adding language that deals with licensees and employees that have a positive drug test resulting from: (1) a prescribed medication in which the individual has a valid prescription, but said prescription indicates taking said medication may impair vision, cause drowsiness, indicates using care when operating a car or machinery, or impair the ability to perform normal daily functions; (2) more than one prescribed medication in which the individual has valid prescription, but which the prescription directions advise against taking more than one prescribed medication at a time; and (3) exceeding the allowable limit prescribed on the medication label.

CABINET FOR HEALTH SERVICES
Department for Health Services
(Amendment)

902 KAR 17:041. State Health Plan for facilities and services.

RELATES TO: KRS 216B.010 to 216B.130

STATUTORY AUTHORITY: KRS 194A.030, 194A.050(1), 216B.010, 216B.015(19), 216B.040(2)(a)2a

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216B.015(19) requires the Cabinet for Health Services to oversee development and annual updating of the State Health Plan. The State Health Plan is a critical element of the certificate of need process for which the cabinet is given responsibility in KRS Chapter 216B. This administrative regulation establishes the State Health Plan for facilities and services.

Section 1. The 2003 [~~2000~~] update to the 2001-2003 [~~1998-2000~~] State Health Plan shall be used to:

(1) Review a certificate of need application pursuant to KRS 216B.040; and

(2) Determine whether a substantial change to a health service has occurred pursuant to KRS 216B.015(20)(a) and 216B.061(1)(d).

Section 2. Updating of Inventories and Need Analysis. (1) The cabinet shall update the inventory of licensed or certificate of need approved health services and health facilities and the need analysis established in the State Health Plan on a periodic basis to reflect any changes in inventory or need projections for health services and health facilities. The most current update shall be used in making certificate of need decisions.

(2) Notice of an update shall be published in the cabinet's certificate of need newsletter.

Section 3. Incorporation by Reference. (1) The 2003 [~~2000~~] update to the 2001-2003 [~~1998-2000~~] State Health Plan, as amended October 5, 2000 and February 14, 2003 [~~November 14, 2000~~], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Cabinet for Health Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.

NICHOLAS Z. KAFOGLIS, M.D., Chairman
RICE C. LEACH, M.D., Commissioner
MARCIA R. MORGAN, Secretary

APPROVED BY AGENCY: February 14, 2003

FILED WITH LRC: February 14, 2003 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation will be held March 21, 2003, at 9 a.m., in the Cabinet for Health Services Auditorium, 1st floor, Health Services Building, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending shall notify this agency in writing by March 14, 2003. If no notice of intent to attend the hearing is received by that date the hearing may be canceled. The hearing is open to the public. Any person who attends will be given the opportunity to comment on the proposed administrative regulation. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notice of intent to attend the public hearing or written comments to: Jill Brown, Cabinet Regulation Coordinator, Office of the General Counsel, Cabinet for Health Services, 275 East Main Street - 5-W-B, Frankfort, Kentucky 40621, phone (502) 564-7905, fax (502) 564-7573.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Charles Kendell, (502) 564-9592

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation allows the cabinet to develop and annually update the State Health Plan, a critical element of the Certificate of Need process.

(b) The necessity of this administrative regulation: KRS 216B.015(18) requires the Cabinet for Health Services to oversee

the development and annual updating of the State Health Plan.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 216B.015(18) requires the State Health plan to be updated annually. This amendment is the prescribed update.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This amendment keeps the State Health Plan in a current version without lapse thus preventing the CON program from having no means by which to review health care projects. Health facilities would be allowed to add services without state review.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: Provides for the current year updating of the state health plan.

(b) The necessity of the amendment to this administrative regulation: without this amendment the plan is out of date and out of enforcement.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment carries out the intent and provisions of the authorizing statutes.

(d) How the amendment will assist in the effective administration of the statutes: Without the amendment the statutes cannot be enforced.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Health care providers governed by the Certificate of Need law, citizens who use health care in Kentucky, health planners in the Certificate of Need program, local communities that plan for, use or develop community health care facilities.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: These groups will be impacted by the changes in need methodology for long term care, access to health care due to provisions for utilization thresholds for open-heart surgery, and cardiac catheterization services, and access to diagnostic services through changes in magnetic resonance imaging criteria.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: None

(b) On a continuing basis: None

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: None

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: None

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: None

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

CABINET FOR HEALTH SERVICES
Department for Medicaid Services
Division of Medicaid Services for Maternal and Children's Health
(Amendment)

907 KAR 1:715. School-based health services.

RELATES TO: KRS 156.070, 205.520, 605.115, 20 USC 33

STATUTORY AUTHORITY: KRS 194A.050(1), 205.520(3), ~~[194.050,]~~ 205.560, 605.115~~[, EO 96-862]~~

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health Services, Department for Medicaid Services has responsibility to administer the Medicaid Program ~~[of Medicaid]~~. ~~[Executive Order 96-862, effective July 2, 1996, reorganized the Cabinet for Human Resources and placed the Department for Medicaid Services and the Medicaid Program under the Cabinet for Health Services.]~~ KRS 205.520(3) authorizes ~~[empowers]~~ the cabinet, by administrative regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of Medicaid services to Kentucky's indigent citizenry. This administrative regulation establishes ~~[sets forth]~~ the provisions relating to school-based health services (SBHS) for which payment shall be made by the Medicaid Program on behalf of Medicaid recipients who are eligible for school-based health services under the Individuals with Disabilities Education Act (20 USC 33).

Section 1. Definitions. (1) "Admissions and release committee" or "ARC" means a group of individuals required by 707 KAR Chapter 1 and 34 CFR 300.344 who are responsible for developing, reviewing, and, as necessary, revising the individualized education program for a child with a disability.

(2) "Assistive technology device" means an item, piece of equipment, or product system that is:

(a) Needed to increase, maintain, or improve the functional capabilities of a child with a disability; and

(b) Medically necessary to implement the health services in the child's individualized education program.

(3) "Collateral services" means instruction and consultation to a child, the child's family, teacher, or another service provider which is necessary to communicate and enhance the effectiveness of the child's treatment and management programs.

(4) "IDEA" means the Individuals with Disabilities Education Act, 20 USC Chapter 33.

(5) "Incidental interpreter services" means those interpreter services that are necessary to allow the child to benefit from other covered school-based health services.

(6) "Individualized Education Program" or "IEP" means a written plan for a child with a disability that is developed, reviewed and revised in accordance with 707 KAR 1:320.

(7) "Recipient" means a Medicaid-eligible child under the age of twenty-one (21), including the entire month in which the child becomes twenty-one (21).

(8) "School-based health services" or "SBHS" means medically-necessary health services provided for in 907 KAR 1:034 and as specified in an individualized education program for a child determined to be eligible under the provisions of the Individuals with Disabilities Education Act, 20 USC Chapter 33, and 707 KAR Chapter 1.

Section 2. Provider Requirements. (1) A school district that requests to participate as a school-based health care provider shall be certified by the Department of Education.

(2) The Department of Education may grant certification to a district that agrees to:

(a) Provide services as required by IDEA, 20 USC 33, and as specified in an approved individualized education program developed by an ARC that includes a multidisciplinary team of professionals acting within their scope of practice;

(b) Comply with the requirements for provision of services required by IDEA as outlined in 707 KAR 1:320;

(c) Employ or contract with health care professionals who meet the qualifications specified in Section 4 of this administrative regulation;

(d) Provide the Department of Education with a proposed quality assurance outline;

(e) Maintain and submit to the Department of Education all required records and reports to ensure compliance with 20 USC 33; and

(f) Provide the Department of Education with a list of school-based health services that the school district provides. This list shall contain the following information for employees and contractors providing the services:

1. Name;
2. Credentials;
3. Salary;
4. Fringe benefit percentages; and
5. Contract amounts.

(3) The Department for Medicaid services may grant Medicaid enrollment to a provider who:

(a) Meets the criteria in subsection (2) of this section; and

(b) Is recommended by the Department of Education for certification and enrollment in the Kentucky Medicaid Program as a provider of school-based health services.

(4) A Medicaid school-based provider shall:

(a) Submit to an annual review by the Department of Education to ensure compliance with the standards for continued participation as a Medicaid provider;

(b) Have an on-site survey completed by the Department of Education as necessary to determine compliance with the Medicaid Program;

(c) Take action as specified by the Department of Education to correct a deficiency if found to be in noncompliance with the provision of services outlined in 707 KAR 1:320 or this administrative regulation;

(d) Agree to implement a quality assurance program approved by the Department of Education for the provision of Medicaid-covered services within one (1) year from the date the Department of Education recommends enrollment to the Medicaid Program;

(e) Maintain a current list of school-based health services that the school district provides. The list shall contain the information listed in subsection (2)(f) of this section for an employee or contractor providing the services; and

(f) Maintain records on each Medicaid-eligible recipient who receives services reimbursed by Medicaid. These records shall:

1. Identify the child, services performed, and quantity or units of service;

2. Be signed and dated by the professional who provided or supervised the service;

3. Be legible with statements written in an objective manner;

4. Indicate progress being made, any change in treatment, and response to the treatment; and

5. Be maintained for a minimum of five (5) years plus any additional time that may be necessary.

Section 3. Covered Services. (1) A school-based health service that is included in an authorized IEP and provided in accordance with this administrative regulation shall be considered medically necessary and shall not be subject to additional Medicaid prior-authorization requirements.

(2) The following services shall be covered if provided to address a medical or mental disability and assist the individual in benefiting from special education programming which is included, authorized, and provided in accordance with the individualized education program:

(a) Nursing;

(b) Audiology;

(c) Speech and language;

(d) Occupational therapy;

(e) Physical therapy;

(f) Mental health;

(g) Incidental interpreter services provided in conjunction with another covered service;

(h) Orientation and mobility services;

(i) Respiratory therapy;

(j) Assistive technology devices and appropriate related evaluations provided that the devices purchased by the Medicaid Program become the property of the recipient; and

(k) Transportation with the following limitations:

1. A transportation service shall be limited to transporting a recipient to receive a Medicaid-covered service at:

a. A site other than the school building in which the child is enrolled for general education purposes; or

b. The child's home if the child is a home-bound student and receives general education services at home;

2. A transportation service shall be provided using a type of vehicle which:

a. Meets the specifications established by KRS 156.153, 702 KAR 5:060, and 702 KAR 5:130; and

b. Is appropriate for the child's disability; and

3. A transportation service shall not be covered for transportation:

a. To and from home and the school; or

b. Provided by a member of the recipient's household if that person is not an employee of the school district.

(3) A covered service:

(a) Shall not be limited by site of service;

(b) May be provided in:

1. A group of no more than six (6); or

2. In a one-on-one situation; and

(c) May include assessment, evaluation, treatment, and collateral components.

(4) An assessment or evaluation conducted prior to the establishment of an individualized education program shall be covered if the individualized education program is subsequently developed and implemented.

Section 4. Staffing Requirements. School-based health services shall be reimbursable if provided by a professional acting within his scope of practice as defined by state law and as follows:

(1) A nursing service shall be provided by:

(a) An advanced registered nurse practitioner with a current license from the Kentucky Board of Nursing;

(b) A registered nurse with a current license from the Kentucky Board of Nursing;

(c) A licensed practical nurse with a current license issued by the Kentucky Board of Nursing, under appropriate supervision and delegated authority; or

(d) A health aide if:

1. The aide is under the supervision of a specific registered nurse or advanced registered nurse practitioner;

2. The supervising registered nurse or advanced registered nurse practitioner has trained the aide for the specific nursing service for the specific recipient; and

3. The supervising registered nurse or advanced registered nurse practitioner has verified in writing that the aide has appropriate training and skills to perform the specific service in a safe, effective manner;

(2) Audiology services shall be provided by an audiologist with a current license from the Kentucky Board of Speech Language Pathology and Audiology;

(3) Speech and language services shall be provided by:

(a) A speech pathologist with:

1. A current license from the Kentucky Board of Speech Language Pathology and Audiology; or

2. A masters-level certification issued by the Kentucky Education Professional Standards Board; or

(b) A speech-language pathology assistant who:

1. Has:

a. A current license from the Kentucky Board of Speech and Language Pathology and Audiology; or

b. A baccalaureate-level certification issued by the Kentucky Educational Professional Standards Board; and

2. Is under the supervision of a licensed or certified masters-level speech language pathologist in accordance with KRS 334A.080 and 161.053;

(4) Occupational therapy services shall be provided by:

(a) An occupational therapist with a current license from the Kentucky Occupational Therapy Board;

(b) An occupational therapy assistant who is:

1. Licensed by the Kentucky Occupational Therapy Board to assist in the practice of occupational therapy; and

2. Under the supervision of an occupational therapist; or

(c) An unlicensed occupational therapy aide who:

1. Provides supportive services to occupational therapists and occupational therapy assistants; and

2. Is under the direct supervision of a licensed occupational therapist;

(5) Physical therapy services shall be provided by:

(a) A physical therapist with a current license from the Kentucky Board of Physical Therapy;

(b) A physical therapist assistant with a current license from the Kentucky Board of Physical Therapy under the supervision of a licensed physical therapist;

(c) A physical therapist with a temporary permit issued by the

Kentucky Board of Physical Therapy under the supervision of a licensed physical therapist;

(d) A student of physical therapy under the supervision of a licensed physical therapist; or

(e) A physical therapy aide under the direct on-site supervision of a:

1. Licensed physical therapist; or

2. Licensed physical therapist assistant in accordance with the provisions of 201 KAR 22:053, Section 5;

(6) Mental health services shall be provided by:

(a) An individual currently licensed by the Kentucky Board of Examiners of Psychology in accordance with KRS Chapter 319 as a:

1. Licensed psychologist;

2. Licensed psychological practitioner;

3. Certified psychologist with autonomous functioning;

4. Certified psychologist; or

5. Licensed psychological associate;

(b) A school psychologist currently certified by the Kentucky Education Professional Standards Board;

(c) A school social worker currently certified by Kentucky Education Professional Standards Board;

(d) A licensed clinical social worker currently licensed by the Kentucky Board of Social Work;

(e) A licensed social worker currently licensed by the Kentucky Board of Social Work;

(f) A certified social worker currently licensed by the Kentucky Board of Social Work;

(g) A guidance counselor currently certified by the Kentucky Education Professional Standards Board;

(h) A psychometrist currently certified by the Kentucky Education Professional Standards Board; or

(i) An advanced registered nurse practitioner who has a specialty area in accordance with the American Nurses' Association Statement on Psychiatric Mental Health Clinical Nursing Practice and Standards of Psychiatric Mental Health Clinical Nursing Practice in accordance with 201 KAR 20:057;

(7) Incidental interpreter services shall be provided in accordance with the following:

(a) Effective July 1, 2003, interpreters shall be licensed by the Kentucky Board of Interpreters for the Deaf and Hard of Hearing as required by KRS 309.300 to 309.319;

(b) Minimum qualifications after 1996 and before July 1, 2003 shall be as follows:

1. Sign language interpreters shall:

a. Be certified by the Registry of Interpreters for the Deaf or other national certifying body; or

b. Hold the intermediate level of the Kentucky Interpreting Skills Screening;

2. Cued speech interpreters shall demonstrate ability to perform at Level 2 of the National Cued Speech Association's certification examination; and

3. Oral interpreters shall be certified by the Registry of Interpreters for the Deaf;

(8) Orientation and mobility services shall be provided by an orientation and mobility specialist certified by the:

(a) Academy for Certification of Vision Rehabilitation and Education Professionals (ACVREP); or

(b) National Blindness Professional Certification Board (NBPCB); and

(9) Respiratory therapy services shall be provided by a practitioner certified by the Kentucky Board of Respiratory Care as required by KRS 314A.

Section 5. Reimbursement. (1) Reimbursement for SBHS shall be provided in accordance with 907 KAR 1:035, Section 6.

(2) School-based health services providers shall certify expenditure of state or local funds to provide covered school-based health services to Medicaid-eligible children as specified in 702 KAR 3:285.

~~["Assistive technology device" means any item, piece of equipment, or product system that is needed to increase, maintain, or improve the functional capabilities of a child with a disability and which is medically necessary to implement the individual education program.~~

~~(2) "Incidental interpreter services" means those interpreter services which are necessary in order to allow the child to benefit from other covered school-based health services.~~

~~(3) "Recipient" means a Medicaid eligible child under the age of twenty-one (21), and may include the month in which the child becomes twenty-one (21).~~

~~(4) "School-based health services" (SBHS) means those services which are evaluative, diagnostic, preventive, rehabilitative, and treatment services provided to eligible recipients under age twenty-one (21) to provide the maximum reduction of physical or mental disability, to allow for functioning of the recipient to his best possible level, to prevent loss of current functional level, or to correct any defects or conditions. For purposes of coverage as provided for in 907 KAR 1:034, SBHS includes only those services identified as necessary within an individual education program for persons determined to be eligible under the provisions of the Individuals with Disabilities Education Act (IDEA), 20 USC Chapter 33, and 707 KAR Chapter 1.~~

~~Section 2. Participation Requirements. (1) School districts that request to participate as a school-based health care provider shall be required to comply with the following and submit to an annual review by the Department of Education for compliance with the standards for Medicaid certification as a participating Medicaid provider:~~

~~(a) Agree to provide school-based health services as required by IDEA, 20 USC 33, and as authorized in an approved individual education program by a multidisciplinary team of professionals acting within their scope of practice;~~

~~(b) Submit to or have completed an on-site survey by the Department of Education within seven (7) years from the date of enrollment in the Medicaid Program; and~~

~~1. Have been found to be in compliance with the requirements for provision of services required by the IDEA; or~~

~~2. If found to be in noncompliance, is taking action considered appropriate by the Department of Education to correct deficiencies;~~

~~(c) Employ or contract with health care professionals who meet the qualifications specified in Section 4 of this administrative regulation for the provision of Medicaid covered services;~~

~~(d) Provide to the Department of Education a proposed quality assurance outline;~~

~~(e) Agree to develop and implement, within one (1) year from the date of the recommendation for certification to the Department for Medicaid Services by the Department of Education, a quality assurance program for the provision of Medicaid covered services which has been approved by the Department of Education;~~

~~(f) Agree to maintain and submit to the Department of Education all required records and reports to ensure compliance with 20 USC 33; and~~

~~(g) Provide the Department of Education with a list of school-based health services that the school district requests to provide. The list shall include the names, credentials, salaries, fringe benefit percentages, and contract amounts of those employees and contractors.~~

~~(2) The Department for Medicaid Services may grant Medicaid certification to those providers who meet the criteria in subsection (1) of this section and are recommended by the Department of Education for certification and enrollment in the Kentucky Medicaid Program as a provider of school-based health services.~~

~~Section 3. Services. (1) Except as otherwise limited in this section and Sections 4, 5, and 6 of this administrative regulation, the following services shall be covered if provided to address a medical or mental disability and assist the individual in benefiting from special education programming which is included, authorized, and provided in accordance with the Individual Education Program:~~

~~(a) Nursing services;~~

~~(b) Audiology services;~~

~~(c) Speech and language services;~~

~~(d) Occupational therapy services;~~

~~(e) Physical therapy services;~~

~~(f) Mental health services;~~

~~(g) Incidental interpreter services provided in conjunction with another covered service;~~

~~(h) Assistive technology devices and appropriate related evaluations;~~

(i) Transportation; and
(j) Orientation and mobility service.
(2) If appropriate, services listed in subsection (1) of this section:
(a) Shall not be limited by site of service;
(b) May be provided in a group or one-on-one situation; and
(c) May include assessment, evaluation, treatment, and collateral components.
(3) Assessments and evaluations conducted prior to the establishment of the individual education program shall be covered if an individual education program is subsequently authorized and implemented.

Section 4. Staffing Requirements. School-based health services shall be reimbursable only if provided by professionals acting within their scope of practice as defined by state law as follows:
(1) Nursing services may be provided by:
(a) An advanced registered nurse practitioner with current license from the Kentucky Board of Nursing;
(b) A registered nurse with current license from the Kentucky Board of Nursing;
(c) A licensed practical nurse with appropriate supervision and delegated authority; and
(d) A health aide if he:
1. Is under the supervision of a specific registered nurse or advanced registered nurse practitioner;
2. Is trained by the supervising nurse for the specific nursing service for the specific recipient; and
3. Is approved in writing by the supervising registered nurse to possess adequate training and skills to perform the specific service in a safe, effective manner.
(2) Audiology services shall be provided by an audiologist with a current license from the Kentucky Board of Speech-Language Pathology and Audiology.
(3) Speech and language services shall be provided by:
(a) A speech pathologist with:
1. A current license from the Kentucky Board of Speech-Language Pathology and Audiology; or
2. A masters degree in the area of speech-language pathology or a substantive equivalent and currently certified by the Kentucky Education Professional Standards Board (KEPSB); and
(b) A speech-language pathology assistant with a current license from the Kentucky Board of Speech-Language Pathology and Audiology and under the supervision of a licensed or certified masters-level speech-language pathologist in accordance with KRS 334A.080.
(4) Occupational therapy services may be provided by:
(a) An occupational therapist with a current license from the Kentucky Occupational Therapy Board;
(b) An occupational therapy assistant licensed to assist under the supervision of an occupational therapist; and
(c) An unlicensed occupational therapy aide who assists in the practice of occupational therapy under the direct supervision of the licensed occupational therapist or occupational therapist assistant and has an understanding of occupational therapy in accordance with KRS 319A.010(5).
(5) Physical therapy services may be provided by:
(a) A physical therapist with a current license from the Kentucky Board of Physical Therapy;
(b) A physical therapist assistant with a current license, physical therapist with a temporary permit, and a student of physical therapy who are under the supervision of a licensed physical therapist; and
(c) A physical therapy aide under the direct on-site supervision of the licensed physical therapist or licensed physical therapist assistant in accordance with the provisions of 201 KAR 22:053, Section 5.
(6) Mental health services may be provided by:
(a) A licensed clinical psychologist;
(b) A licensed counseling psychologist;
(c) A licensed school psychologist;
(d) A school psychologist with a doctoral or master's degree and certified by the KEPSB;
(e) A certified psychologist with autonomous functioning;
(f) A certified psychologist or psychological associate with a master's degree under the supervision of the licensed psychologist in accordance with KRS Chapter 319;
(g) A social worker with a master's in social work and certified by KEPSB or a bachelor's degree in social work and two (2) years experience in individual counseling with adolescents in social service delivery;
(h) A licensed clinical social worker;
(i) A guidance counselor certified by the KEPSB;
(j) A psychometrist certified by the KEPSB; and
(k) An advanced registered nurse practitioner (clinical specialist).
(7) Incidental interpreter services shall be provided in accordance with the following:
(a) Minimum qualifications during 1995 and 1996 shall be as follows:
1. Sign language interpreters shall be certified by the Registry of Interpreters for the Deaf or other national certifying body or shall hold the beginning level of the Kentucky Interpreting Skills Screening.
2. Cued speech interpreters shall demonstrate ability to perform at Level 1 of the National Cued Speech Association's certification examination.
3. Oral interpreters shall be certified by the Registry of Interpreters for the Deaf.
(b) Minimum qualifications after 1996 shall be as follows:
1. Sign language interpreters shall be certified by the Registry of Interpreters for the Deaf or other national certifying body or shall hold the intermediate level of the Kentucky Interpreting Skills Screening.
2. Cued speech interpreters shall demonstrate ability to perform at Level 2 of the National Cued Speech Association's certification examination.
3. Oral interpreters shall be certified by the Registry of Interpreters for the Deaf.
(8) Orientation and mobility services shall be provided by an orientation and mobility specialist certified by the Association of Education and Rehabilitation for the Blind and Visually Impaired (AER).

Section 5. Limitations on Transportation Services. (1) Transportation services include transporting the recipient to a site which is other than the school building in which he is enrolled for general education purposes or to the service site if the child is a home-bound student and receives general education services at home.
(2) Transportation to and from home to the school shall not be a covered service under school-based health services.
(3) Transportation services shall be covered if provided using the type of vehicle which meets the specifications established by KRS 156.153, 702 KAR 5:060, and 702 KAR 5:130, and is appropriate for the disability.
(4) Transportation shall not be covered if provided by a member of the recipient's household if that person is not an employee of the school district.

Section 6. Special Requirements for Assistive Technology Devices. The item or device shall become the property of the recipient if purchased by the Medicaid Program.

Section 7. Material Incorporated by Reference. (1) The School-based Health Services Manual, dated December 1996, shall be incorporated by reference in this administrative regulation.
(2) The manual shall be on file in the Office of the Commissioner, Department for Medicaid Services, Cabinet for Health Services, 275 East Main Street, Third Floor East, Frankfort, Kentucky 40621.
(3) The manual shall be available for review during the normal business week, Monday through Friday, 8 a.m. through 4:30 p.m. (eastern standard time), excluding state holidays.
(4) Each participating provider shall be provided one (1) copy of the manual and appropriate manual updates following their incorporation by reference. Additional copies may be obtained from the Department for Medicaid Services upon payment of an appropriate fee which approximates cost in accordance with KRS 61.872.

Section 8. Implementation Date. In accordance with the provi-

~~sions of KRS 605.115, this administrative regulation shall be applicable for services provided on and after January 1, 1995.~~]

MIKE ROBINSON, Commissioner
MARCIA R. MORGAN, Secretary
APPROVED BY AGENCY: January 23, 2003
FILED WITH LRC: January 29, 2003 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 21, 2003 at 9 a.m. Eastern Standard Time in the Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by March 14, 2003, five workdays 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. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Jill Brown, Cabinet Regulation Coordinator, Cabinet for Health Services, Office of the Counsel, 275 East Main Street - 5W-B, Frankfort, Kentucky 40621, phone (502) 564-7905, fax (502) 564-7573.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stuart Owen or Teresa Goodrich (564-6204)

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes criteria for providing school-based health services.

(b) The necessity of this administrative regulation: This administrative regulation enables the Department for Medicaid Services to implement school-based health services for Medicaid-eligible children.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS194.050(1), 205.520(3), 205.560, and 605.115 authorize the Department for Medicaid Services to implement school-based health services for Medicaid-eligible children.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation ensures that the Department for Medicaid Services provides school-based health services to Medicaid-eligible children.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment ensures that covered services are provided by appropriate personnel and designates respiratory therapy as a covered service.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to ensure providers of School-based Health Services have been certified by authorized agencies to provide services to eligible Medicaid children in a school-based setting. In addition, this amendment designates respiratory therapy as a specific covered service. This designation ensures those services are provided by appropriately trained personnel.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to KRS 194.050(1), 205.520(3), 205.560, and 605.115 by authorizing local school districts to provide school-based health services to Medicaid-eligible children.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in the effective administration of KRS 194.050, 205.520(3), 205.560, and 605.115 by allowing designated providers to perform school-based health services for Medicaid-eligible children.

(3) List the type and number of individuals, businesses, organizations, or state and local government affected by this administrative regulation: Approximately 96 school districts and 10,300 school-aged children who are Medicaid recipients will be affected by the amendments to this administrative regulation.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: This amendment will impact the practitioners who are providing services in a school-based setting by ensuring that all practitioners provide services within their scope of practice as defined by state law. The designation of respiratory therapy as a covered service will ensure the proper delivery of those services. Recipients will receive covered services by qualified practitioners.

(5) Provide an estimate of how much it will cost to implement this administrative regulation: School-based health services are provided to Medicaid-eligible recipients under a contract with the Kentucky Department of Education (KDE) under a Memorandum of Understanding (MS 02-03-6399). Under the terms of this agreement, KDE will provide the state match to DMS for submitted and reimbursed claims. The terms of this agreement also make this program operational contingent upon funding being available. So, even though this regulation is an expansion of services for this program, there will be no impact on the DMS budget as a result of these changes.

(a) Initially: $0

(b) On a continuing basis: $0

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The sources of revenue to be used for implementing and enforcing this administrative regulation will be federal funds authorized under Title XIX of the Social Security Act, and state revenues provided by the Department for Education.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement the amendment to this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The amendment to this administrative regulation does not establish fees or increase any fees.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

CABINET FOR FAMILIES AND CHILDREN
Department for Community Based Services
Division of Policy Development
(Amendment)

921 KAR 3:025. Technical requirements.

RELATES TO: KRS 205.2005, 7 CFR Parts 273.4, 5, 7, [~~273.5, 273.7,~~] 7 USC 2015(e), (o), 8 USC 1182(6)(A)(ii)(II), 1612(a), (b), 1613(b), 1622(b), 1641(b), PL 107-171

STATUTORY AUTHORITY: KRS 194B.050(1), [~~205.2005,~~] 7 CFR Parts 271.4, 272, 273

NECESSITY, FUNCTION, AND CONFORMITY: [~~The Cabinet for Families and Children shall administer a Food Stamp Program.~~] KRS 194B.050(1) requires the secretary to promulgate administrative regulations necessary to implement programs mandated by federal law or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. 7 CFR Part 271.4 requires the cabinet to administer a Food Stamp Program within the state. 7 CFR Parts 272 and 273 set forth requirements for the cabinet to participate in the Food Stamp Program. In addition, PL 107-171 establishes that an otherwise-qualified alien who is blind or receiving a disability benefit, who has lived in the United States for at least five (5) years, or is under eighteen (18) years of age shall be eligible to participate in the Food Stamp Program regardless of the date he entered the United States. [~~provides that the secretary~~

~~shall, by administrative regulation, develop policies and operate programs concerned with the welfare of the citizens of the Commonwealth.~~] This administrative regulation sets forth the technical eligibility requirements used by the cabinet in the administration of the Food Stamp Program.

Section 1. Definitions. (1) "Certification period" means a [~~definite~~] period of time during [~~within~~] which a household shall be eligible to receive food stamp benefits.

(2) "Qualified alien" means an alien or refugee who is:

(a) Lawfully admitted for permanent residence pursuant to 8 USC 1101 et seq.;

(b) Granted asylum pursuant to 8 USC 1158;

(c) Admitted to the United States pursuant to 8 USC 1157;

(d) Paroled into the United States pursuant to 8 USC 1182(d)(5) for a period of at least one (1) year;

(e) Having his deportation withheld pursuant to:

1. 8 USC 1253(h), as in effect prior to April 1, 1997; or

2. 8 USC 1231(b)(3);

(f) Granted conditional entry pursuant to 8 USC 1153(a)(7) as in effect prior to April 1, 1980;

(g) Granted status as a Cuban and Haitian entrant pursuant to 8 USC 1522;

(h) A victim that has been battered or subjected to extreme cruelty in the U.S. pursuant to 8 USC 1182; or

(i) A victim of a severe form of trafficking in persons who has been certified to the same extent as an alien who is admitted to the U.S. as a refugee pursuant to 8 USC 1157.

(3) "Student [~~status~~]" means a [~~any~~] person who is between the ages of eighteen (18) and forty-nine (49) [~~fifty (50) inclusive~~], physically and mentally fit, and enrolled at least half-time in an institution of higher education.

Section 2. Technical Eligibility. In accordance with federal regulations promulgated by the Food and Nutrition Service or "FNS" [~~(FNS)~~], of the United States Department of Agriculture, the cabinet shall utilize national uniform requirements of technical eligibility for the Food Stamp Program.

Section 3. Technical Eligibility Criteria. Technical eligibility requirements shall apply [~~equally~~] to all households and consist of:

(1) Residency. A household:

(a) [~~A household~~] Shall reside [~~live~~] in the county in which they receive benefits; and

(b) May apply for benefits in any county as specified in 921 KAR 3:030, Section 3.

(2) Identity.

(a) The applicant's identity shall be verified; and

(b) If an authorized representative applies for the household, the applicant's and the authorized representative's identities shall be verified.

(3) Citizenship and alien status.

(a) The following individuals shall satisfy the citizenship and alien status requirement:

1. A citizen of the United States;

2. A U.S. noncitizen national;

3. An alien who is:

a. An American Indian born in Canada pursuant to 8 USC 1359; or

b. A member of an Indian tribe pursuant to 25 USC 450; or

4.a. An alien lawfully residing in the United States who was a member of a Hmong or Highland Laotian tribe and rendered assistance to United States personnel by taking part in a military or rescue operation during the Vietnam era pursuant to 38 USC 101;

b. The spouse, or an unmarried dependent child, of an individual described in clause a of this subparagraph; or

c. The unmarried surviving spouse of such an individual who is deceased, as described in clause a of this subparagraph.

~~[(b) Except for a qualified alien that satisfies the requirements of paragraph (c) or (d) of this subsection, a qualified alien shall not be eligible to participate in the Food Stamp Program.~~

~~(c) In accordance with 8 USC 1612(a)(2)(A), a qualified alien described in this paragraph shall be eligible to participate in the Food Stamp Program until seven (7) years after the date:~~

~~1. He has entered the United States as a refugee pursuant to 8 USC 1157;~~

~~2. He is granted asylum pursuant to 8 USC 1158;~~

~~3. His deportation is withheld pursuant to:~~

~~a. 8 USC 1253(h), as in effect prior to April 1, 1997; or~~

~~b. 8 USC 1231(b)(3);~~

~~4. He is granted status as a Cuban and Haitian entrant pursuant to 8 USC 1522;~~

~~5. He is admitted to the United States as an Amerasian immigrant pursuant to 8 USC 1101; or~~

~~6. He is admitted to the U.S. as a refugee who is a victim of a severe form of trafficking in persons.~~

~~(d) In accordance with 8 USC 1612(a)(2)(B), a qualified alien shall be eligible to participate in the Food Stamp Program without limitations if he is:~~

~~1. Lawfully admitted to the United States for permanent residence pursuant to 8 USC 1101 et seq.; and~~

~~a. Has worked forty (40) qualifying quarters of coverage pursuant to 42 USC 413; or~~

~~b. May be credited with forty (40) qualifying quarters pursuant to 8 USC 1645; and~~

~~c. For the purpose of qualifying for food stamp benefits pursuant to this subparagraph, a qualifying quarter shall not be creditable for a period beginning after December 31, 1996, during which a qualified alien or his spouse receives a federal means-tested public benefit;~~]

5. [~~2.~~] An alien who is lawfully residing in Kentucky and is:

a. A veteran, as defined pursuant to 38 USC 101, 107, 1101, or 1301 with an honorable discharge and not on account of alienage, who fulfills the minimum active-duty service requirements of 38 USC 5303A(d);

b. On active duty, other than active duty for training, in the Armed Forces of the United States;

c. The spouse or unmarried dependent child of an individual described in clauses a and b of this subparagraph; or

d. The unmarried surviving spouse of an individual described in clauses a and b of this subparagraph who is deceased if the marriage fulfills the requirements of 38 USC 1304;

e. Under eighteen (18) years of age on October 1, 2003;

6. [~~3~~]. An alien lawfully residing in the United States on August 22, 1996, who is blind or has a disability pursuant to 42 USC 1382;

7. [~~4~~]. An alien lawfully residing in the United States on August 22, 1996, who was sixty-five (65) years of age or older;

8. [~~5~~]. An alien lawfully residing in the United States on October 1, 2003 [~~August 22, 1996~~], who is under eighteen (18) years of age; or

9. [~~6~~]. An alien lawfully residing in the United States who meets the alien and citizenship requirements as specified in subparagraph 5 of this paragraph.

(b) In accordance with PL 107-171, an otherwise-qualified alien who is blind or receiving a disability benefit, who has lived in the United States for at least five (5) years, or is under eighteen (18) years of age shall be eligible to participate in the Food Stamp Program regardless of the date he entered the United States. [~~is:~~

~~a. A veteran as defined pursuant to 38 USC 101, 107, 1101, or 1301 with an honorable discharge and not on account of alienage, who fulfills the minimum active-duty service requirements of 38 USC 5303A(d);~~

~~b. On active duty, other than active duty for training, in the Armed Forces of the United States;~~

~~c. The spouse, or an unmarried dependent child, of an individual described in clauses a and b of this subparagraph; or~~

~~d. The unmarried surviving spouse of an individual described in clauses a and b of this subparagraph who is deceased if the marriage fulfills the requirements of 38 USC 1304.~~]

(c) [~~(e)~~] Pursuant to 8 USC 1612(a)(2)(D)(ii), an alien who was participating in the Food Stamp Program on August 22, 1996, shall not be determined ineligible based solely on the alien eligibility criteria of 8 USC 1612(a)(1)[~~, as described in paragraphs (b) and (c) of this subsection, until April 1, 1997~~].

(d) [~~(f)~~] Except as provided in paragraph (e) [~~(g)~~] of this subsection, an individual whose status is questionable shall be ineligible to participate until verified.

(e) [~~(g)~~] An individual whose status is pending verification from a

federal agency shall be eligible to participate for up to six (6) months from the date of the original request for verification.

(f) [(h)] A single household member shall attest in writing to the citizenship or alien status requirements as established in 921 KAR 3:030 for [of] each household member [by signing the Food Stamp Application Form, which is incorporated by reference at 921 KAR 3:030].

(4) Household size. Size of household shall be verified through readily available documentary evidence or through a collateral contact.

(5) Students. A student [person who meets the definition of student status pursuant to Section 1(4) of this administrative regulation] shall be ineligible to participate unless they meet at least one (1) of the following criteria:

(a) Shall be engaged in paid employment for a minimum of twenty (20) hours per week or, if self-employed, shall be employed for a minimum of twenty (20) hours per week and receive weekly earnings at least equal to the federal minimum wage multiplied by twenty (20) hours;

(b) Shall participate in a state or federally financed work study program during the regular school year;

(c) Shall be responsible for the care of a dependent household member under the age of six (6);

(d) Shall be responsible for the care of a dependent household member who has reached the age of six (6) but is under age twelve (12) where the cabinet has determined that adequate child care is not available to enable the individual to attend class and to satisfy the work requirements of paragraphs (a) and (b) of this subsection;

(e) Shall receive benefits from the Kentucky Transitional Assistance Program or "K-TAP" [(K-TAP)];

(f) Shall be assigned to or placed in an institution of higher learning through a program pursuant to:

1. 29 USC 1501;

2. 7 USC 2015; or

3. 19 USC 2296;

(g) Shall be enrolled in an institution of higher learning as a result of participation in a work incentive program pursuant to 42 USC 681; or

(h) Is a single parent with responsibility for the care of a dependent household member under age twelve (12).

(6) Social Security number or "SSN" [(SSN)].

(a) Households applying for or participating in the Food Stamp Program shall comply with SSN requirements by providing the SSN of each household member or applying for one prior to certification.

(b) Failure to comply without good cause shall be determined for each household member and shall result in an individual's disqualification from participation in the Food Stamp Program until this requirement is met.

(7) Work registration. All household members shall be required to comply with the work registration requirements, unless exempt, as established in [pursuant to] 921 KAR 3:042, Food Stamp Employment and Training Program.

(8) Work requirement.

(a) Except for individuals that may be eligible for up to three (3) additional countable months in accordance with subsection (7) of this section, an individual shall not be eligible to participate in the Food Stamp Program as a member of a [any] household if the individual received food stamps for more than three (3) countable months during any three (3) year period, during which the individual did not:

1. Work eighty (80) hours or more per month;

2. Participate in and comply with the requirements of the Employment and Training Program component pursuant to 7 USC 2015(d) for twenty (20) hours or more per week;

3. [For twenty (20) hours or more per week,] Participate in and comply with the requirements of a program pursuant to:

a. 29 USC 1501 et seq.; or

b. 19 USC 2296;

4. [Pursuant to 921 KAR 3:042,] Participate in and comply with the requirements established in 921 KAR 3:042 of the following programs:

a. The Work Experience Program component of the Food Stamp Employment and Training Program; [or]

b. Vocational Education Skill Training Program; or

5. Receive food stamp benefits pursuant to paragraph (b), (c) or (d) of this subsection.

(b) Paragraph (a) of this subsection shall not apply to an individual if the individual is:

1. Under eighteen (18) or fifty (50) years of age or older;

2. Physically or mentally unfit for employment as determined by the cabinet;

3. A parent or other adult member of a household containing a dependent child under the age of eighteen (18);

4. Exempt from work registration as specified in [pursuant to] 921 KAR 3:042, Section 2; or

5. Pregnant.

(c) Paragraph (a) of this subsection shall not apply if, pursuant to an approved waiver by the Food and Consumer Service, the county or area in which the individual resides:

1. Has an unemployment rate of over ten (10) percent; or

2. Does not have a sufficient number of jobs to provide employment.

(d) Subsequent eligibility.

1. An individual denied eligibility under paragraph (a) of this subsection shall regain eligibility to participate in the Food Stamp Program if, during a thirty (30) day period, the individual meets the conditions of paragraph (a)1 through[, 2, 3, or] 4 of this subsection, or who did not reapply for benefits because he was not meeting the work requirements in accordance with paragraph (b) of this subsection.

2. An individual who regains eligibility pursuant to subparagraph 1 of this paragraph shall remain eligible as long as the individual meets the requirements of subparagraph 1 of this paragraph.

(e) Loss of employment or training.

1. An individual who regains eligibility under paragraph (d)1 of this subsection and who no longer meets the requirements of paragraph (a)1 through[, 2, 3, or] 4 of this subsection shall remain eligible for a consecutive three (3) month period, beginning on the date the individual first notifies the cabinet that the individual no longer meets the requirements of paragraph (a)1 through[, 2, 3, or] 4 of this subsection.

2. An individual shall not receive [any] benefits under subparagraph 1 of this paragraph for more than a single three (3) month period in any three (3) year period.

(f) If the individual does not meet all other technical and financial eligibility criteria pursuant to 7 USC 2011, nothing in this section shall make an individual eligible for food stamp benefits [if the individual does not meet all other technical and financial eligibility criteria pursuant to 7 USC 2011 et seq].

(9) Quality control. Refusal to cooperate in completing a quality control review shall result in termination of the participating household's benefits.

(10) Drug felons. An individual convicted under federal or state law of an offense classified as a felony by the law of the jurisdiction involved and that has an element of possession, use or distribution of a controlled substance as defined in 21 USC 862(a), may remain eligible for food stamp benefits if the individual meets the requirements pursuant to KRS 205.2005.

DIETRA PARIS, Commissioner
VIOLA P. MILLER, Secretary

APPROVED BY AGENCY: January 15, 2003

FILED WITH LRC: January 21, 2003 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 21, 2003, at 9 a.m. in the Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by March 14, 2003, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. 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: Kellie Peace, Cabinet for Families and Children,

Office of the General Counsel, 275 East Main Street - 4th Floor West, Frankfort, Kentucky 40621, phone (502) 564-7900, fax (502) 564-9126.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Shirley Eldridge, Coordinator

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the technical eligibility requirements in the administration of the Food Stamp Program.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide standards for conducting technical eligibility requirements used by the cabinet in the administration of the Food Stamp Program.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to KRS 194B.050(1) which requires the cabinet by administrative regulation to develop policies and programs concerning the welfare of the citizens of the Commonwealth. The cabinet has responsibility under 7 CFR Parts 271.4, 272, and 273 to administer the Food Stamp Program.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation complies with statutory intent of KRS 194B.050(1) and 7 CFR Parts 271.4, 272, 273 by establishing the technical requirements used by the cabinet in the administration of the Food Stamp Program.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment assists a qualified alien who has lived in the United States for at least 5 years, or is under 18 years of age to be eligible to participate in the Food Stamp Program regardless of the date he entered the United States.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to comply with the Farm Security and Rural Investment Act of 2002, to be effective April 1, 2003 and October 1, 2003, relating to qualified aliens who have lived in the United States for at least 5 years, or under 18 years of age.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment implements the federal requirements pursuant to PL 107-171 by assisting a qualified alien who has lived in the United States for at least 5 years, or is under 18 years of age to be eligible to participate in the Food Stamp Program regardless of the date he entered the United States.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist qualified aliens who have lived in the United States for at least 5 years, or under 18 years of age to participate in the Food Stamp Program. In addition, it allows for technical requirement changes of Kentucky's Food Stamp Program to comply with federal requirements.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Currently qualified aliens who have lived in the United States for at least 5 years, or under 18 years of age who apply for food stamps will be affected by this administrative regulation.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: The impact on qualified aliens who have lived in the United States for at least 5 years, or under 18 years of age will be positive. It will assist more citizens of Kentucky in obtaining food stamps who previously may have been denied or disqualified.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: Recipient benefits provided by the Food Stamp Program are 100% federally funded.

(b) On a continuing basis: Refer to 5(a).

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Food Stamp Program benefits are 100% federally funded through the United States Department of Agriculture.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement the changes in this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees associated with the Food Stamp Program.

(9) TIERING: Is tiering applied? Tiering was not applied since the provisions of the Food Stamp Program are uniform and applied consistently on a statewide basis.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 7 CFR 273

2. State compliance standards. None

3. Minimum or uniform standards contained in the federal mandate. The provisions of the administrative regulation comply with the Farm Security and Rural Investment Act of 2002.

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 imposed.

DEPARTMENT OF STATE
Registry of Election Finance
(New Administrative Regulation)

32 KAR 1:190. Forms for gubernatorial slates of candidates and related filers.

RELATES TO: KRS 121.160(1), 121.170, 121.180(3), (9), 121A.020(5), 121A.040, 121A.060(2), (7), 121A.070(4), 121A.080(7)
STATUTORY AUTHORITY: KRS 121.120(4), 121A.030(7)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 121.120(4) and 121A.030(7) require the Kentucky Registry of Election Finance to promulgate administrative regulations and official forms necessary to carry out the provisions of KRS Chapters 121 and 121A, relating to the registration and reporting by slates of candidates for Governor and Lieutenant Governor.

Section 1. Gubernatorial Slates of Candidates Forms. The Kentucky Registry of Election Finance promulgates the forms incorporated by reference in Section 4(1)(a) through (k) of this administrative regulation, as the official forms for slates of candidates for Governor and Lieutenant Governor.

Section 2. Exploratory Committees. The Kentucky Registry of Election Finance promulgates the forms incorporated by reference in Section 4(1)(l) through (m) of this administrative regulation, as the official registration and reporting forms for exploratory committees.

Section 3. Media Reporting. The Kentucky Registry of Election Finance promulgates the "Gubernatorial Slate Media Report, September 2002 Edition," incorporated by reference in Section 4(1)(n) of this administrative regulation, as the official reporting form for mass media organizations and other entities required to file with the Kentucky Registry under KRS 121.180(11)(a). Nothing in this section requires a radio or television station or network to file any information other than the information set forth under KRS 121.180(11)(b).

Section 4. Incorporation by Reference. (1) The following material is incorporated by reference:
(a) "Appointment of Campaign Treasurer, September 2002 Edition" form, reference KREF 001/G;
(b) "Gubernatorial Slate Election Finance Statement, September 2002 Edition" form, reference KREF 006G;
(c) "Gubernatorial Slate Committee Registration, September 2002 Edition" form, reference KREF 010/G;
(d) "Waiver from Filing Slate Election Finance Statements, September 2002 Edition" form, reference KREF 011/G;
(e) "Request for Certification of Eligibility to Receive an Election Campaign Fund Transfer, September 2002 Edition" form, reference KREF 030/G;
(f) "Certification of Eligibility to Receive an Election Campaign Fund Transfer, September 2002 Edition" form, reference KREF 031/G;
(g) "Transfer Entitlement Voucher, September 2002 Edition" and "Transfer Entitlement Voucher Appendix, September 2002 Edition" forms, reference KREF 032/G and KREF 032/G/A;
(h) "Authorization to Draw on Campaign Account, September 2002 Edition " form, KREF 033/G;
(i) "Notice of Gubernatorial Slate Replacement, September 2002 Edition" form, KREF 034/G;
(j) "Statement of Intent to Accept or Reject Transfers, September 2002 Edition" form, reference KREF 036/G;
(k) "Rescission of Statement of Intent to Accept or Reject Transfers, September 2002 Edition" form, reference KREF 037/G;
(l) "Exploratory Committee Registration, September 2002 Edition" form, reference KREF 010/X;
(m) "Exploratory Committee Election Finance Statement, September 2002 Edition" form, reference KREF 006/X; and
(n) "Gubernatorial Slate Media Report, September 2002 Edition" form, reference KREF 040/G.
(2) This material my be inspected, copied, or obtained, subject to applicable copyright law, at the office of the Kentucky Registry of Election Finance, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

RICHARD BELILES, Member
APPROVED BY AGENCY: February 14, 2003
FILED WITH LRC: February 13, 2003 at 4 p.m.
PUBLIC HEARING: A public hearing of this administrative regulation shall be held on March 21, 2003, at 9:30 a.m. at the Kentucky Registry of Election Finance, 140 Walnut Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by March 14, 2003, five workdays 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 be heard at the public hearing or written comments on the proposed amended administrative regulation to the contact person.
CONTACT PERSON: Rosemary F. Center, General Counsel, Kentucky Registry of Election Finance, 140 Walnut Street, Frankfort, Kentucky, 40601, phone (502) 573-2226, fax (502) 573-5622.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Rosemary F. Center
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation adopts forms necessary to implement the Public Financing Act, KRS Chapter 121A and related provisions.
(b) The necessity of this administrative regulation: KRS 121.120(4) and 121A.020(7) requires the Kentucky Registry of Election Finance to promulgate forms.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the statutes cited above by promulgating the forms required to carry out the provisions of KRS Chapters 121 and 121A relating to gubernatorial elections.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will provide gubernatorial slates of candidates and other filers with the necessary forms.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: N/A
(b) The necessity of the amendment to this administrative regulation: N/A
(c) How the amendment conforms to the content of the authorizing statutes: N/A
(d) How the amendment will assist in the effective administration of the statutes: N/A
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All slates of candidates for Governor and Lieutenant Governor, exploratory committees and media outlets as listed under KRS 121.180(11)(a).
(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: The above-listed filers will be provided the forms necessary for the 2003 gubernatorial elections.
(5) Provide an estimate of how much it will cost to implement this administrative regulation:
(a) Initially: No additional costs anticipated. See (6) below.
(b) On a continuing basis: No additional costs anticipated.
(6) What is the source of the funding to be used for the imple-

mentation and enforcement of this administrative regulation: Routine printing costs for forms estimated to be less than $3,000 within agency's operating budget for Fiscal Year ending June 30, 2003.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees for funding will be necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation establishes no fees either directly or indirectly.

(9) TIERING: Is tiering applied? This administrative regulation does not apply tiering. KRS 121.180 applies tiering generally, regarding campaign finance reporting by candidates and slates of candidates. KRS 121.180(11) applies tiering to media outlets based on federal jurisdiction. This administrative regulation does not apply to radio and television stations exempted under KRS 121.180(11)(b).

KENTUCKY BOARD OF DENTISTRY
(New Administrative Regulation)

201 KAR 8:470. Coronal polishing duties of dental assistants.

RELATES TO: KRS 313.345

STATUTORY AUTHORITY: KRS 313.220(4), 313.345

NECESSITY AND FUNCTION AND CONFORMITY: KRS 313.220(4) authorizes the board to regulate the use of dental auxiliary personnel. KRS 313.345 authorizes the board to promulgate administrative regulations regarding certification requirements, duties, training, and standards of practice that may be performed by a dental assistant, which may include coronal polishing as set forth in this administrative regulation.

Section 1. The dental assisting course required by KRS 313.345(6)(c) shall be:

(1) An eight (8) hour course;

(2) Taught at an institution of dental education accredited by the Council on Dental Accreditation; and

(3) Inclusive of the following:

(a) Overview of the dental team;

(b) Dental ethics, jurisprudence and legal understanding of procedures allowed by each dental team member;

(c) Management of patient records, maintenance of patient privacy, and completion of proper charting;

(d) Infection control, universal precaution and transfer of disease;

(e) Personal protective equipment and overview of Occupational Safety and Health Administration requirements;

(f) Definition of plaque, types of stain, calculus, and related terminology and topics;

(g) Dental tissues surrounding the teeth and dental anatomy and nomenclature;

(h) Ergonomics of proper positioning of patient and dental assistant;

(i) General principles of dental instrumentation;

(j) Rationale for performing coronal polishing;

(k) Abrasive agents;

(l) Coronal polishing armamentarium;

(m) Warnings of trauma which can be caused by improper techniques in polishing;

(n) Clinical coronal polishing technique and demonstration;

(o) Written comprehensive examination as required by Section 3 of this administrative regulation;

(p) Completion of the reading component as required by Section 2 or this administrative regulation; and

(q) Clinical competency as set forth in Section 5 of this administrative regulation.

Section 2. (1) A required reading component shall be prepared by each institution of dental education.

(2) The reading component shall:

(a) Consist of the topics established in Section 1(a) through (m) of this administrative regulation; and

(b) Be provided to the applicant prior to the course described in Section 1 in this administrative regulation.

(3) The board shall review and approve the reading component for each institution.

Section 3. (1)The qualifying exam to establish compliance with KRS 313.345(1) and Section 7 of this administrative regulation shall be a comprehensive test on dental assisting prepared by the institution that is providing the dental assisting course.

(2) The minimum passing score on the examination shall be seventy-five (75) percent.

Section 4. The institutions of dental education approved to offer the dental assisting course in Kentucky shall be:

(1) University of Louisville School of Dentistry;

(2) University of Kentucky College of Dentistry;

(3) Western Kentucky University Dental Hygiene Program;

(4) Lexington Community College Dental Hygiene Program; and

(5) Kentucky Community Technical College System Dental Hygiene or Dental Assisting Programs.

Section 5. Clinical Competency. (1) A portion of the dental assisting course shall be completed by the dental assistant and the supervising dentist in a clinical dental setting.

(2) This clinical competency shall consist of hands-on clinical experience on a live patient where the dental assistant shall demonstrate clinical competency in coronal polishing.

(3) The supervising dentist shall;

(a) Verify clinical competency in coronal polishing in writing to the institution; and

(b) Provide a copy of the verification of clinical competency in coronal polishing in writing to the dental assistant.

Section 6. The institution shall:

(1) Issue a certificate to the Kentucky Board of Dentistry verifying that the assistant has completed all requirements as set forth in KRS 313.345 and Sections 1, 2, and 3 of this administrative regulation; and

(2) Provide information on the assistant to the board including:

(a) Name;

(b) Home address;

(c) Social Security number; and

(d) Work address of the applicant.

(3) The board shall:

(a) Retain a copy of the certificate and the information received from the institution; and

(b) Forward the certificate to the assistant at the address furnished by the institution.

Section 7. The dental assistant and the supervising dentist of the dental assistant shall retain:

(1) A certificate of successful completion of the dental assisting course; and

(2) Proof of one (1) year of full-time, clinical dental office experience.

Section 8. (1) A dental assistant who holds a certificate to perform coronal polishing from another state or jurisdiction or who provides documentation acceptable to the board of training at a dental hygiene or dental assisting program accredited by the Council on Dental Accreditation, may apply for and be granted a certificate to perform coronal polishing in Kentucky under subsection (2) of this section.

(2) In order to qualify for the certificate the applicant shall submit the following:

(a) A copy of the credentials issued in the other jurisdiction; and

(b) A copy of the law and administrative regulations of that jurisdiction which specify requirements that are equal to or greater than the requirements established in KRS 313.345 and this administrative regulation; or

(c) A syllabus of course work successfully completed by the

applicant from the accrediting dental hygiene or dental assisting program; and

(d) Verification of successful completion of the accredited course.

MATTHEW GANDOLFO, D.M.D., President

APPROVED BY AGENCY: January 28, 2003

FILED WITH LRC: February 11, 2003 at 8 a.m.

PUBLIC HEARING: A public hearing on this proposed new administrative regulation shall be held on March 26, 2003, at 3 p.m. local time, at the Kentucky Board of Dentistry, 10101 Linn Station Road, Suite 540, Thornton Park Plaza, Louisville, Kentucky 40223. Individuals interested in being heard at this meeting shall notify the board in writing by March 19, 2003, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on this new 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 new administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed new administrative regulation to: Gary Munsie, Executive Director, Kentucky Board of Dentistry, 10101 Linn Station Road, Suite 540, Thornton Park Plaza, Louisville, Kentucky 40223, phone (502) 423-0573, fax (502) 423-1239.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Gary Munsie, Executive Director

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for dental assistants to perform coronal polishing to dental patients.

(b) The necessity of this administrative regulation: KRS 313.345 requires the board to establish this administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation meets statutory requirements in KRS 313.345 by setting forth the criteria for dental assistants as set forth in this administrative regulation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes standards to allow dental assistants to acquire a permit for dental assisting and perform coronal polishing for dental patients.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation may affect approximately 500 dental auxiliaries who perform duties as dental assistants in Kentucky.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this amendment. Dental assistants in Kentucky will have the legal authority to perform certain procedures for which the dentist exercises direct supervision and full responsibility as long as the delegated powers do not include any of the following:

(a) Those procedures which require professional judgment and skill such as diagnosis and treatment planning and the cutting of hard and/or soft tissues or any intraoral procedure which will be used directly in the fabrication of an appliance which, when worn by the patient, would come in direct contact with hard or soft tissue.

(b) Those procedures allocated by the dental law to licensed and registered dental hygienists.

(c) No injectable medication or anesthesia would be administered by auxiliary personnel unless otherwise authorized by law.

(d) Radiographic exposures without training prescribed by 201 KAR 8:130. These dental assistants will have the legal authority to perform coronal polishing on dental patients.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: This will cost the Board of Dentistry more staff time to implement this administrative regulation. This would include costs for copying and filing of necessary forms as mandated by this administrative regulation. The cost to the board is initially estimated to be $3,000.

(b) On a continuing basis: Recordkeeping requirements for the board is estimated to be $2,000 annually after the first year and initial costs are met.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Present board funds will be used to implement this regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Present board funds will be used to implement this regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any increase of fees.

(9) Tiering: Is tiering applied? No. The same standards govern all persons within the appropriate section of this administrative regulation.

BOARD OF EXAMINERS AND REGISTRATION OF ARCHITECTS
(New Administrative Regulation)

201 KAR 19:300. Definitions.

RELATES TO: KRS 323.406(1), 323.410(1), (3), (4)

STATUTORY AUTHORITY: KRS 323.210(2), 323.406, 323.408

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323.406 and 323.408 require the Kentucky Board of Architects to promulgate administrative regulations pertaining to the practice and certification of interior designers. This administrative regulation sets forth the definition of terms and phrases which will be used by the board in enforcing and interpreting the provisions of KRS 323.400 to 323.416 and the administrative regulations promulgated pursuant thereto.

Section 1. Definitions. (1) "Accredited degree" means a degree from a program accredited by FIDER or NAAB.

(2) "Board" is defined at KRS 323.010(1) and 323.400(1).

(3) "FIDER" means the Foundation for Interior Design Education Research.

(4) "NAAB" means National Architectural Accrediting Board.

(5) "NCIDQ" is defined at KRS 323.400(3).

CARY L. ANDERSON, JR., President

APPROVED BY AGENCY: February 13, 2003

FILED WITH LRC: February 14, 2003 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 25, 2003, at 1 p.m., Eastern Time in the Board Conference Room, 301 East Main Street, Suite 860, Lexington, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by March 18, 2003, five workdays 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: Mr. Jerry Herndon, Executive Director, 301 East Main Street, Suite 860, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 246-2431.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jerry Herndon

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation defines certain terms which are found in 201 KAR Chapter 19.

(b) The necessity of this administrative regulation: KRS 323.406 and 323.408 require the Kentucky Board of Architects to promulgate administrative regulations pertaining to the practice and certification of interior designers. This administrative regulation sets forth the definition of terms and phrases which will be used by the board in enforcing and interpreting the provisions of KRS 323.400 to 323.416 and the administrative regulations promulgated pursuant thereto.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 323.406 allows the Kentucky Board of Architects to promulgate administrative regulations related to the administration of KRS 323.400 to 323.416.

(d) How this administrative regulation will assist in the effective administration of the statutes: The regulation defines terms used in the administrative regulations.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change the existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is not an amendment to a regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is not an amendment to a regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board expects approximately 200 persons in the Commonwealth who may apply for the certification.

(4) Assessment of how the above groups will be impacted by the implementation of this administrative regulation: The regulation defines terms used in the regulations relating to certification. Thus, it aids that the applicants and certificate holders to know what is expected by the board to obtain certification.

(5) Estimate of how much it will cost to implement this administrative regulation:

(a) Initially: The board estimates that first year costs associated with starting the administration of this certification will be approximately $58,000.

(b) On a continuing basis: The board estimates that yearly costs associated with administration will be approximately $52,000.

(6) The source of funding for the implementation and enforcement of this administrative regulation: Costs for implementing and enforcing this regulation will be funded by application fees and by certification fees paid by certificate holders.

(7) Assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation: No increase in the fees is presently anticipated.

(8) This administrative regulation does not establish any fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No. This administrative regulation applies to all licensees who seek certification.

BOARD OF EXAMINERS AND REGISTRATION OF ARCHITECTS
(New Administrative Regulation)

201 KAR 19:305. Accredited schools and colleges for certified interior designers.

RELATES TO: KRS 323.406(1), 323.410(1), (3)

STATUTORY AUTHORITY: KRS 323.210(2), 323.406, 323.408

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323.406(1) and 323.410 allow the board to establish educational criteria for those persons seeking certification as a certified interior designer. This administrative regulation sets forth the programs from which degrees and education will meet the criteria for certification.

Section 1. (1) Schools and colleges of interior design that have professional degree programs accredited by FIDER or NAAB shall constitute the list of accredited programs.

(2) Education obtained from a program of study on interior design other than a FIDER or NAAB accredited degree program shall be obtained from a school accredited by a regional accrediting agency recognized by the U.S. Department of Education.

CARY L. ANDERSON, JR., President

APPROVED BY AGENCY: February 13, 2003

FILED WITH LRC: February 14, 2003 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 25, 2003, at 1 p.m., Eastern Time in the Board Conference Room, 301 East Main Street, Suite 860, Lexington, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by March 18, 2003, five workdays 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: Mr. Jerry Herndon, Executive Director, 301 East Main Street, Suite 860, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 246-2431.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jerry Herndon

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation sets forth the programs from which degrees and education will meet the criteria for certification.

(b) The necessity of this administrative regulation: KRS 323.406(1) and 323.410 allow the board to establish educational criteria for those persons seeking certification as a certified interior designer. This regulation sets forth the programs from which degrees and education will meet the criteria for certification.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 323.406 authorizes the board to promulgate administrative regulations which establish the educational criteria for certification under KRS 323.400 to 323.416.

(d) How this administrative regulation will assist in the effective administration of the statutes: The regulation specifies the schools and colleges which provide coursework and degrees that qualify for certification.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change the existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is not an amendment to a regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is not an amendment to a regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board expects approximately 200 persons in the Commonwealth to apply for the certification.

(4) Assessment of how the above groups will be impacted by the implementation of this administrative regulation: The regulation specifies the requirements for certification in deep physical agent modalities, thus ensuring that the licensees know what is expected by the board to obtain certification.

(5) Estimate of how much it will cost to implement this administrative regulation:

(a) Initially: The board estimates that first year costs associated with starting the administration of this certification will be approximately $58,000.

(b) On a continuing basis: The board estimates that yearly costs

associated with administration will be approximately $52,000.

(6) The source of funding for the implementation and enforcement of this administrative regulation: Costs for implementing and enforcing this regulation will be funded by application fees and by certification fees paid by certificate holders.

(7) Assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation: No increase in the fees is presently anticipated.

(8) This administrative regulation does not establish any fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No. This administrative regulation applies to all licensees who seek certification.

BOARD OF EXAMINERS AND REGISTRATION OF ARCHITECTS
(New Administrative Regulation)

201 KAR 19:310. Application for certification as an interior designer.

RELATES TO: KRS 323.408(4), 323.410

STATUTORY AUTHORITY: KRS 323.210(2), 323.400, 323.406

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323.406 authorizes the board to promulgate administrative regulations necessary to implement KRS 323.400 to 323.416. This administrative regulation establishes the procedures for the filing and processing of an application for certification as an interior designer.

Section 1. Application for Certification. Each applicant shall:

(1) Submit a Certified Interior Design Application Form, 1-03;

(2) Comply with the requirements of KRS 323.400 through 323.416 and the administrative regulations promulgated by the board; and

(3) Submit fees established in 201 KAR 19:335.

Section 2. Incorporation by Reference. (1) The following material is incorporated by reference: "Certified Interior Designer Application Form, 1-03", Kentucky Board of Architects.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Architects, 301 East Main Street, Suite 860, Lexington, Kentucky 40507, Monday through Friday, 9 a.m. to 4 p.m.

CARY L. ANDERSON, JR., President

APPROVED BY AGENCY: February 13, 2003

FILED WITH LRC: February 14, 2003 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 25, 2003, at 1 p.m., Eastern Time in the Board Conference Room, 301 East Main Street, Suite 860, Lexington, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by March 18, 2003, five workdays 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: Mr. Jerry Herndon, Executive Director, 301 East Main Street, Suite 860, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 246-2431.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jerry Herndon

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedures for the filing and processing of an application for certification as an interior designer.

(b) The necessity of this administrative regulation: The administrative regulation is necessary in order to identify the way in which persons seeking certification will apply to the board.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 323.406 authorizes the board to promulgate administrative regulations necessary to implement KRS 323.400 to 323.416.

(d) How this administrative regulation will assist in the effective administration of the statutes: This administrative regulation specifies the requirements submitting an application for certification to the board.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change the existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is not an amendment to a regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is not an amendment to a regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board expects approximately 200 persons in the Commonwealth to apply for the certification.

(4) Assessment of how the above groups will be impacted by the implementation of this administrative regulation: This administrative regulation will ensure that applicants know what is expected by the board to obtain certification.

(5) Estimate of how much it will cost to implement this administrative regulation:

(a) Initially: The board estimates that first year costs associated with starting the administration of this certification will be approximately $58,000.

(b) On a continuing basis: The board estimates that yearly costs associated with administration will be approximately $52,000.

(6) The source of funding for the implementation and enforcement of this administrative regulation: Costs for implementing and enforcing this regulation will be funded by application fees and by certification fees paid by certificate holders.

(7) Assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation: No increase in the fees is presently anticipated.

(8) This administrative regulation does not establish any fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No. This administrative regulation applies to all licensees who seek certification.

BOARD OF EXAMINERS AND REGISTRATION OF ARCHITECTS
(New Administrative Regulation)

201 KAR 19:315. Qualifications for certification.

RELATES TO: KRS 323.406(1), 323.410(1), (3), (4)

STATUTORY AUTHORITY: KRS 323.210(2), 323.400, 323.408

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323.410 provides that the board shall issue a certificate as a certified interior designer to persons who meet the standards of education, experience, and testing established by the board. This administrative regulation sets forth the requirements for obtaining certification as a certified interior designer.

Section 1. Accredited Degrees. (1) The board, in its discretion, shall determine whether an applicant's education and experience in the field of interior design are sufficient to establish eligibility for certification.

(2) The board shall certify any applicant who has obtained:

(a) A four (4) or five (5) year professional accredited degree;

(b) A minimum of two (2) years of acceptable full-time employment in the performance of interior design services in accordance with Section 3 of this administrative regulation; and

(c) A passing score on the NCIDQ examination.

Section 2. Degrees From Programs Not Accredited by FIDER or NAAB. (1)(a) In lieu of the education and experience requirements of Section 1(2)(a) and (b) of this administrative regulation, the board

may deem applicants eligible for certification if, prior to January 1, 2009, they have received a degree from a program not accredited by FIDER or NAAB, and they otherwise meet the requirements of this section.

(b) Applicants seeking to qualify under this section shall obtain a passing score on the NCIDQ examination as required by Section 1(2)(c) of this administrative regulation.

(2) To qualify under this provision, the applicant shall be:

(a) A graduate from a nonaccredited program of five (5) years or more which included at least 150 semester credits (of which ninety (90) or more are interior design related) or 225 quarter credits (of which 135 or more are interior design related) and who has completed a minimum of two (2) years of acceptable interior design experience.

(b) A graduate from a nonaccredited program of four (4) years or more which included at least 120 semester credits (of which sixty (60) or more are interior design related) or 180 quarter credits (of which ninety (90) or more are interior design related), and who has completed a minimum of three (3) years of acceptable interior design experience.

(c) A graduate from a nonaccredited program of three (3) years or more which included at least sixty (60) semester credits of interior design related coursework or ninety (90) quarter credits of interior design related coursework and who has completed a minimum of four (4) years of acceptable interior design experience.

(d) A graduate from a nonaccredited program of two (2) years or more which included at least forty (40) semester credits of interior design related coursework or sixty (60) quarter credits of interior design related coursework and who has completed five (5) years of acceptable interior design experience.

(3) The experience required by subsection (2) of this section shall meet the criteria set forth in Section 3 of this administrative regulation.

Section 3. (1) Full-time employment shall include not fewer than thirty-five (35) hours per week in the performance of interior design services.

(2) To be deemed acceptable, experience shall be obtained under the supervision of:

(a) An interior designer who has passed the NCIDQ examination;

(b) A licensed architect; or

(c) An interior designer who is licensed, certified, or registered by a state or provincial regulatory agency.

Section 4. The board shall certify any architect licensed in the Commonwealth of Kentucky upon application and payment of the fee prescribed in 201 KAR 19:335, Section 1(3).

CARY L. ANDERSON, JR., President

APPROVED BY AGENCY: February 13, 2003

FILED WITH LRC: February 14, 2003 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 25, 2003, at 1 p.m., Eastern Time in the Board Conference Room, 301 East Main Street, Suite 860, Lexington, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by March 18, 2003, five workdays 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: Mr. Jerry Herndon, Executive Director, 301 East Main Street, Suite 860, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 246-2431.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jerry Herndon

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the educational, experience, and testing criteria for certification as a certified interior designer.

(b) The necessity of this administrative regulation: KRS 323.410 provides that the board shall issue a certificate as a certified interior designer to persons who meet the standards of education, experience, and testing established by the board. This administrative regulation sets forth the requirements for obtaining certification as a certified interior designer.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 323.406 authorizes the board to establish by administrative regulation the criteria for education, experience, and testing for those persons seeking certification as a certified interior designer.

(d) How this administrative regulation will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of determining the qualification of applicants by identifying the criteria for certification.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change the existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is not an amendment to a regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is not an amendment to a regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board expects approximately 200 persons in the Commonwealth to apply for the certification.

(4) Assessment of how the above groups will be impacted by the implementation of this administrative regulation: This administrative regulation specifies criteria for experience, experience, and testing for persons seeking to be certified, thus ensuring that applicants know what is required by the board to obtain certification.

(5) Estimate of how much it will cost to implement this administrative regulation:

(a) Initially: The board estimates that first year costs associated with starting the administration of this certification will be approximately $58,000.

(b) On a continuing basis: The board estimates that yearly costs associated with administration will be approximately $52,000.

(6) The source of funding for the implementation and enforcement of this administrative regulation: Costs for implementing and enforcing this regulation will be funded by application fees and by certification fees paid by certificate holders.

(7) Assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation: No increase in the fees is presently anticipated.

(8) This administrative regulation does not establish any fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No. This administrative regulation applies to all licensees who seek certification.

BOARD OF EXAMINERS AND REGISTRATION OF ARCHITECTS
(New Administrative Regulation)

201 KAR 19:320. Limited period of certification by prior experience.

RELATES TO: KRS 323.410(3)

STATUTORY AUTHORITY: KRS 323.210(2), 323.400, 323.410(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323.410(3) provides that for a period of two (2) years after July 15, 2002, the board may issue a certificate as a certified interior designer to persons who meet the alternative criteria identified in that statutory provision. This administrative regulation sets forth the experience and education criteria for qualifying under KRS 323.410(3).

Section 1. (1) All applicants who seek to qualify under the alter-

native criteria of KRS 323.410(3) shall:

(a) Document ten (10) years of experience as an interior designer or eight (8) years of experience and two (2) years of interior design related coursework that meets the standards set forth in this administrative regulation; and

(b) Provide proof of a passing score on the examination requirement in KRS 323.410(3)(b).

(2) Experience will be evaluated as follows:

(a) 1600 hours of full-time employment equals one (1) year of experience.

(b) A minimum of thirty-five (35) hours per week is considered full-time employment.

(c) Experience shall be demonstrated in a minimum of five (5) of the following nine (9) categories:

1. Analysis of a client's needs, goals, and life safety requirements for the interior space of a structure;

2. Integration of findings with knowledge of interior design;

3. Formulation of preliminary design concepts that are appropriate, functional, and aesthetic;

4. Development and presentation of final design recommendations through presentation media;

5. Preparation of working drawings and specifications for non-load bearing interior construction, materials, finishes, space planning, furnishings, fixtures, and equipment;

6. Collaboration with professional services of other licensed practitioners in the technical areas of mechanical, electrical, and load-bearing design required for regulatory approval;

7. Preparation and administration of bids and contract documents as the client's agent;

8. Review and evaluation of design solutions during implementation and upon completion; and

9. Teaching full time in an interior design program accredited by the U.S. Department of Education.

(3) One (1) year of interior design education shall be documented by the successful completion of a minimum of either:

(a) Twenty (20) semester hours of interior design related coursework; or

(b) Thirty (30) quarter credits of interior design related coursework.

CARY L. ANDERSON, JR., President

APPROVED BY AGENCY: February 13, 2003

FILED WITH LRC: February 14, 2003 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 25, 2003, at 1 p.m., Eastern Time in the Board Conference Room, 301 East Main Street, Suite 860, Lexington, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by March 18, 2003, five workdays 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: Mr. Jerry Herndon, Executive Director, 301 East Main Street, Suite 860, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 246-2431.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jerry Herndon

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for certification for those applicants who wish to qualify under the alternative criteria established in KRS 323.410(3).

(b) The necessity of this administrative regulation: KRS 323.410(3) provides that for a period of two (2) years after July 15, 2002, the board may issue a certificate as a certified interior designer to persons who meet the alternative criteria identified in that statutory provision. This regulation sets forth the experience and education criteria for qualifying under KRS 323.410(3).

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 323.406 provides that the board can establish by administrative regulation the educational and experience criteria for certification. KRS 323.410(3) authorizes the board to set the requirements for the educational criteria and experience criteria that is acceptable to the board.

(d) How this administrative regulation will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of determining the qualification of applicants by identifying the criteria for certification.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change the existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is not an amendment to a regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is not an amendment to a regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board expects approximately 200 persons in the Commonwealth to apply for the certification.

(4) Assessment of how the above groups will be impacted by the implementation of this administrative regulation: This administrative regulation specifies criteria for experience, experience, and testing for persons seeking to be certified, thus ensuring that applicants know what is required by the board to obtain certification.

(5) Estimate of how much it will cost to implement this administrative regulation:

(a) Initially: The board estimates that first year costs associated with starting the administration of this certification will be approximately $58,000.

(b) On a continuing basis: The board estimates that yearly costs associated with administration will be approximately $52,000.

(6) The source of funding for the implementation and enforcement of this administrative regulation: Costs for implementing and enforcing this regulation will be funded by application fees and by certification fees paid by certificate holders.

(7) Assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation: No increase in the fees is presently anticipated.

(8) This administrative regulation does not establish any fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No. This administrative regulation applies to all licensees who seek certification.

BOARD OF EXAMINERS AND REGISTRATION OF ARCHITECTS
(New Administrative Regulation)

201 KAR 19:325. Certification by persons credentialed in other jurisdictions.

RELATES TO: KRS 323.410(4)

STATUTORY AUTHORITY: KRS 323.210(2), 323.406(1), 323.408

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323.410(4) authorizes the board to issue a certificate to persons credentialed as an interior designer under the laws of other jurisdictions. This administrative regulation sets forth the requirements for obtaining certification under the conditions identified in KRS 323.410(4).

Section 1. (1) Interior designers who are credentialed in other jurisdictions shall apply for certification and be certified in Kentucky before using the title "Certified Interior Designer."

(2) Applicants who have received a credential as an interior designer in another jurisdiction shall document:

(a) That the standards for certification in the jurisdiction of their original certification met the requirements of KRS 323.410(1) and 201 KAR 19:315 at the time of their certification; and

(b) Their state of residence grants reciprocal certification privileges to Kentucky certificate holders.

CARY L. ANDERSON, JR., President
APPROVED BY AGENCY: February 13, 2003
FILED WITH LRC: February 14, 2003 at 3 p.m.
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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jerry Herndon
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the requirements for certification for those applicants who are credentialed under the laws of other jurisdictions and who wish to be certified in this state established in KRS 323.410(3).
(b) The necessity of this administrative regulation: 323.410(4) provides that the board may issue a certificate as a certified interior designer to persons who have been credentialed under the laws of other jurisdictions. This regulation sets forth criteria for qualifying under KRS 323.410(4).
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 323.408 provides that the board administers and enforces the provision of KRS 323.400 to 323.416 and reviews applications. KRS 323.410(4) authorizes the board issue certificates to persons credentialed in other jurisdiction upon proper application.
(d) How this administrative regulation will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of determining the qualification of applicants by identifying the process for certification by person credentialed in other jurisdictions
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change the existing administrative regulation: This is a new administrative regulation.
(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.
(c) How the amendment conforms to the content of the authorizing statutes: This is not an amendment to a regulation.
(d) How the amendment will assist in the effective administration of the statutes: This is not an amendment to a regulation.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board expects approximately 25 persons licensed in other jurisdictions to apply for the certification in the Commonwealth.
(4) Assessment of how the above groups will be impacted by the implementation of this administrative regulation: This administrative regulation specifies the process for persons from other jurisdictions who are seeking to be certified, thus ensuring that applicants know what is required by the board to obtain certification.
(5) Estimate of how much it will cost to implement this administrative regulation:
(a) Initially: The board estimates that first year costs associated with starting the administration of this certification will be approximately $58,000.
(b) On a continuing basis: The board estimates that yearly costs associated with administration will be approximately $52,000.
(6) The source of funding for the implementation and enforcement of this administrative regulation: Costs for implementing and enforcing this regulation will be funded by application fees and by certification fees paid by certificate holders.
(7) Assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation: No increase in the fees is presently anticipated.
(8) This administrative regulation does not establish any fees or directly or indirectly increase any fees.
(9) TIERING: Is tiering applied? No. This administrative regulation applies to all licensees who seek certification.

BOARD OF EXAMINERS AND REGISTRATION OF ARCHITECTS
(New Administrative Regulation)

201 KAR 19:330. Certification renewal.

RELATES TO: KRS 323.406
STATUTORY AUTHORITY: KRS 323.210(2), 323.406, 323.416
NECESSITY, FUNCTION, AND CONFORMITY: KRS 323.406 and 323.416 provides that certifications issued by the board may be renewed. This administrative regulation sets forth the process for renewing a certification.

Section 1. Certification Renewal. (1) Before the certification renewal date identified in subsection (2) of this section, a certificate holder shall:
(a) Submit a completed Certification Renewal Application Form incorporated in 201 KAR 19:340, Section 7(1); and
(b) Submit the renewal fee required by 201 KAR 19:335.
(2)(a) A certificate holder shall renew a certificate before October 1 of each calendar year.
(b) A certificate issued between April 1 and September 30 shall not require renewal until October 1 of the following year.
(3)(a) During a period of active military duty, a certified interior designer in the service may, upon written application to the board, be excused from paying the renewal fee until his or her active military service is terminated.
(b) A renewal certificate shall be issued upon notification of his or her return from duty and the payment of the renewal fee for the current renewal cycle.
(4) The certification of a certificate holder who has failed to pay the renewal fee on or before the 30th of November of the renewal period and who has not requested that his or her certification be placed on inactive status, shall be automatically revoked.
(5) A certified interior designer whose certificate has been automatically revoked for failure to pay the renewal fee shall:
(a) Submit a completed application for reinstatement of certification;
(b) Pay the fees for all outstanding renewal periods occurring since the certificate was automatically revoked, including the renewal period for which the certificate was automatically revoked;
(c) Pay the reinstatement fees prescribed by 201 KAR 19:335, Section 1(6);
(d) Make a written request giving the reason why he or she neither placed his or her certificate on in active status nor paid the renewal fee within the time prescribed by this administrative regulation;
(e) Include a signed affidavit that the certificate holder has not been in violation of the KRS 323.400 through 323.416 or the administrative regulations promulgated pursuant thereto.
(f) File an Interior Design Continuing Education Annual Report Form incorporated in 201 KAR 19:340, Section 7(1).

Section 2. Inactive Status. (1) Upon request by certificate holder, the board may grant inactive status to a certificate holder upon the payment of the fee required by 201 KAR 19:335, Section 1(7).
(2) While on inactive status, the certificate holder shall not use the title "Certified Interior Designer".
(3) To reactivate a certificate that has been inactive a minimum of twelve (12) PDU's of continuing education must be obtained for

each year the certificate has been inactive.

(4) To reactivate a certificate that have been inactive for more than seven (7) consecutive years the certificate holder must take and pass the NCIDQ exam.

CARY L. ANDERSON, JR., President
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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jerry Herndon

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for certification renewal.

(b) The necessity of this administrative regulation: KRS 323.406 and 323.416 provides that certifications issued by the board may be renewed. This regulation sets forth the process for renewing a certification.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 323.406 and 323.416 authorizes the board to set the process for certification renewal.

(d) How this administrative regulation will assist in the effective administration of the statutes: The regulation specifies the requirements for certification renewal, thus ensuring that the certificate holder know what is expected by the board to renew certification.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change the existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is not an amendment to a regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is not an amendment to a regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board expects approximately 200 persons in the Commonwealth to renew the certification on a yearly basis.

(4) Assessment of how the above groups will be impacted by the implementation of this administrative regulation: The regulation specifies the requirements for renewing a certification, thus ensuring that the certificate holders know what is expected by the board to renew their certification.

(5) Estimate of how much it will cost to implement this administrative regulation:

(a) Initially: The board estimates that first year costs associated with starting the administration of this certification will be approximately $58,000.

(b) On a continuing basis: The board estimates that yearly costs associated with administration will be approximately $52,000.

(6) The source of funding for the implementation and enforcement of this administrative regulation: Costs for implementing and enforcing this regulation will be funded by application fees and by certification fees paid by certificate holders.

(7) Assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation: No increase in the fees is presently anticipated.

(8) This administrative regulation does not establish any fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No. This administrative regulation applies to all licensees who seek certification.

BOARD OF EXAMINERS AND REGISTRATION OF ARCHITECTS
(New Administrative Regulation)

201 KAR 19:335. Fees for interior design.

RELATES TO: KRS 323.406, 323.416(1)

STATUTORY AUTHORITY: KRS 323.210(2), 323.406(2), 323.408

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323.406(2) authorizes the board to set the fees for certification. This administrative regulation sets forth the fees related to certified interior designers.

Section 1. Fee Schedule. (1) The fee for application for certification for all persons other than licensed architects shall be $100.

(2) The fee for initial certification, including a certificate, shall be $250.

(3) The fee for initial certification for architects, including a certificate, shall be $150.

(4) The fee for application for certification under 201 KAR 19:325 including a certificate shall be $400.

(5) The fee for certification renewal shall be $200.

(6) The fee for application for reinstatement of certificate that has been revoked for failure to pay the renewal fee or that has been suspended by the board under KRS 323.412 shall be $150 plus all renewal fees from date of revocation or suspension.

(7) The annual fee for inactive status shall be twenty-five (25) dollars.

(8) The fee to reactivate an inactive license shall be $150.

(9) The fee for duplicate certificates shall be twenty-five (25) dollars.

Section 2. (1) Each payment shall be by check made payable to "Kentucky State Treasurer".

(2) Fees shall not be refundable.

CARY L. ANDERSON, JR., President
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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jerry Herndon

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the fees for certification as a certified interior designer.

(b) The necessity of this administrative regulation: The necessity of this administrative regulation is to establish the fees for certifica-

tion as a certified interior designer.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The board is given the authority to establish the fees for a certificate as a certified interior design in KRS 323.406, 323.410, and 323.416.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This amended administrative regulation establishes the fees for certification as a certified interior designer, which fees are necessary for the administration and enforcement of KRS 323.400 to 323.416.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change the existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is not an amendment to a regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is not an amendment to a regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board expects approximately 200 persons in the Commonwealth to apply for the certification.

(4) Assessment of how the above groups will be impacted by the implementation of this administrative regulation: The regulation specifies the fees that applicants will be required to remit for certification and renewal as a certified interior designer.

(5) Estimate of how much it will cost to implement this administrative regulation:

(a) Initially: The board estimates that first year costs associated with starting the administration of this certification will be approximately $58,000.

(b) On a continuing basis: The board estimates that yearly costs associated with administration will be approximately $52,000.

(6) The source of funding for the implementation and enforcement of this administrative regulation: Costs for implementing and enforcing this regulation will be funded by application fees and by certification fees paid by certificate holders.

(7) Assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation: No increase in the fees is presently anticipated.

(8) This administrative regulation establishes fees.

(9) TIERING: Is tiering applied? No. This administrative regulation applies to all licensees who seek certification.

BOARD OF EXAMINERS AND REGISTRATION OF ARCHITECTS
(New Administrative Regulation)

201 KAR 19:340. Continuing education.

RELATES TO: KRS 323.416

STATUTORY AUTHORITY: KRS 323.210(2), 323.400, 323.408

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323.416 provides that certificate holders must successfully meet continuing education requirements in order to renew their certification. This administrative regulation sets forth the requirements for continuing education.

Section 1. Definitions for 201 KAR 19:340. (1) "Elective topic" means an additional topic of interest to the certificate holder that is related to interior design.

(2) "Professional development unit" or "PDU" means a:

(a) Unit equal to fifty (50) minutes clock time for the taking of an examination; or

(b) Customary time of completion prescribed by an examination vendor, if the board finds the time to be reasonable.

(3) "Relevant topic" means an area which is particularly focused on the health, safety, and welfare of the public.

(4) "Self-directed activity" means:

(a) An unstructured self-study visit to an interior design significant site;

(b) A service to the public which draws on the certified interior designer's expertise as an interior designer; or

(c) A business practice course related to new technology, offered by a person qualified by education or experience.

(5) "Structured activity" means a:

(a) College or university sponsored course;

(b) Seminar;

(c) Tutorial;

(d) Short course; or

(e) Professional or technical organization sponsored:

1. Program;
2. Course;
3. Self-study course; or
4. Monograph.

Section 2. Purpose. The purpose of this continuing education program is to insure that all certified interior designers remain informed on technical and professional subjects which the board deems appropriate.

Section 3. Scope and Exemptions. To annually renew his or her certificate, an interior designer certified in Kentucky shall:

(1) Comply with this administrative regulation unless he or she is exempted by one (1) of the following reasons:

(a) He or she is exempted as a first-time certificate holder by examination or reciprocity;

(b) He or she is a civilian who serves on active duty in the United States Armed Forces for a period of time exceeding ninety (90) consecutive days during the annual report period;

(c) He or she is certified from another jurisdiction that has a required continuing education program, if that jurisdiction accepts Kentucky requirements to satisfy its continuing education requirements and the certificate holder certifies that all requirements for current continuing education compliance and certification have been met in that jurisdiction;

(d) The certificate holder is also a licensed architect who has met the requirements of 201 KAR 19:087; or

(e) The certificate holder has been granted inactive status.

(2) Hardship cases may be considered by the board.

Section 4. Requirements. (1) A certified Kentucky interior designer shall:

(a) Obtain a total of twelve (12) PDU's per year; and

(b) Report these credits as a condition for certification renewal.

(2) The continuing education requirement of subsection (1) of this section shall be satisfied during the period beginning October 1 and ending September 30 of the following year.

(3) A minimum of eight (8) PDU's shall consist of structured activities, addressing the following relevant topics:

(a) Codes, statutes, and administrative regulations related to the built environment;

(b) Environmental issues;

(c) Professional and ethical business practices;

(d) State certification law;

(e) Design proficiency;

(f) New technology, including construction:

1. Material;
2. Methods;
3. Systems; or
4. Concepts.

(g) Interface, other than normal day-to-day contact, with other design disciplines, including an:

1. Architect;
2. Planner;
3. Consultant;
4. Financier; or
5. Consultant.

(h) Legal aspects, including:

1. Contract documents;
2. Insurance;
3. Bonds; and
4. Project administration.

(i) Specialization in:

1. Preservation;
2. Adaptive reuse; or

3. A building type.

(j) Study or consultation opportunity.

(4) A maximum of four (4) PDU's may consist of self-directed activities, addressing the following elective topics:

(a) Business or practice efficiency;

(b) Business development;

(c) Personal skills;

(d) New skills; or

(e) General education.

Section 5. Reporting and Recordkeeping. (1) The following shall be submitted for renewal of a certificate:

(a) A Certification Renewal Application Form which includes all the required information on the courses the applicant has completed for continuing education compliance listed on page two (2); and

(b) The renewal fee.

(2) An incomplete submission shall be returned to the certificate holder.

(3) A random sample of annual reports of up to ten (10) percent of number of issued certificates shall be reviewed to ensure accuracy and compliance.

(4) The certificate holder shall:

(a) Be responsible for retaining proof of participation in continuing education activities;

(b) Retain a record for continuing education for a period of two (2) years from the date of submission of the annual report to the board; and

(c) Furnish copies or continuing education records on the request of the board for audit purposes.

(5) Proof of participation in continuing education activities shall include:

(a) A log showing the:

1. Activity claimed;

2. Sponsoring organization;

3. Location; and

4. Duration;

(b) An attendance certificate;

(c) A signed attendance receipt;

(d) A paid receipt;

(e) A list of attendees signed by a person in charge of the activity; and

(f) Similar documentation.

(6) If continuing education credit is disallowed, the certificate holder shall have 180 calendar days after notification to:

(a) Substantiate the original claim; or

(b) Earn other continuing education credit to meet the minimum requirements.

Section 6. Noncompliance and Sanctions. Failure to fulfill the continuing education requirements or file the required annual report, properly completed and signed, shall result in nonrenewal of the interior designers certification.

Section 7. Incorporation by Reference. (1) The following material is incorporated by reference: "Certification Renewal Application Form".

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the offices of the Kentucky Board of Architects, 301 E. Main Street, Suite 860, Lexington, Kentucky 40507, Monday through Friday, 9 a.m. 4 p.m.

CARY L. ANDERSON, JR., President

APPROVED BY AGENCY: February 13, 2003

FILED WITH LRC: February 14, 2003 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 25, 2003, at 1 p.m., Eastern Time in the Board Conference Room, 301 East Main Street, Suite 860, Lexington, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by March 18, 2003, five workdays 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: Mr. Jerry Herndon, Executive Director, 301 East Main Street, Suite 860, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 246-2431.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jerry Herndon

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the continuing education requirements for certificate holders.

(b) The necessity of this administrative regulation: KRS 323.416 authorizes the board to promulgate an administrative regulation to establish continuing education requirements for renewal. This administrative regulation establishes those continuing education requirements.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 323.416 authorizes the board to set the requirements for continuing education of certificate holders.

(d) How this administrative regulation will assist in the effective administration of the statutes: The regulation specifies the exact requirements for continuing education, thus ensuring that the certificate holders know what the board expects.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change the existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is not an amendment to a regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is not an amendment to a regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board expects approximately 200 persons in the Commonwealth to obtain certification.

(4) Assessment of how the above groups will be impacted by the implementation of this administrative regulation: This administrative regulation identifies the criteria for meeting the continuing education requirements necessary for certification renewal.

(5) Estimate of how much it will cost to implement this administrative regulation:

(a) Initially: The board estimates that first year costs associated with starting the administration of this certification will be approximately $58,000.

(b) On a continuing basis: The board estimates that yearly costs associated with administration will be approximately $52,000.

(6) The source of funding for the implementation and enforcement of this administrative regulation: Costs for implementing and enforcing this regulation will be funded by application fees and by certification fees paid by certificate holders.

(7) Assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation: No increase in the fees is presently anticipated.

(8) This administrative regulation does not establish any fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No. This administrative regulation applies to all licensees who seek certification.

BOARD OF EXAMINERS AND REGISTRATION OF ARCHITECTS
(New Administrative Regulation)

201 KAR 19:345. Signature of documents by certified interior designers; use of title.

RELATES TO: KRS 323.402, 323.406(4), 323.414(1)

STATUTORY AUTHORITY: KRS 323.210(2), 323.406(4), 323.408(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323.402 prohibits persons who are not certified by the board from using the title "certified interior designer." KRS 323.406(4) authorizes the board to establish a process regarding the use of a certified interior designer's signature and certificate number. This administrative regulation sets forth the requirements for use of the certified interior designer's signature and certificate number.

Section 1. (1) Certification is of individuals only and no corporation, association, or partnership may be certified as such.

(2) The title "Certified Interior Designer" may be used to apply only to the names of individuals certified under the provision of KRS 323.400 to 323.416.

Section 2. Office and Firm Names. (1) Title blocks and firm names used in connection with the title of certified interior designer in this state shall not be misleading nor infer that uncertified persons are certified interior designers and only those certified to provide services as certified interior designers in Kentucky shall be so designated as certified interior designers.

(2) A firm name may be used without all members being certified if those certified interior designers who are certified in Kentucky have the title "certified interior designer" applied only to them in subheadings or subtitles in defining the services of the firm. Examples:

(a) SMITH, JONES, MILLER & MOORE
Albert Smith, certified interior designer
(Where Smith and Jones are both certified interior designers in their own state but only Albert Smith is certified in Kentucky and is fully responsible for work in this state); or

(b) SMITH, JONES, MILLER & MOORE, Inc.
Architects and Engineers and Certified Interior Designers
Albert Smith, Certified Interior Designer, Carl Miller, Mech. Engr.
Robert Jones, Architect John Moore, Struct. Engr.
(Where all are certified or licensed in Kentucky in the professions indicated); or

(c) STATEWIDE STUDIOS, Inc.
Roy Jones, Certified Interior Designer, John Davis, Mech. Engr.
Carl Smith, Certified Interior Designer, Alan Moore, Manager
(Where Jones and Smith are both certified in Kentucky and the firm has other members they wish to include in their office title).

Section 3. (1) A certified interior designer who is certified by the Kentucky Board of Architects shall:

(a) Sign and affix his or her certification number to all documents prepared by him or her under his or her supervision; and

(b) Clearly identify themselves as a certified interior designer by including the title or its abbreviation on the document in association with their signature.

CARY L. ANDERSON, JR., President
APPROVED BY AGENCY: February 13, 2003
FILED WITH LRC: February 14, 2003 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 25, 2003, at 1 p.m., Eastern Time in the Board Conference Room, 301 East Main Street, Suite 860, Lexington, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by March 18, 2003, five workdays 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: Mr. Jerry Herndon; Executive Director, 301 East Main Street, Suite 860, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 246-2431.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jerry Herndon

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements for the use of the title "certified interior designer".

(b) The necessity of this administrative regulation: KRS 323.402 prohibits persons who are not certified by the board from using the title "certified interior designer." KRS 323.406(4) authorizes the board to establish a process regarding the use of a certified interior designer's signature and certificate number. This regulation sets forth the requirements for use of the certified interior designer's signature and certificate number.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 323.406(4) authorizes the board to establish a process regarding the use of a certified interior designer's signature and certificate number. KRS 323.408(3) requires the board to oversee the inclusion of a certified interior designer's signature and number on business and advertising documents.

(d) How this administrative regulation will assist in the effective administration of the statutes: The statute requires the board to regulate the signature of plans prepared by certificate holders. The statute also requires certificate holders to include their certificate number on business and advertising documents. This administrative regulation identifies to certificate holders the board's requirements for signing such documents and including their certification numbers on business and advertising materials.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change the existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is not an amendment to a regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is not an amendment to a regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board expects approximately 200 persons in the Commonwealth to apply for the certification.

(4) Assessment of how the above groups will be impacted by the implementation of this administrative regulation: Certificate holders will know what is expected by the board in the use of the title and certification number.

(5) Estimate of how much it will cost to implement this administrative regulation:

(a) Initially: The board estimates that first year costs associated with starting the administration of this certification will be approximately $58,000.

(b) On a continuing basis: The board estimates that yearly costs associated with administration will be approximately $52,000.

(6) The source of funding for the implementation and enforcement of this administrative regulation: Costs for implementing and enforcing this regulation will be funded by application fees and by certification fees paid by certificate holders.

(7) Assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation: No increase in the fees is presently anticipated.

(8) This administrative regulation does not establish any fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No. This administrative regulation applies to all certificate holders.

BOARD OF EXAMINERS AND REGISTRATION OF ARCHITECTS
(New Administrative Regulation)

201 KAR 19:350. Unprofessional conduct.

RELATES TO: KRS 323.412
STATUTORY AUTHORITY: KRS 323.210(2), 323.408(1)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 323.412 authorizes the board to discipline certificate holders. KRS 323.408(1) requires the board to administer and enforce the laws governing certified interior designers. This administrative regulation

establishes a code of professional conduct for certified interior designers.

Section 1. Unprofessional Conduct, Penalties, and Procedures. (1) The following shall constitute unprofessional conduct:

(a) Conduct tending to bring the title of certified interior designer into disrepute;

(b) Conviction of a felony;

(c) Fraudulent or dishonest activities as a certified interior designer;

(d) Use of false evidence, or misrepresentation in an:

1. Application for certification; or

2. License renewal application;

(e) Claiming himself or herself as author of any plan, print, specifications for a building, or report which have not been prepared by the certified interior designer or an employee under his supervision; and

(f) Failure to comply with continuing education requirements in 201 KAR 19:340.

(2) The following penalties may be imposed on a certified interior designer for unprofessional conduct:

(a) Refusal to grant a certificate;

(b) Refusal to renew or reissue a certificate;

(c) Private or public reprimand;

(d) Imposition of probation;

(e) Suspension of a certificate;

(f) Revocation of a certificate.

(3) The procedure for imposing a penalty on a certified interior designer shall be in accordance with KRS Chapter 13.

Section 2. Unprofessional Conduct. The following acts by a certified interior designer shall be deemed to be "unprofessional conduct":

(1) Accepting compensation for interior design services from any entity other than his or her client or employer unless his or her client or employer is aware and has waived any objection.

(2) Offering or making a payment or gift to a government official (whether elected or appointed) with the intent to influence the official judgment in connection with a prospective or existing project in which the certified interior designer has an interest in providing interior design services.

(3) Offering or making a payment or gift, as an individual certified interior designer or as a participating member of a partnership or corporation, to an elected governmental official, candidate for governmental office, or the campaign of a candidate for governmental office, when the payment or gift is a violation of federal or state campaign finance laws or administrative regulations.

(4) Entering a plea of guilty or an "Alford" plea to, or having been found guilty of, or having been convicted of, a felony or misdemeanor involving the violation of federal or state campaign finance laws, and the time for appeal has lapsed or the judgement or conviction has been affirmed on appeal, irrespective of an order granting probation following the conviction, suspending imposition of sentence shall be conclusive proof of a violation of this section, and a certified copy of the judgement or order shall constitute sufficient proof of such a violation.

(5) Offering or making any gifts, except gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent to influence the judgment of an existing or prospective client in connection with a project in which the certified interior designer has an interest.

(6) Having a financial interest in the manufacture, sale or installation of any component or process used in a project for which he or she is the certified interior designer unless the client has been advised and has waived any objection.

(7) Publicly endorsing a product, system, or service, or permitting the use of his or her name or photograph to imply endorsement of a product, system, or service not designed or developed by him or her.

Section 3. Fraudulent or Dishonest Activity. (1) The following practices by a certified interior designer shall be deemed to be "fraudulent or dishonest behavior" within the meaning of the law:

(a) Making untrue or deceitful statements in an application for certification, or in an application for certification renewal or in any other statements or representations to the board.

(b) Affixing his or her name to any drawing for which he or she was not:

1. The author;

2. In charge of preparing the drawing; or

3. Which was not prepared under his supervision.

(2) Bribing a person who may influence the selection of a certified interior designer.

(3) Willfully misleading or defrauding a person employing him or her as a certified interior designer.

(4) Willful violation of:

(a) A Kentucky or other state law relating to the title of certified interior designer; or

(b) An administrative regulation promulgated by the board.

(5) Using, or attempting to use, or working under, a certificate that has been suspended or revoked or which has not been renewed as required by law and the administrative regulations of the board.

CARY L. ANDERSON, JR., President

APPROVED BY AGENCY: February 13, 2003

FILED WITH LRC: February 14, 2003 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 25, 2003, at 1 p.m., Eastern Time in the Board Conference Room, 301 East Main Street, Suite 860, Lexington, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by March 18, 2003, five workdays 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: Mr. Jerry Herndon, Executive Director, 301 East Main Street, Suite 860, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 246-2431.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jerry Herndon

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes a code of conduct for certificate holders.

(b) The necessity of this administrative regulation: KRS 323.412 authorizes the board to discipline certificate holders. The board is required to administer and enforce the laws governing certified interior designers. This regulation establishes a code of professional conduct for certified interior designers.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 323.408(1) requires the board to administer and enforce the laws governing certified interior designers. KRS 323.412 authorizes the board to take disciplinary action against certificate holders.

(d) How this administrative regulation will assist in the effective administration of the statutes: The board believes that this administrative regulation sets forth certain actions that are clearly outside of the practice of reputable interior designers. The board is obligated to protect the public from unscrupulous certificate holders, who by obtaining a certification from the board, are represented to the public as worthy of trust. Clearly identifying practices which are dishonest and unprofessional allows the board to meet its duty to administer and enforce the laws.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change the existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is not an amendment to a regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is not an amendment to a regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board expects approximately 200 persons in the Commonwealth to apply for the certification.

(4) Assessment of how the above groups will be impacted by the implementation of this administrative regulation: The regulation specifies actions that certificate holders will be required to avoid to maintain their certification in good standing.

(5) Estimate of how much it will cost to implement this administrative regulation:

(a) Initially: The board estimates that first year costs associated with starting the administration of this certification will be approximately $58,000.

(b) On a continuing basis: The board estimates that yearly costs associated with administration will be approximately $52,000.

(6) The source of funding for the implementation and enforcement of this administrative regulation: Costs for implementing and enforcing this regulation will be funded by application fees and by certification fees paid by certificate holders.

(7) Assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation: No increase in the fees is presently anticipated.

(8) This administrative regulation does not establish any fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No. This administrative regulation applies to all licensees who seek certification.

DEPARTMENT OF AGRICULTURE
Regulation and Inspection
(Repealer)

302 KAR 16:051. Repeal of 302 KAR 16:050, and 302 KAR 16:060.

RELATES TO: KRS 247.232, 247.234, 247.236

STATUTORY AUTHORITY: KRS 246.040, 247.232, 247.234, 247.236, 247.990

NECESSITY, FUNCTION, AND CONFORMITY: To delete duplicative language by repealing 302 KAR 16:050, Licensing fee for amusement rides or attractions, and 302 KAR 16:060, Guideline handbook incorporated by reference.

Section 1. 302 KAR 16:050, Licensing fee for amusement rides or attractions, is hereby repealed.

Section 2. 302 KAR 16:060, Guideline handbook incorporated by reference, is hereby repealed.

BILLY RAY SMITH, Commissioner

APPROVED BY AGENCY: February 12, 2003

FILED WITH LRC: February 12, 2003 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 21, 2003, at 9 a.m., local prevailing time, at the Room 188, Capitol Annex, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing by March 14, 2003, 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 and then only at the requestor's expense. If you have a disability for which this agency needs to provide accommodations, please notify us by March 21, 2003. 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 proposed administrative regulation. If the hearing is held, written comments will be accepted until the close of the hearing. If the hearing is cancelled, written comments will be accepted until close of business on March 21, 2003. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Mark Farrow, General Counsel, Department of Agriculture, Room 188, Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-5126; fax (502) 564-5016.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Mark Farrow, General Counsel

(1) Provide a brief summary of:

(a) What this administrative regulation does: Repeals 302 KAR 16:050, Licensing fee for amusement rides or attractions, and 302 KAR 16:060, Guideline handbook incorporated by reference.

(b) The necessity of this administrative regulation: To delete duplicative language.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation repeals duplicative language.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: To delete duplicative language.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative: The regulation repeals 302 KAR 16:050 and 302 KAR 16:060.

(b) The necessity of the amendment to this administrative regulation: To delete duplicative language.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment deletes duplicative language.

(d) How the amendment will assist in the effective administration of the statutes: Deletes duplicative language.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All operators/owners of amusement rides and attractions operating in or who wish to operate in Kentucky.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administration, if new, or by the change if it is a amendment: 302 KAR 16:050, Licensing fee for amusement rides or attractions, and 302 KAR 16:060, Guideline handbook incorporated by reference, are repealed.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: N/A

(b) On a continuing basis: N/A

(6) What is the source and funding to be used for the implementation and enforcement of this administrative regulation:

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation: There is no increase in fees to implement this repealer.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases and fees: The repealer does not establish or increase fees.

(9) TIERING: Is tiering applied? Tiering was not applied. The regulation applies equally to all individuals and entities who own or operate amusement rides and attractions.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance
Division of Health Insurance Policy and Managed Care
(New Administrative Regulation)

806 KAR 17:370. Standardized health claim attachments.

RELATES TO: KRS 304.17A-700 to 304.17A-730, 304.39-010 to 304.39-340

STATUTORY AUTHORITY: KRS 304.2-110(1), 304.17A-720(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110(1) authorizes the commissioner to promulgate reasonable administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code as defined in KRS 304.1-010. KRS 304.17A-720(1) requires that the department promulgate administrative regulations prescribing standardized health claim attachments to be used by insurers. This administrative regulation prescribes standardized health claim attachments and mini-

mum requirements for routinely-requested medical information health claim attachments.

Section 1. Definitions. (1) "Clean claim" is defined in KRS 304.17A-700(3).

(2) "Health care provider" or "provider" is defined in KRS 304.17A-700(9).

(3) "Health claim attachments" is defined in KRS 304.17A-700(10).

(4) "Insurer" is defined in KRS 304.17A-005(23).

(5) "Practitioner" means an individual licensed or certified to provide a health care service in Kentucky.

(6) "Reparation obligor" is defined in KRS 304.39-020(13).

Section 2. Standardized Health Claim Attachments. If another payment source is identified by a provider, an insurer shall require the provider to include the following health claim attachments, as applicable, for a claim to qualify as a clean claim:

(1) An explanation of benefits statement or noncoverage notice from another payer;

(2) An electronic or paper-based Medicare remittance notice if the claim involved Medicare as a payer; and

(3) A record of all payments by a reparations obligor pursuant to KRS 304.39-010 to 304.39-340.

Section 3. Routinely-rRequested Health Claim Attachments. An insurer may routinely request the following health claim attachments in accordance with KRS 304.17A-706(2), as applicable:

(1) A certification of medical necessity;

(2) A complete medical record, or part of a medical record, including:

(a) Discharge summary:

1. Patient identification, including name, age, gender, and medical record number;
2. Name of attending practitioner;
3. Dates of admission and discharge;
4. Final diagnosis;
5. Reason for the admission or visit;
6. Medical history;
7. Significant findings during length of stay or visit;
8. Procedures and treatments;
9. Patient condition at discharge;
10. Discharge medications; and
11. Discharge instructions;

(b) Emergency department report:

1. Patient identification, including name, age, gender, and medical record number;
2. Date of service;
3. Attending practitioner;
4. Chief complaint and symptoms;
5. History of present illness and physical exam;
6. Diagnostic test findings;
7. Clinical impression and diagnosis;
8. Treatment plan;
9. Discharge instructions; and
10. Practitioner orders;

(c) History and physical:

1. Patient identification, including name, age, gender, and medical record number;
2. Chief complaint;
3. Details of present illness;
4. Relevant past, social and family histories;
5. Inventory by body system;
6. Summary of psychological needs;
7. Report of relevant physical exam;
8. Statement on the conclusions or impressions drawn from the admission history and physical;
9. Statement on the course of action planned for this episode of care; and
10. Name of practitioner performing history and physical;

(d) Nurses notes:

1. Patient identification, including name, age, gender, and medical record number;
2. Vital signs with graphics, if available;
3. Intake and output record, if applicable;
4. Medication administration records;
5. Date of nurses notes;
6. Nurse assessment;
7. Nursing intervention;
8. Observation; and
9. Name of nurse;

(e) Operative report:

1. Patient identification, including name, age, gender, and medical record number;
2. Date of procedure;
3. Operating practitioner;
4. Pre- and post-operative diagnoses;
5. List of procedures performed;
6. Operative description including indications and findings;
7. Anesthesia used; and
8. Specimens collected;

(f) Progress notes:

1. Patient identification, including name, age, gender, and medical record number;
2. Discharge or treatment plan;
3. Practitioner orders;
4. Practitioner notes;
5. Attending practitioner name;
6. Results of tests and treatments;.
7. Dates of notes; and
8. Chief complaint;

(g) Test results:

1. Patient identification, including name, age, gender, and medical record number;
2. Test findings, including date ordered and date competed; and
3. Ordering practitioner name;

(h) Practitioner orders or treatment plan, as applicable:

1. Patient identification, including name, age, gender, and medical record number;
2. Practitioner orders;
3. Ordering practitioner name; and
4. Order dates;

(i) Practitioner notes:

1. Patient identification, including name, age, gender, and medical record number;
2. Practitioner name;
3. Practitioner notes; and
4. Dates of notes;

(j) Consult notes and reports:

1. Patient identification, including name, age, gender, and medical record number;
2. Practitioner name;
3. Findings and recommendations including notes and reports; and
4. Dates of notes and reports;

(k) Anesthesia record:

1. Patient identification, including name, age, gender, and medical record number;
2. Administering practitioner name;
3. Start and stop anesthesia times;
4. Route of administration;
5. Dates;
6. Notes;
7. Patient vital signs; and
8. Drug administered;

(l) Therapy notes:

1. Patient identification, including name, age, gender, and medical record number;
2. Practitioner name;
3. Practitioner orders;
4. Treatment plan;
5. Number of treatments and dates;
6. Therapist's notes; and
7. Dates of notes;

(m) Office notes:

1. Patient identification, including name, age, gender, and medical record number;
2. Practitioner name;

3. Any notes generated for dates of service; and
4. Dates of notes;
(n) Dental records; and
(o) Pharmacy records.
(3) The following forms, as applicable, incorporated by reference in 907 KAR 3:005 as part of the physician manual appendix:
(a) Certification form for induced abortion or miscarriage (MAP-235);
(b) Sterilization consent form (MAP-250); and
(c) Hysterectomy consent form (MAP-251).
(4) Itemized bill; and
(5) Evidence of Medicare secondary payment pursuant to 42 CFR 411.32.

JANIE A. MILLER, Commissioner and Secretary
APPROVED BY AGENCY: January 21, 2003
FILED WITH LRC: January 21, 2003 at 10 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on March 21, 2003, at 9 a.m. at the Kentucky Department of Insurance, 215 West Main Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by March 14, 2003, five work days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person, William J. Nold or Melea Kelch, 215 West Main Street, P.O. Box 517, Frankfort, Kentucky 40602-0517, phone (502) 564-6032, fax (502) 564-1456.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: William J. Nold or Melea Kelch
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes standardized Health Claim Attachments that must be sent to an insurance company for a provider to receive payment. These attachments are the result of recommendations made to the department by KY Uniform Billing Committee.
(b) The necessity of this administrative regulation: This administrative regulation is necessary as KRS 304.17A-720(1) requires that the department promulgate administrative regulations prescribing standardized health claim attachments to be used by insurers. This administrative regulation prescribes standardized health claim attachments and minimum requirements for routinely requested medical information health claim attachments.
(c) How does this administrative regulation conform to the content of the authorizing statutes: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable rules and administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code as defined in KRS 304.1-010. KRS 304.17A-720(1) requires that the department promulgate administrative regulations prescribing standardized health claim attachments to be used by insurers. This administrative regulation prescribes standardized health claim attachments and minimum requirements for routinely requested medical information health claim attachments.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist establishing standardized health claim attachments and minimum requirements for routinely requested medical information.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation? N/A. This is a new administrative regulation.
(b) The necessity of the amendment to this administrative regulation: N/A
(c) How the amendment conforms to the content of the authorizing statutes: N/A
(d) How the amendment will assist in the effective administration of the statutes: N/A
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will effect all insurers offering health benefit plans and any provider requesting payment from the policyholders' insurer.
(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, of new, or by the change if it is an amendment: Little additional impact is expected as these attachments are routinely requested. By standardizing the attachments increased efficiency and uniformity is expected.
(5) Provide an estimate of how much it will cost to implement this regulation:
(a) Initially: No additional cost expected.
(b) On a continuing basis. There should be no cost on a continuing basis.
(6) What is the source of funding to be used for the implementation and enforcement of this administrative regulation? The budget of the Kentucky Department of Insurance.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment. There will be no increase in fees or funding necessary to implement this administrative regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees.
(9) TIERING: Is tiering applied? Tiering is not applied because this regulation applies equally to all insurers offering health benefit plans in the Commonwealth of Kentucky.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Financial Institutions
(New Administrative Regulation)

808 KAR 12:050. Regulation of charges for services rendered in processing and closing real estate loans to consumers.

RELATES TO: KRS 294.120(1), (2), (6)
STATUTORY AUTHORITY: KRS 294.140, 294.140(1)
NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation is necessary to codify agency interpretation of KRS 294.120(1) and (2) and provide more detailed instructions for compliance with the requirements of those provisions. It is also necessary to permit customers to ascertain exactly what they are paying for the services of a mortgage loan broker or mortgage loan company, as applicable. It will require that there will be no markup on charges for services obtained from third parties, such as appraisers, credit reporting agencies, etc. It does not otherwise limit what a mortgage loan broker, or mortgage loan company, as applicable, may charge for their services, provided it is all disclosed.

Section 1. All fees paid to or collected by a mortgage loan company or a mortgage loan broker in connection with a mortgage loan, such as fees paid to or collected by the lender, shall be disclosed as being paid to such mortgage loan company or mortgage loan broker, or lender, or one (1) or several of them as applicable, on the settlement statement for the mortgage loan. The disclosure shall clearly and unambiguously disclose the identity of the recipient of each fee.

Section 2. (1) Except as provided by subsection (2) of this section, markups of the cost of services performed or goods provided by another settlement service provider, and fees charged or collected by one (1) settlement service provider if no work, nominal work, or duplicative work is done, shall be expressly prohibited. The services or goods may be, appraisal fees, surveyor fees, credit reporting agency fees, and fees incurred to establish a loan repayment

program if payments are made more often than once a month, such as a biweekly payment program.

(2) Lender-paid premiums to loan companies and brokers, or yield spread premiums paid to loan companies and brokers, shall be expressly permitted without restriction under this section.

Section 3. If a mortgage loan company, mortgage loan broker, lender, or the stockholder of any of these entities owns any portion of or controls an entity, or entities, that perform services, provide goods, or receive payment for goods or services provided in connection with a mortgage loan, each entity shall be treated as a separate entity, as if not owned or controlled, for purposes of disclosure to the borrower. The existence of any ownership or control and the extent and nature of the ownership or control shall be clearly and unambiguously disclosed to the borrower. The disclosure shall meet the requirements as set out in the federal Real Estate Settlement Procedures Act, 12 USCS 2601 through 2617 ("RESPA"), and follow the prescribed disclosure format as set out in Appendix D of Part 3500 RESPA.

JANIE A. MILLER, Secretary
ELLA D. ROBINSON, Commissioner
APPROVED BY AGENCY: January 17, 2003
FILED WITH LRC: January 28, 2003 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Tuesday, March 25, 2003, at 10 a.m. at the offices of the Department of Financial Institutions, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing by Tuesday, March 18, 2003, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on this administrative regulation. Any disabled person desiring to attend or participate in this public hearing will be provided reasonable accommodation, if requested, at the time of notification of intent to attend. A transcript of the public hearing will not be made unless a written request for a transcript is made, with cost to be borne by the requesting party. If you do not wish to attend the public hearing, you may submit comments on this administrative regulation by Tuesday, March 25, 2003. Send written notification to attend the public hearing or comments on this administrative regulation to: Department of Financial Institutions, Public Protection and Regulation Cabinet, Attn: William E. Doyle, Staff Attorney, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, phone (502) 573-3390, fax (502) 573-8787.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: William E. Doyle

(1) Provide a brief summary of:

(a) What this administrative regulation does: It will require that there will be no markup on charges for services obtained from third parties, such as appraisers, credit reporting agencies, etc.

(b) The necessity of this administrative regulation: This regulation is necessary to codify agency interpretation of KRS 294.120(1) and (2) and provide more detailed instructions for compliance with the requirements of those provisions. It is also necessary to permit customers to ascertain exactly what they are paying for the services of a mortgage loan broker or mortgage loan company, as applicable.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 294.140(1) authorizes the commissioner to prescribe such rules, regulations and forms and to promulgate such orders as are deemed to be necessary and appropriate to accomplish the basic purposes of and the provisions contained within KRS Chapter 294.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: It will codify agency interpretation of KRS 294.120(1) and (2) and provide more detailed instructions for compliance with the requirements of those provisions.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the content of the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All mortgage loan companies and mortgage loan brokers required to be licensed pursuant to the Mortgage Loan Company and Mortgage Loan Broker Act (KRS Chapter 294) and any such persons contemplating entering the business. Persons who enter into mortgage loan agreements will have additional protection from unlawful markups of goods and services provided by third parties in connection with obtaining and servicing their loan.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: Mortgage loan companies and mortgage loan brokers required to be licensed pursuant to the Mortgage Loan Company and Mortgage Loan Broker Act (KRS Chapter 294) and any such persons contemplating entering the business will not be affected because they are not permitted to markup the price of goods and service provided by third parties now. However, the policy will be in a place where they can easily find it and read it and comply with it.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: Nothing

(b) On a continuing basis: Nothing

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The existing budget already provides the necessary funding to be used for the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or assessments will be necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees or assessments will be established or increased to implement this administrative regulation.

(9) TIERING: Is tiering applied? Tiering does not apply. The standards of compliance with the law must apply uniformly to all check cashers to ensure fairness and to maintain the necessary level of protection for the public.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of February 12, 2003

The February meeting of the Administrative Regulation Review Subcommittee was held on Wednesday, February 12, 2003, at 4:45 p.m. in Room 149 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, 2003 meeting were approved.

Present were:

Members: Representative John Arnold, Chairman; Senators Joey Pendleton and Dick Roeding; Representatives Jimmie Lee and James Bruce.

LRC Staff: Dave Nicholas, Donna Little, Edna Lowery, Karen Smith, Sarah Amburgey, Donna Kemper, Emily Caudill, and Ellen Steinberg.

Guests: Rob Sprang, Ryan Halloran David Mawn, Karen C. Jones, Governor's Office; Phillip Rogers, Brenda Allen, Educational Professional Standards Board; William P. Hanes, Gerri Miller, Shawn Sparks, Eric Wampler, Kentucky Retirement Systems; Nancy L. Black, Board of Fee-based Pastoral Counselors; Hank List, Natural Resources and Environmental Protection Agency; Steve Lynn, Department of Criminal Justice Training; Elizabeth D. Baker, Transportation Cabinet; Kevin Noland, Michael Miller, Board of Education; Susan Gormley Tipton, Stephen G. Horner, Alcoholic Beverage Control; John Gray, Samuel Burnette, James Carreer, Mike Littlefield, Cabinet for Health Services; Rosanne Barkley, Karen Doyle, Cabinet for Families and Children; Ernie Pitt, Cooksey Brothers Disposal Co., Inc.; Patricia A. Clare, Louisville Downtown Development Corp., Ron Wolf, Rick Johnstone, Louisville Metro Government; Howard Beauman, Kentucky League on Alcohol and Gambling Problems; Kenneth Handmaker, Cordish Corporation; Joe Purvis, Mac Werner, Buckhorn Wilderness Program; James W. Jitter Allen, Republic Industries; Jack Baker, Republic Services.

The Subcommittee determined that the following administrative regulations, as amended by the promulgating agency and the Subcommittee, complied with statutory requirements:

Governor's Office: Telehealth Board

10 KAR 3:050 & E. Establishing protocols and standards for telehealth network training centers and rural sites. Ryan Halloran, Assistant Attorney General, and Rob Sprang, Co-Director, represented the Board.

This administrative regulation was amended as follows: the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 to 3 were amended to comply with the drafting and format requirements of KRS Chapter 13A.

Kentucky Agency for Substance Abuse

10 KAR 7:020. Kentucky Agency for Substance Abuse Policy (KY-ASAP) on-going funding. David Mawn and Karen Jones represented the Agency.

This administrative regulation was amended as follows: (1) the Title and the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs were amended for minor technical errors; (2) Section 1 was amended to define terms; (3) Section 2 was replaced with clarified proposal requirements; (4) Section 3 was replaced with local board reporting requirements and provisions for findings of noncompliance; and (5) Section 4 was replaced to clarify application and contract requirements.

Education Professional Standards Board: Teaching Certificates

16 KAR 2:040. Interdisciplinary early childhood education, birth to primary. Brenda Allen, Counsel, and Phillip Rogers, Division Director, represented the Board.

This administrative regulation was amended as follows: Sections 1, 2, 4, 5, 7, 8, 9, and 10 were amended to comply with the drafting requirements of KRS Chapter 13A.

16 KAR 2:070. Professional certificate for school social worker. This administrative regulation was amended as follows: the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 and 3 were amended to comply with the drafting requirements of KRS Chapter 13A.

16 KAR 2:080. Provisional and probationary certificates for school social worker. This administrative regulation was amended as follows: Sections 1, 2, and 4 were amended to comply with the drafting requirements of KRS Chapter 13A.

16 KAR 2:140. Probationary certificate for teachers of children, birth to primary. This administrative regulation was amended as follows: Sections 2 and 3 were amended to comply with the drafting requirements of KRS Chapter 13A.

Assessment

16 KAR 6:010. Written examination prerequisites for teacher certification. This administrative regulation was amended as follows: Sections 2 to 6 were amended to comply with the drafting requirements of KRS Chapter 13A.

Finance and Administration Cabinet: Kentucky Employees' Retirement System: General Rules

105 KAR 1:220. Annual disability review. Bill Hanes, Executive Director, Gerri Miller, and Eric Wampler, General Counsel, represented the Cabinet.

This administrative regulation was amended as follows: Section 1 was amended to: (1) specify the type of information required by examiners; and (2) comply with the drafting and format requirements of KRS Chapter 13A.

Natural Resources and Environmental Protection Cabinet: Department for Environmental Protection: Division of Waste Management: Solid Waste Facilities

401 KAR 47:095. Administrative procedures concerning the environmental remediation fee. Hank List, Secretary, and Robert Daniell, Director, represented the Cabinet. Ernie Pitt, Counsel, Cooksey Brothers Disposal Co., appeared in opposition to this administrative regulation.

Mr. Pitt stated that there was a discrepancy between this administrative regulation and the authorizing statute. The authorizing statute clearly assessed the environmental remediation fee against the waste generators. However, the forms incorporated by reference in this administrative regulation suggested that waste disposal facilities would be required to remit the fee to the Cabinet even if they were unable to collect the fee from the generators. He requested that the administrative regulation be amended to permit generators to pay the remediation fee directly to the Cabinet rather than having to utilize the waste disposal facilities as a conduit. Additionally, he requested that the administrative regulation be amended to specify that the waste disposal facilities were not required to remit the fee to the Cabinet if the generators failed to pay it.

Mr. Daniell stated that the authorizing statute required the waste disposal facilities to act as a conduit for the fee. Furthermore, it would be a practical impossibility for the Cabinet to collect the fee directly from all of the individual generators.

Secretary List stated that there was no statutory mechanism for the nonpayment of the remediation fee by the generators. If there was widespread refusal to pay, the statute would need to be amended to address that issue. The Cabinet was committed to working with the generators and waste disposal facilities to resolve the fee payment problem.

In response to a question from Chairman Arnold, Secretary List stated that only one other entity had approached the Cabinet with concerns about the remediation fee payment process.

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 add authorizing language; and (3) Sections 1 and 2 were amended to comply with the drafting and format requirements of KRS Chapter 13A.

Justice Cabinet: Department of Criminal Justice Training: Concealed Deadly Weapons

503 KAR 4:040 & E. Required instructor training. Steve Lynn, Assistant General Counsel, represented the Department.

This administrative regulation was amended as follows: the RELATES TO paragraph and Section 1 were amended to comply with the drafting and format requirements of KRS Chapter 13A.

503 KAR 4:050 & E. Required content and conduct of the applicant training course. In response to a question by Representative Bruce, Mr. Lynn stated that this administrative regulation did not make the training course requirements so stringent that applicants could not pass.

This administrative regulation was amended as follows: the RELATES TO paragraph and Sections 2, 4, and 6 were amended to comply with the drafting and format requirements of KRS Chapter 13A.

503 KAR 4:060 & E. Reporting test scores and issuing certificates of completion. This administrative regulation was amended as follows: the RELATES TO paragraph and Section 1 were amended to comply with the drafting and format requirements of KRS Chapter 13A.

Transportation Cabinet: Department of Highways: Division of Professional Services: Traffic

603 KAR 5:230. The extended weight coal or coal by-products haul road system and associated bridge weight limits. Elizabeth Baker, Assistant General Counsel, and Dawn Offerman, Division of Planning, represented the Department.

In response to questions by Chairman Arnold, Ms. Baker stated that this administrative regulation authorized the Cabinet to post the Extended Weight Coal or Coal by-product Haul Road System (EWCHRS) on the Cabinet's website which improved the Cabinet's ability to update the system and the public's ability to access it. Additionally, the Transportation Cabinet was responsible for repairing roads damaged from coal trucks.

In response to a question by Chairman Arnold, Ms. Offerman stated that coal could be hauled on any road if the road's weight limit was not exceeded. This administrative regulation established a separate system for vehicles hauling extended weights of coal.

In response to a question from Representative Bruce, Ms. Baker stated that the Cabinet promulgated this administrative regulation to protect the public by determining which roads and bridges could withstand extended weights.

This administrative regulation was amended as follows: (1) the NECESSITY, FUNCTION, AND CONFORMITY paragraph was amended to insert authorizing language; and (2) Sections 1 to 5 and 10 were amended to comply with the drafting and format requirements of KRS Chapter 13A.

603 KAR 5:301. Weight (mass) classification of the state-maintained system of highways. This administrative regulation was amended as follows: the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Section 1 were amended to comply with the drafting and format requirements of KRS Chapter 13A.

Education, Arts, and Humanities Cabinet: Kentucky Board of Education: Department of Education: Office of District Support Services: General Administration

702 KAR 1:150. Employment of KTRS retiree in full-time position. Kevin Noland represented the Department.

In response to questions by Senator Roeding, Mr. Noland stated that this administrative regulation addressed the teacher shortage by encouraging retired teachers to return to the classroom in areas of high demand by allowing them to receive their full retirement benefits and a reduced teaching salary. A separate program with the same goal, the alternative certification program established by the Educational Professional Standards Board, enabled retired professionals to be certified as educators.

This administrative regulation was amended as follows: the RELATES TO, STATUTORY AUTHORITY, and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 2 and 3 were amended to comply with the drafting and format requirements of KRS Chapter 13A.

Office of Learning Programs Development: Office of Instruction

704 KAR 3:455. Instructional resource adoption process. In response to a question by Senator Roeding, Mr. Noland stated that this administrative regulation created no fiscal impact.

This administrative regulation was amended as follows: (1) Section 1 was amended to place the definitions in alphabetical order; (2) Sections 1 and 6 were amended to specify citations; and (3) Sections 1, 3, and 6 to 22 were amended to comply with the drafting and format requirements of KRS Chapter 13A.

704 KAR 3:510. Advanced placement. This administrative regulation was amended as follows: the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Section 1 were amended to comply with the drafting and format requirements of KRS Chapter 13A.

Public Protection and Regulation Cabinet: Department of Alcoholic Beverage Control: Licensing

804 KAR 4:370. Entertainment destination center license. Stephen Horner, Commissioner, represented the Department.

In response to a question by Representative Bruce, Mr. Horner stated that this administrative regulation only applied to cities of the first class.

In response to a question by Senator Roeding, Mr. Horner stated that the creation of the entertainment destination center license and its $7,500 fee had received major support.

This administrative regulation was amended as follows: (1) the definition of "Entertainment Destination Center" in Section 1 was amended to include facilities located in a county containing a city of the first class; (2) the definition of "Physical Confines" in Section 1 was amended to specify the nature of the required physical barrier; (3) Section 4 was amended to: (a) clarify that the permissible hours could not exceed limits set by applicable state statutes and local ordinances; (b) establish as a prerequisite the provision of adequate security; and (c) require minors to be easily distinguished from other patrons; (4) Section 8 was amended to require licensure proceedings to comply with KRS Chapters 13B and 243; and (5) Sections 1, 3, 4, and 7 were amended to comply with the drafting and format requirements of KRS Chapter 13A.

Cabinet for Health Services: Office of Certificate of Need: Certificate of Need

900 KAR 6:020. Certificate of need application fee schedule. John Gray, Director, represented the Office.

In response to questions from Senator Roeding, Mr. Gray stated that this administrative regulation was amended to increase the fee schedule so the Certificate of Need Office would be self-sufficient. The Office had not received any objections regarding the increase. The amendments replaced the existing percentage fee scale with a flat fee scale.

This administrative regulation was approved, with Senator Roeding voting not to approve, and 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); and (3) Section 1 was amended to: (a) clarify the requirements; and (b) comply with the drafting and format requirements of KRS Chapter 13A.

Department for Mental Health and Mental Retardation Services: Mental Health

908 KAR 2:210. Domestic violence offender treatment certification standards. Mike Littlefield, Administrative Regulation Coordinator, and Dave Gutierrez, Program Administrator, represented the Department.

In response to a question from Senator Roeding, Mr. Gutierrez stated that this administrative regulation was amended to clarify that sixteen (16) hours of continuing education were required every two (2) years.

This administrative regulation was amended as follows: (1) Sections 1, 2, 6, 8, and 12 were amended to specify citations; and (2) the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 to 8, and 10, 12, 13, and 15 were amended to comply with the drafting and format requirements of KRS Chapter 13A.

Cabinet for Families and Children: Department for Community Based Services: Family Support: K-Tap, Kentucky Works, Welfare to Work, State Supplementation

921 KAR 2:520. Work Incentive or "WIN". Karen Doyle, Rosanne Barkley, and Joe Purvis, Presbyterian Child Welfare Agency, represented the Department.

In response to questions by Senator Roeding, Ms. Barkley stated that this administrative regulation was amended to restructure the federally funded services for working families transitioning off welfare. The prior forms of financial assistance were consolidated into a reimbursement for workers that continued to remain employed. The reimbursement assisted with the cost of work-related expenses such as transportation and clothing. The restructuring should be budget neutral. The restructuring was based on a study conducted by the Manpower Demonstration Research Corporation which concluded that supplements were more beneficial than crisis and case management driven payments in keeping workers off welfare.

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 and Sections 2, 5, and 7 were amended for clarity; and (3) the forms incorporated by reference were updated.

Protection and Permanency: Child Welfare

922 KAR 1:460. Standards for youth wilderness camps. In response to a question by Senator Roeding, Mr. Purvis stated that youth wilderness camps were intended for troubled teens such as those probated to the Department of Juvenile Justice or those committed to the Cabinet for Families and Children.

This administrative regulation was amended as follows: (1) the Title, STATUTORY AUTHORITY, and NECESSITY, FUNCTION, AND CONFORMITY paragraphs were amended for accuracy; (2) Section 1 was amended to delete unnecessary definitions and clarify others; (3) Section 2 was amended to remove redundant language and add accreditation criteria; (4) Section 3 was replaced with provisions for decertification; (5) Section 4 was replaced with special provisions for the optional solo experience; and (6) Sections 4 through 12 were deleted.

The Subcommittee determined that the following administrative regulations complied with statutory authority:

Board of Certification for Fee-Based Pastoral Counselors

201 KAR 38:020. Application. Nancy Black, Division of Occupations and Professions, represented the Board.

201 KAR 38:040. Fees.

Justice Cabinet: Department of Criminal Justice Training: Concealed Deadly Weapons

503 KAR 4:080E. Repeal of 503 KAR 4:030 and 503 KAR 4:070. Steve Lynn, Assistant General Counsel, represented the Department.

The Subcommittee and the promulgating administrative agencies agreed to defer consideration of the following administrative regulations to the next meeting of the Subcommittee:

REGISTRY OF ELECTION FINANCE

Reports and Forms

32 KAR 1:100E. Slate software.

32 KAR 1:190E. Forms for gubernatorial slates of candidates and related filers.

32 KAR 1:200E. Transfers of public funds for gubernatorial slates of candidates.

Department of Law: Office of the Attorney General: Division of Consumer Protection

40 KAR 2:078. Interface with federal database.

Finance and Administration Cabinet: Kentucky Employees' Retirement System: General Rules

105 KAR 1:370E. Kentucky Retirement Systems personnel policies.

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.

Hunting and Fishing

301 KAR 3:110E. Special event mobility-impaired deer, turkey and waterfowl hunts.

Natural Resources and Environmental Protection Cabinet: Department for Environmental Protection: Division of Waste Management: Underground Storage Tanks

401 KAR 42:005E. Definitions related to 401 KAR Chapter 42.

Division for Air Quality: General Standards of Performance

401 KAR 63:105. Requirements for control technology determinations for major sources in accordance with Clean Air Act section 112(g) and (j).

Justice Cabinet: Department of Criminal Justice Training: Kentucky Law Enforcement Council

503 KAR 1:110E. Department of Criminal Justice Training basic training: graduation requirements; records.

503 KAR 1:140E. Peace officer professional standards.

Law Enforcement Foundation Program Fund

503 KAR 5:090E. Participation: requirements; application; withdrawal.

Transportation Cabinet: Department of Highways: Division of Professional Services: Professional Engineering and Related Services

600 KAR 6:040. Prequalification of firms for professional engineering or related services.

600 KAR 6:060. Professional engineering service selection committee.

Right of Way

603 KAR 4:035. Log signs; placement along fully-controlled and partially-controlled access highways.

603 KAR 4:040. TODS signs; placement on public roads other than interstates or parkways.

603 KAR 4:045. Cultural and recreational supplemental guide signs and boundary signs.

Cabinet for Health Services: Department for Public Health: Sanitation

902 KAR 10:060. On-site sewage disposal application fee. Jim Carreer, Legislative Liaison, and Sam Burnette, Division Director, represented the Division.

In response to questions by Senator Roeding, Mr. Carreer stated that this administrative regulation established an application fee for individual homes that needed septic tanks. Last year, there were 18,000 applications. The amendments to this administrative regulation increased the application fee by ten (10) dollars.

In response to questions by Senator Pendleton, Mr. Carreer stated that the fee had not been increased in ten (10) years. The Department used the fee to cover the cost of training the local environmentalists and for sending out state inspectors to assist local health departments in developing systems and resolving complaints.

Representative Bruce made a motion to defer consideration of this administrative regulation. Without objection, and with agreement of the Department, this administrative regulation was deferred.

Cabinet for Health Services: Department for Public Health: State Health Plan

902 KAR 17:041E. State Health Plan for facilities and services.

Department for Medicaid Services: Medicaid Services

907 KAR 1:008E. Ambulatory surgical center services and reimbursement.

907 KAR 1:015E. Payments for hospital outpatient services.

907 KAR 1:145E. Supports for community living services for an individual with mental retardation or a developmental disability.

907 KAR 1:320E. Kentucky Patient Access and Care System (KenPAC).

907 KAR 1:604E. Recipient cost-sharing.

907 KAR 1:800E. Breast and cervical cancer eligibility for Medicaid.

Cabinet for Families and Children: Department for Community Based Services: Family Support: Food Stamp Program

921 KAR 3:020E. Financial requirements.

921 KAR 3:025E. Technical requirements.

Protection and Permanency: Child Welfare

922 KAR 1:490 & E. Background checks for foster and adoptive

parents and reporting requirements.

The Subcommittee adjourned at 6:10 p.m. until March 11, 2003, at 10 a.m., in Room 149 of the Capitol Annex.

OTHER COMMITTEE REPORTS

COMPILER'S NOTE: In accordance with KRS 13A.290(9), the following reports were forwarded to the Legislative Research Commission by the appropriate jurisdictional committees and are hereby printed in the Administrative Register. The administrative regulations listed in each report became effective upon adjournment of the committee meeting at which they were considered.

INTERIM JOINT COMMITTEE ON EDUCATION
Meeting of February 3, 2003

The following administrative regulations were available for consideration by the Interim Joint Committee on Education during its meeting of February 3, 2003, having been referred to the Committee on January 16, 2003, pursuant to KRS 13A.290(6):

102 KAR 1:280. Service credit required for member to qualify for three (3) percent retirement factor.
702 KAR 3:310. Differentiated compensation.
704 KAR 3:390. Extended school services.

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 2-3-03 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

SENATE STANDING COMMITTEE ON HEALTH AND WELFARE
Meeting of February 11, 2003

The following administrative regulations were available for consideration by the Senate Standing Committee on Health and Welfare during its meeting of February 11, 2003, having been referred to the Committee on January 17, 2003, pursuant to KRS 13A.290(6):

201 KAR 8:460
921 KAR 4:116 & E

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the February 11, 2003 meeting, which are hereby incorporated by reference.

HOUSE STANDING COMMITTEE ON HEALTH AND WELFARE
Meeting of February 13, 2003

The following administrative regulations were available for consideration by the House Standing Committee on Health and Welfare during its meeting of February 13, 2003, having been referred to the Committee on January 17, 2003, pursuant to KRS 13A.290(6):

201 KAR 8:460
921 KAR 4:116 & E

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the February 13, 2003 meeting, which are hereby incorporated by reference.

HOUSE COMMITTEE ON LICENSING AND OCCUPATIONS
Meeting of February 12, 2003

The following administrative regulations were available for consideration by the Interim Joint Committee on Licensing and Occupations during its meeting of February 12, 2003, having been referred to the House Committee on Licensing and Occupations, pursuant to KRS 13A.290(6):

40 KAR 2:150, 40 KAR 2:250

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 Feb 12, 2002 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates ..... I - 2

The Locator Index lists all administrative regulations published in VOLUME 29 of the Administrative Register from July, 2002 through June, 2003. 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 28 are those administrative regulations that were originally published in Volume 28 (last year's) issues of the Administrative Register but had not yet gone into effect when the 02 bound Volumes were published.

KRS Index ..... I - 16

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 29 of the Administrative Register.

Subject Index ..... I - 30

The Subject Index is a general index of administrative regulations published in VOLUME 29 of the Administrative Register, and is mainly broken down by agency.

Regulation Number	28 Ky.R. Page No.	Effective Date

VOLUME 28

The administrative regulations listed under VOLUME 28 are those administrative regulations that were originally published in Volume 28 (last year's) issues of the Administrative Register but had not yet gone into effect when the 02 bound Volumes were published.

EMERGENCY ADMINISTRATIVE REGULATIONS:
(Emergency regulations expire 170 days from publication; or 170 days from publication plus number of days of requested extension; or on replacement or repeal, whichever occurs first)

40 KAR 2:001E	2529	5-14-02
Expired		11-18-02
40 KAR 2:075E	2530	5-14-02
Expired		11-18-02
40 KAR 2:076E	2532	5-14-02
Expired		11-18-02
302 KAR 20:250E	2534	5-15-02
Replaced		11-13-02
803 KAR 25:010E	2536	4-18-02
Replaced		10-16-02
807 KAR 5:100E	2546	4-25-02
Replaced		10-9-02
807 KAR 5:110E	2547	4-25-02
Replaced		10-9-02
902 KAR 20:380E	2549	5-7-02
*Expired		11-18-02
907 KAR 1:019E	2554	4-19-02
Replaced		11-13-02
907 KAR 1:145E	2563	4-16-02
*Expired		10-25-02

ORDINARY ADMINISTRATIVE REGULATIONS

40 KAR 7:010	723	
Withdrawn		11-25-02
102 KAR 1:260	2751	8-12-02
102 KAR 1:270	2751	8-12-02
103 KAR 1:050		
Amended	2382	(See Volume 29)
108 KAR 1:010		
Amended	2636	(See Volume 29)
201 KAR 2:105		
Amended	2406	(See Volume 29)
201 KAR 5:030		
Amended	2639	(See Volume 29)
201 KAR 11:420		
Amended	2640	8-12-02
301 KAR 1:015		
Amended	2409	(See Volume 29)
301 KAR 1:201		
Amended	2641	(See Volume 29)
301 KAR 2:075	2478	(See Volume 29)
301 KAR 2:111		
Amended	2644	8-12-02
301 KAR 2:178		
Amended	2646	8-12-02
301 KAR 3:022		
Amended	2425	(See Volume 29)
302 KAR 20:010		
Amended	2427	(See Volume 29)
302 KAR 20:100		
Amended	2429	(See Volume 29)
302 KAR 20:110		
Amended	2430	(See Volume 29)
302 KAR 20:120		
Amended	2650	(See Volume 29)
302 KAR 20:140		
Amended	2432	(See Volume 29)
302 KAR 20:220		
Amended	2433	(See Volume 29)
501 KAR 6:020		
Amended	2436	(See Volume 29)
501 KAR 6:170		
Amended	2724	(See Volume 29)
501 KAR 6:999		
Amended	2726	(See Volume 29)
502 KAR 5:020	2752	(See Volume 29)
702 KAR 1:035		
Amended	2442	(See Volume 29)
702 KAR 3:300		
Amended	2443	(See Volume 29)
702 KAR 7:065		
Amended	2445	(See Volume 29)
803 KAR 25:021		
Amended	2446	(See Volume 29)
803 KAR 25:026		
Amended	2449	(See Volume 29)
805 KAR 8:010	2127	(See Volume 29)
805 KAR 8:030	2128	(See Volume 29)
805 KAR 8:040	2129	(See Volume 29)
805 KAR 8:050	2131	(See Volume 29)
805 KAR 8:060	2132	(See Volume 29)
806 KAR 13:150		
Amended	2729	(See Volume 29)
806 KAR 17:081		
Amended	1922	
Amended	2359	(See Volume 29)
811 KAR 1:105		
Amended	2256	(See Volume 29)
815 KAR 7:120		
Amended	2453	(See Volume 29)
815 KAR 7:125		
Amended	2455	(See Volume 29)
902 KAR 2:150		
Repealed	2479	8-12-02
902 KAR 2:151	2479	8-12-02
902 KAR 2:160		
Repealed	2479	8-12-02
902 KAR 10:085		
Amended	2083	
Amended	2618	(See Volume 29)
907 KAR 1:320		
Amended	2736	(See Volume 29)
907 KAR 1:340		
Amended	2457	(See Volume 29)
907 KAR 1:720		
Amended	2742	(See Volume 29)
911 KAR 1:080		
Amended	2743	(See Volume 29)
921 KAR 2:015		
Amended	2459	(See Volume 29)
922 KAR 1:320		
Amended	2464	(See Volume 29)
922 KAR 1:360		
Amended	2469	(See Volume 29)

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922 KAR 1:460	1726	
Amended	2235	(See Volume 29)
922 KAR 2:170		
Amended	2746	(See Volume 29)
922 KAR 2:210	2753	(See Volume 29)

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EMERGENCY ADMINISTRATIVE REGULATIONS:

(Note: Emergency regulations expire 170 days from publication; or 170 days from publication plus number of days of requested extension; or upon replacement or repeal, whichever occurs first)

10 KAR 3:050E	889	9-11-02
14 KAR 1:010E	1964	12-20-02
16 KAR 1:040E	254	7-15-02
Resubmitted	2240	1-21-03
16 KAR 1:050E	256	7-15-02
Replaced	990	12-18-02
16 KAR 2:180E	258	7-15-02
Replaced	1517	12-18-02
32 KAR 1:100E	1495	10-24-02
32 KAR 1:190E	1496	10-24-02
32 KAR 1:200E	1497	10-24-02
40 KAR 2:070E	259	7-15-02
*Expired		1-18-03
103 KAR 44:070E	261	7-15-02
Replaced	1759	1-16-03
105 KAR 1:150E	1967	1-2-03
105 KAR 1:370	1744	11-27-02
200 KAR 5:350E	263	7-15-02
*Expired		1-18-03
201 KAR 40:040E	1970	12-17-02
201 KAR 40:050E	1971	12-17-02
201 KAR 40:060E	1972	12-17-02
201 KAR 40:070E	1973	12-17-02
201 KAR 40:080E	1975	12-17-02
201 KAR 40:090E	1977	12-17-02
301 KAR 1:015E	264	7-15-02
Replaced	784	11-13-02
301 KAR 2:041E	48	5-24-02
Replaced	1527	12-18-02
301 KAR 2:081E	50	5-24-02
Replaced	1529	12-18-02
301 KAR 2:082E	51	5-24-02
Replaced	1530	12-18-02
301 KAR 2:083E	53	5-24-02
Replaced	1531	12-18-02
301 KAR 2:084E	55	5-30-02
Replaced	1533	12-18-02
301 KAR 2:221E	1499	11-15-02
301 KAR 2:222E	1501	11-15-02
301 KAR 2:225E	890	8-20-02
Replaced	1319	1-16-03
301 KAR 3:110E	1504	11-15-02
301 KAR 6:040E	265	6-21-02
Replaced	791	11-13-02
302 KAR 20:040E	56	5-24-02
Replaced	1259	11-13-02
302 KAR 20:065E	60	5-24-02
Replaced	1263	11-13-02
302 KAR 20:066E	62	5-24-02
*Expired	12-18-02	
302 KAR 31:006E	266	7-1-02
Expires		1-18-03
401 KAR 42:005E	1211	10-1-02
405 KAR 5:001E	1979	12-13-02
405 KAR 5:030E	1982	12-13-02
405 KAR 5:035E	1989	12-13-02
405 KAR 5:038E	1991	12-13-02
405 KAR 5:045E	1994	12-13-02
405 KAR 5:053E	1996	12-13-02
405 KAR 5:060E	1998	12-13-02
405 KAR 5:075E	2003	12-13-02
405 KAR 5:080E	2005	12-13-02
503 KAR 1:110E	267	6-19-02
Withdrawn		12-9-02
Resubmitted	1744	12-9-02
503 KAR 1:140E	1505	11-12-02
503 KAR 1:160E	66	6-6-02
*Expired		12-18-02
503 KAR 3:090E	68	6-6-02
*Expired		12-18-02
503 KAR 3:100E	70	6-6-02
*Expired		12-18-02
503 KAR 4:040E	670	7-15-02
503 KAR 4:050E	671	7-15-02
503 KAR 4:060E	673	7-15-02
503 KAR 4:080E	674	7-15-02
503 KAR 5:090E	1510	11-12-02
505 KAR 1:150E	270	7-12-02
Replaced	1609	12-18-02
703 KAR 5:070E	75	6-12-02
803 KAR 2:180E	2007	12-30-02
803 KAR 2:406E	2009	12-30-02
803 KAR 2:500E	2011	12-30-02
803 KAR 25:009E	271	7-15-02
Replaced	1609	12-18-02
803 KAR 25:120E	274	7-15-02
Replaced	1612	12-18-02
806 KAR 4:010E	675	7-17-02
Replaced	1355	1-16-03
806 KAR 9:030E	679	7-17-02
Replaced	1794	1-16-03
806 KAR 9:070E	680	7-17-02
Replaced	2097	2-16-03
806 KAR 9:190E	682	7-17-02
Replaced	1362	1-16-03
806 KAR 9:210E	683	7-17-02
Replaced	2098	2-16-03
806 KAR 9:310E	684	7-17-02
Replaced	1364	1-16-03
806 KAR 9:320E	687	7-17-02
Replaced	1795	1-16-03
806 KAR 9:331E	688	7-17-02
806 KAR 10:030E	277	7-15-02
Replaced	1796	1-16-03
806 KAR 17:085E	278	7-15-02
Replaced	1797	1-16-03

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806 KAR 17:095E	281	7-15-02
*Expired		1-18-03
806 KAR 17:150E	282	7-15-02
Replaced	1799	1-16-03
806 KAR 17:180E	287	7-15-02
Replaced	1803	1-16-03
806 KAR 17:280E	289	7-15-02
*Expired		1-18-03
806 KAR 17:290E	293	7-15-02
*Expired		1-18-03
806 KAR 17:310E	298	7-15-02
Replaced	1804	1-16-03
806 KAR 17:320E	299	7-15-02
Replaced	1805	1-16-03
806 KAR 17:330E	302	7-15-02
Replaced	1808	1-16-03
806 KAR 17:360E	304	7-15-02
Replaced	1808	1-16-03
806 KAR 17:440E	305	7-15-02
Replaced	1809	1-16-03
806 KAR 17:450E	307	7-15-02
Replaced	1810	1-16-03
806 KAR 38:021E	690	7-17-02
806 KAR 38:061E	309	7-15-02
Expired		1-18-02
806 KAR 43:011E	691	7-17-02
806 KAR 46:021E	692	7-17-02
900 KAR 6:050E	310	6-28-02
***Expired		1-3-03
Resubmitted	2012	1-8-03
902 KAR 2:065E	320	7-11-02
Replaced	1818	1-15-03
902 KAR 8:170E	321	7-8-02
Replaced	1616	12-18-02
902 KAR 10:046E	327	7-15-02
*Expired		1-18-03
902 KAR 10:180E	328	7-15-02
*Expired		1-18-03
902 KAR 17:041E	693	8-9-02
Withdrawn		11-12-02
Resubmitted	1513	11-12-02
902 KAR 20:014E	2241	2-13-03
907 KAR 1:006E	892	8-30-02
Resubmitted	2243	1-30-03
907 KAR 1:008E	1214	10-1-02
907 KAR 1:013E	336	7-1-02
Replaced	1634	12-18-02
907 KAR 1:015E	894	9-3-02
Withdrawn		2-11-03
Resubmitted	2245	2-11-03
907 KAR 1:018E	345	7-10-02
Replaced	1642	12-18-02
907 KAR 1:025E	347	6-28-02
Replaced	1643	12-18-02
907 KAR 1:030E	353	6-18-02
Replaced	2108	1-15-03
907 KAR 1:031E	355	6-27-02
Replaced	1648	12-18-02
907 KAR 1:045E	360	6-28-02
*Expired		10-14-02
907 KAR 1:055E	76	5-23-02
Replaced	1279	10-16-02
907 KAR 1:065E	362	6-28-02
Withdrawn		10-4-02
Resubmitted	1215	10-4-02
Withdrawn		12-30-02
Resubmitted	2022	12-30-02
907 KAR 1:072E	368	6-28-02
Replaced	1652	12-18-02
907 KAR 1:092E	370	6-28-02
Replaced	1652	12-18-02
907 KAR 1:145E	1748	11-25-02
907 KAR 1:155E	371	6-28-02
Withdrawn		1-17-03
Resubmitted	2247	1-17-03
907 KAR 1:160E	694	8-1-02
Replaced	2109	1-15-03
907 KAR 1:170E	375	6-27-02
Replaced	1653	12-18-02
907 KAR 1:320E	1222	10-1-02
907 KAR 1:360E	378	6-27-02
Replaced	1656	12-18-02
907 KAR 1:479E	2029	1-8-03
907 KAR 1:520E	380	6-28-02
Withdrawn		12-30-02
Resubmitted	2034	12-30-02
907 KAR 1:530E	381	6-28-02
Withdrawn		12-30-02
Resubmitted	2035	12-30-02
907 KAR 1:604E	697	8-1-02
**Expired		10-3-02
907 KAR 1:800E	1227	10-1-02
907 KAR 3:030E	79	5-21-02
Withdrawn		12-17-02
Resubmitted	2036	12-17-02
907 KAR 3:090E	2045	12-17-02
907 KAR 3:100E	382	6-28-02
Replaced	1657	12-18-02
907 KAR 3:110E	385	6-28-02
*Expired		1-18-03
Resubmitted	2250	2-11-03
907 KAR 4:020E	395	6-28-02
Replaced	1658	12-18-02
Resubmitted		2-11-03
910 KAR 1:180E	896	9-12-02
Withdrawn		12-13-02
911 KAR 2:120E	88	6-14-02
Expired		12-18-02
Resubmitted	2052	1-3-03
911 KAR 2:130E	2058	12-30-02
911 KAR 2:200E	93	6-14-02
Expired		12-18-02
Resubmitted	2062	1-10-03
921 KAR 2:015E	2069	12-27-02
921 KAR 3:020E	1229	10-1-02
921 KAR 3:025E	1233	10-1-02
921 KAR 4:116E	699	8-13-02
Replaced	2112	2-13-03
922 KAR 1:440E	397	6-28-02
Replaced	1825	1-15-03
922 KAR 1:450E	400	7-15-02
Replaced	1419	1-15-03
922 KAR 1:490E	899	9-11-02
922 KAR 3:040E	401	6-28-02
Replaced	1827	1-15-03

ORDINARY ADMINISTRATIVE REGULATIONS:

10 KAR 3:050	1423	
As Amended	2265	
10 KAR 7:020	1509	
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11 KAR 3:100		
Amended	146	10-7-02
11 KAR 5:001		
Amended	159	
Amended	738	
As Amended	903	10-7-02
11 KAR 5:034		
Amended	161	
Amended	740	
As Amended	904	10-7-02
11 KAR 5:130		
Amended	162	9-9-02
11 KAR 5:145		
Amended	164	9-9-02
11 KAR 5:150		
Amended	166	9-9-02
11 KAR 5:160		
Amended	167	
Amended	741	
As Amended	905	10-7-02
11 KAR 12:010		
Amended	985	12-18-02
11 KAR 12:030		
Amended	986	12-18-02
11 KAR 15:010		
Amended	170	9-9-02
11 KAR 15:080	199	
As Amended	703	9-9-02
13 KAR 1:030		
Amended	748	
As Amended	1237	11-12-02
13 KAR 2:025	835	
As Amended	1238	11-12-02
13 KAR 2:045		
Amended	749	
As Amended	1238	11-12-02
13 KAR 2:090		
Amended	171	
Amended	744	
As Amended	906	10-7-02
13 KAR 2:100		
Amended	753	
As Amended	1242	11-12-02
16 KAR 1:010		
Recodified from 704 KAR 20:730		7-2-02
16 KAR 1:020		
Recodified from 704 KAR 20:680		7-2-02
16 KAR 1:030		
Recodified from 704 KAR 20:585		7-2-02
16 KAR 1:040		
Recodified from 704 KAR 20:750		7-2-02
Amended	987	
Withdrawn		1-21-03
16 KAR 1:050		
Recodified from 704 KAR 20:760		7-2-02
Amended	990	12-18-02
16 KAR 2:010		
Recodified from 704 KAR 20:670		7-2-02
16 KAR 2:020		
Recodified from 704 KAR 20:222		7-2-02
16 KAR 2:030		
Recodified from 704 KAR 20:210		7-2-02
16 KAR 2:040		
Recodified from 704 KAR 20:084		7-2-02
Amended	1854	
As Amended	2267	
16 KAR 2:050		
Recodified from 704 KAR 20:500		7-2-02
16 KAR 2:060		
Recodified from 704 KAR 20:132		7-2-02
16 KAR 2:070		
Recodified from 704 KAR 20:194		7-2-02
Amended	1857	
As Amended	2269	
16 KAR 2:080		
Recodified from 704 KAR 20:195		7-2-02
Amended	1858	
As Amended	2270	
16 KAR 2:090		
Recodified from 704 KAR 20:128		7-2-02
16 KAR 2:100		
Recodified from 704 KAR 20:260		7-2-02
16 KAR 2:110		
Recodified from 704 KAR 20:280		7-2-02
16 KAR 2:120		
Recodified from 704 KAR 20:120		7-2-02
16 KAR 2:130		
Recodified from 704 KAR 20:490		7-2-02
16 KAR 2:140		
Recodified from 704 KAR 20:082		7-2-02
Amended	1860	
As Amended	2271	
16 KAR 2:150		
Recodified from 704 KAR 20:475		7-2-02
16 KAR 2:160		
Recodified from 704 KAR 20:510		7-2-02
16 KAR 2:170		
Recodified from 704 KAR 20:770		7-2-02
16 KAR 2:180	1158	
As Amended	1517	12-18-02
16 KAR 3:010		
Recodified from 704 KAR 20:420		7-2-02
16 KAR 3:020		
Recodified from 704 KAR 20:410		7-2-02
16 KAR 3:030		
Recodified from 704 KAR 20:540		7-2-02
16 KAR 3:040		
Recodified from 704 KAR 20:198		7-2-02
16 KAR 3:050		
Recodified from 704 KAR 20:710		7-2-02
16 KAR 3:051		
Recodified from 704 KAR 20:380		7-2-02
16 KAR 3:052		
Recodified from 704 KAR 20:390		7-2-02
16 KAR 3:053		
Recodified from 704 KAR 20:400		7-2-02
16 KAR 3:060		
Recodified from 704 KAR 20:530		7-2-02
16 KAR 3:061		
Recodified from 704 KAR 20:130		7-2-02
16 KAR 3:070		
Recodified from 704 KAR 20:330		7-2-02
16 KAR 3:080		
Recodified from 704 KAR 20:215		7-2-02
16 KAR 4:010		
Recodified from 704 KAR 20:165		7-2-02
16 KAR 4:020		
Recodified from 704 KAR 20:740		7-2-02
16 KAR 4:030		
Recodified from 704 KAR 20:035		7-2-02
16 KAR 4:040		
Recodified from 704 KAR 20:045		7-2-02

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16 KAR 4:050		
Recodified from 704 KAR 20:056		7-2-02
16 KAR 4:060		
Recodified from 704 KAR 20:060		7-2-02
16 KAR 4:070		
Recodified from 704 KAR 20:212		7-2-02
16 KAR 5:010		
Recodified from 704 KAR 20:696		7-2-02
16 KAR 5:011		
Recodified from 704 KAR 20:650		7-2-02
16 KAR 5:012		
Recodified from 704 KAR 20:003		7-2-02
16 KAR 5:013		
Recodified from 704 KAR 20:005		7-2-02
16 KAR 5:014		
Recodified from 704 KAR 20:125		7-2-02
16 KAR 5:020		
Recodified from 704 KAR 20:700		7-2-02
16 KAR 5:030		
Recodified from 704 KAR 20:030		7-2-02
16 KAR 5:040		
Recodified from 704 KAR 20:706		7-2-02
16 KAR 5:050		
Recodified from 704 KAR 20:560		7-2-02
16 KAR 6:010		
Recodified from 704 KAR 20:305		7-2-02
Amended	1862	
As Amended	2272	
16 KAR 6:020		
Recodified from 704 KAR 20:310		7-2-02
16 KAR 6:030		
Recodified from 704 KAR 20:460		7-2-02
16 KAR 7:010		
Recodified from 704 KAR 20:690		7-2-02
16 KAR 7:020		
Recodified from 704 KAR 20:470		7-2-02
16 KAR 8:010		
Recodified from 704 KAR 20:015		7-2-02
16 KAR 8:020		
Recodified from 704 KAR 20:021		7-2-02
16 KAR 8:021		
Recodified from 704 KAR 20:020		7-2-02
16 KAR 8:030		
Recodified from 704 KAR 20:022		7-2-02
16 KAR 8:040		
Recodified from 704 KAR 20:025		7-2-02
16 KAR 9:010		
Recodified from 704 KAR 20:720		7-2-02
16 KAR 9:020		
Recodified from 704 KAR 20:550		7-2-02
16 KAR 9:030		
Recodified from 704 KAR 20:555		7-2-02
16 KAR 9:040		
Recodified from 704 KAR 20:300		7-2-02
16 KAR 9:050		
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16 KAR 9:060		
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40 KAR 2:070		
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40 KAR 2:076		
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Amended	1828	
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40 KAR 2:161	1159	
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Amended	995	
Amended	1832	
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103 KAR 1:050		
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105 KAR 1:310		
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105 KAR 1:330		
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105 KAR 1:340		
Amended	782	11-12-02
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Amended	1053	
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702 KAR 5:080		
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