

KANSAS REGISTER



State of Kansas

JACK H. BRIER
Secretary of State

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State of Kansas

SOCIAL AND REHABILITATION SERVICES**REQUEST FOR PROPOSALS FOR EMERGENCY SHELTER AND TEMPORARY CARE PROGRAM**

Notice is hereby given to all interested parties that application packets will be available beginning January 13, 1984 for a 10-14 bed program for emergency shelter and temporary care for children in need of care and juvenile offenders in southwest Kansas. The service area will be the 16th, 24th, 25th and 26th Judicial Districts.

Community Based Services grant funds in the amount of \$175,000 are available with approximately \$100,000 for 12 month operational costs and approximately \$75,000 for start-up costs. There is a three year limit on grant funding and an assumption of cost requirement. Further information and requirements are included in the application packet, which is available from Verlene Kunz, Chief of Social Services, Garden City SRS Area Office, 2701 North 11th, Garden City, Kansas 67846, or from Dave O'Brien, Program Administrator, SRS-Youth Services, Smith-Wilson Building, 2700 West Sixth, Topeka, Kansas 66606.

Applications are due in the Garden City SRS Area Office no later than 5:00 p.m. Monday, February 13, 1984. It is anticipated that an award will be made in time for program start-up to occur on April 15, 1984.

ROBERT C. BARNUM
Commissioner, Youth Services

Doc. No. 001788

State of Kansas

STATE CORPORATION COMMISSION**NOTICE OF INTENT TO SELECT ENGINEERING SERVICES**

The Kansas Corporation Commission announces its intent to establish a list of qualified engineering firms in accordance with K.S.A. 1983 Supp. 75-5803. All consulting engineering firms and qualified individuals who may wish to provide engineering services to the Commission are invited to submit a statement of qualifications and performance data to the Executive Secretary, Kansas Corporation Commission, Fourth Floor, State Office Building, Topeka, Kansas 66612, and to the Executive Director, Mined-Land Conservation and Reclamation Board, 107 West 11th Street, P.O. Box 1418, Pittsburg, Kansas 66762.

Examples of work to be performed include, but are not restricted to, the preparation of environmental assessment statements in compliance with the *National Environmental Policy Act*, actual design and construction work related to abandoned mined-land reclamation projects, and a review of surface coal mining permits and permit applications to determine completeness and compliance with rules and regulations promulgated by the Mined-Land Conservation and Reclamation Board.

The Kansas Corporation Commission will negotiate contracts on the basis of the services required at a just and reasonable fee, in accordance with state statutes.

JUDITH McCONNELL
Executive Secretary

Doc. No. 001789

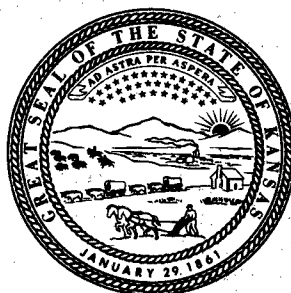
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PUBLISHED BY
JACK H. BRIER
Secretary of State
State Capitol
Topeka, Kansas 66612



PHONE: 913/296-2236

State of Kansas

**STATE CORPORATION COMMISSION
MINED-LAND CONSERVATION AND
RECLAMATION BOARD**

SCHEDULE OF 1984 BOARD MEETINGS

Notice is hereby given to all interested parties of the schedule for the Mined-Land Conservation and Reclamation Board Meetings for the year 1984.

February 9, 1984	9:00 a.m.	Holiday Inn, Pittsburg, Kansas
April 12, 1984	9:00 a.m.	Holiday Inn, Pittsburg, Kansas
June 14, 1984	9:00 a.m.	Holiday Inn, Pittsburg, Kansas
August 9, 1984	9:00 a.m.	Holiday Inn, Pittsburg, Kansas
October 11, 1984	9:00 a.m.	Holiday Inn, Pittsburg, Kansas
December 13, 1984	9:00 a.m.	Holiday Inn, Pittsburg, Kansas

A special notice will be mailed on any change in location or time of meetings.

Special meetings will be at the call of the Chairman of the Board or upon petition of three (3) or more Board members.

Field tours, site inspections or seminars for Board members are scheduled for the day preceding each scheduled Board meeting. Attendance is optional.

JOYCE STOVER
Executive Director

Doc. No. 001781

State of Kansas

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NO. 84-68

CONCERNING PAYMENT OF WAGES

WHEREAS, the State of Kansas supports the principle that persons employed on public projects shall be paid fair compensation for their labors; and

WHEREAS, this principle has been embodied in the statutes of the State of Kansas since 1891; and

WHEREAS, in contracts for public works, K.S.A. 44-201 mandates government entities to require contractors to pay the current rate of per diem wages to their laborers; and

WHEREAS, no provision has been made in the statutes to determine the appropriate rate of wages for public works projects in the various localities of this State.

NOW, THEREFORE, pursuant to the authority vested in me as Governor and chief executive of the State of Kansas and Article 1, Section 4 of the Constitution of the State of Kansas, I do hereby order and direct the Secretary of Human Resources to provide me information as to the ability of the State of Kansas to devise appropriate means and methodologies to determine the wages required by K.S.A. 44-201 for the various localities in this State, including costs, specific methodology and viable alternative methods to make such a determination. Such reported information shall be submitted for my review and approval and shall include a recommended method for periodically determining the wages required to be paid on public works projects in the various localities of this State.

This document shall be filed with the Secretary of State as Executive Order No. 84-68, and shall become effective immediately.

Dated January 4, 1984.

JOHN CARLIN
Governor

Attest: JACK H. BRIER
Secretary of State

Doc. No. 001783

State of Kansas

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NO. 84-69

CONCERNING EQUITABLE COMPENSATION

WHEREAS, the State of Kansas supports the principle that every person is entitled to be compensated in accordance with the value of the work performed; and

WHEREAS, discrimination in pay on account of sex is prohibited under the Equal Pay Act; and

WHEREAS, in the 1983 Session of the Kansas Legislature, House Concurrent Resolution No. 5050 was introduced by Representatives Luzatti, Adam, Apt, Branson, Charlton, Chronister, Foster, W. Fuller, Hassler, M. Johnson, Mainey, Matlack, Nichols, Niles, Reardon, Runnels, Solbach, Sughrue, Wagnon and Weaver, calling for an evaluation of state employment in regard to comparable worth and thereby demonstrating a concern that this issue be addressed; and

WHEREAS, an examination of the pay practices of the State of Kansas will be helpful in determining whether any sex-based pay inequities exist in the state service; and

WHEREAS, the Department of Administration is well-equipped to undertake such an examination.

NOW, THEREFORE, pursuant to the authority vested in me as Governor and chief executive of the State of Kansas, I hereby order and direct the Secretary of Administration to evaluate the basis upon which state employees are compensated and, if necessary, to recommend mechanisms to provide equal compensation for positions of comparable worth.

The Secretary of Administration shall submit any such Study, Report and Recommendations to the Governor not later than December 31, 1984.

This document shall be filed with the Secretary of State as Executive Order No. 84-69, and shall become effective immediately.

Dated January 5, 1984.

JOHN CARLIN
Governor

Attest: JACK H. BRIER
Secretary of State

Doc. No. 001785

State of Kansas

SECRETARY OF STATE**NOTICE OF FORFEITURE**

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of the State of Kansas and the authority of the following foreign corporations to do business in the State of Kansas were forfeited on December 15, 1983, for failure to file an annual report and pay the annual franchise tax, as required by the Kansas General Corporation Code.

Cancelled 12/15/83 for failure to file the 5/31/83 annual report:

Domestic for Profit

Ambassador Development Co., Inc., Olathe, KS.
 American Health and Fitness of Topeka East, Inc., Topeka, KS.
 Bair Designer Pools, Inc., Lenexa, KS.
 Blue Stem Lab, Inc., Manhattan, KS.
 Boots Brothers, Inc., Havana, KS.
 Bosse Elevators, Inc., Ellinwood, KS.
 Bosse Grains, Inc., Ellinwood, KS.
 Braden Corporation, Coffeyville, KS.
 Brad Oil Tools Inc., Hays, KS.
 Butcher's Inc., Coffeyville, KS.
 Clay Center Machine and Tool, Inc., Clay Center, KS.
 Coach House Car Wash, Inc., McPherson, KS.
 Commercial Leasing and Management Corporation, Mission, KS.
 Confederated Commercial, Inc., Wichita, KS.
 Consumer's Pharmacy, Inc., Wichita, KS.
 Core Petroleum, Inc., Independence, KS.
 Custom Metal Refinishing, Inc., Overland Park, KS.
 Data Anilas, Ltd., Salina, KS.
 Data Tech Services, Inc., Wichita, KS.
 Discovery Motivation, Inc., Burlington, KS.
 Donola, Inc., Wichita, KS.
 Dur-o-seal Systems, Inc., Chapman, KS.
 Economy Oilfield Supply & Service, Inc., Winfield, KS.
 Environmental Designs, Inc., Wichita, KS.
 Epoxy Injection Systems, Inc., Olathe, KS.
 E-Z Enterprises, Inc., Wichita, KS.
 Freeman and Son Inc., Paola, KS.
 Gem Resources Inc., Council Grove, KS.
 Givens Rentals, Inc., Arkansas City, KS.
 G & L Development Co., Mission, KS.
 Greenbrier Real Estate, Inc., Topeka, KS.
 Harold's Rent Buy Company, Great Bend, KS.
 Hic-Kel Oil Co., Inc., Burlington, KS.
 Howard and Sons Grease Company, Inc., Wichita, KS.
 Howe Management Company, Inc., Topeka, KS.
 HSA, Inc., Arkansas City, KS.
 Jan Stenerud and Company, Inc., Prairie Village, KS.
 Jayhawk Fire Equipment, Inc., Topeka, KS.
 Jayhawk Rendering, Inc., Dodge City, KS.
 Jay-Ox, Inc., Overland Park, KS.
 Jerco Commodities, Inc., Salina, KS.

Jim Loveland Roofing Company, Inc., Lenexa, KS.
 Johns Construction Co., Inc., Liberal, KS.
 J. T. Hines Plumbing Co., Inc., Hutchinson, KS.
 K. D. Anderson Construction Co., Inc., DeSoto, KS.
 Keltner Laboratories, Incorporated, Manhattan, KS.
 Larry Davis, Inc., Kansas City, KS.
 Linens & Things, Inc., Overland Park, KS.
 Markoh Investment Corporation, Olathe, KS.
 McKelso Sturm and Association, Wichita, KS.
 Medical Contact Lens Corporation, Kansas City, KS.
 Merchants Advertising Promotions, Inc., Overland Park, KS.
 Merchant Sampler Advertising Inc., Olathe, KS.
 Metropolitan Investment Enterprises, Inc., Wichita, KS.
 Metzger Salvage Center of Topeka, Inc., Topeka, KS.
 Mid America Systems Houses, Inc., Wichita, KS.
 Mid-Continent Chemical Corporation, Topeka, KS.
 Mid State Oil Co., Inc., Plainville, KS.
 Midwest Grain, Inc., Sharon Springs, KS.
 Midwest Molecular, Inc., Lenexa, KS.
 Mineral Property Management, Inc., Easton, KS.
 Mobile Homes Resort, Inc., Wichita, KS.
 National Amateur Bowlers, Inc., Kansas City, KS.
 O & W Construction Company, Inc., Independence, KS.
 Pallet Products Company, Incorporated, Solomon, KS.
 Peters Farms, Inc., Oberlin, KS.
 Pic-Plaq Mfg. Co., Overland Park, KS.
 Rainbow Marketing, Inc., Kansas City, KS.
 Sonic Drive-In of Haysville, Inc., Humboldt, KS.
 Spanish Gardens Estates, Inc., Overland Park, KS.
 Square One, Inc., Kansas City, KS.
 Starr Enterprises, Inc., Wichita, KS.
 Stevenson's Westloop Ladies, Inc., Manhattan, KS.
 Tallgrass Research Center Ltd., Formoso, KS.
 Tasker, Inc., Minneapolis, KS.
 T. K., Inc., Topeka, KS.
 Tramco International, Inc., Wichita, KS.
 Twenty-First Street Pawn Shop, Inc., Wichita, KS.
 Twilight Properties, Inc., Topeka, KS.
 United Industries International, Inc., Wichita, KS.
 Uniway of Wichita, Inc., Oklahoma City, OK.
 Venture Material & Supply Co., Inc., Wichita, KS.
 Waterbed Super Market, Inc., Wichita, KS.
 Wilson Distributing, Inc., Wichita, KS.

Foreign for Profit

Americana Collectors, Ltd., Kansas City, MO.
 Atwood, Inc., Overland Park, KS.
 Bay Colony Property Company, Inc., Boston, MA.
 B & D Wholesale Floral Supply, Inc., Willar, MO.
 California Business Service and Audit Co., Ontario, CA.
 Diamond Resources, Inc., Casper, WY.
 Emergency Patient Service, Inc., Kansas City, MO.
 Harmon and Sons, Inc., Belton, MO.
 Health Care Management Group, Inc., Tulsa, OK.
 Kansas City Jewish Chronicle Co., Shawnee Mission, KS.
 PH Mud Incorporated, Las Vegas, NV.

(continued)

Stowell Electric Company, Inc., Independence, MO.

Tax Computer Systems Inc., Largo, FL.
Western Exploration Drilling Company, Inc., Littleton, CO.

Professional Association

Bazzano Clinic P.A., Galena, KS.
Bradley & Holton Architects, P.A., Kansas City, KS.
Derrick J. Desouza, M.D., P.A., Leavenworth, KS.

Foreign Not for Profit

Executive Women International, Salt Lake City, UT.

National College, Rapid City, SD.

Cancelled 12/15/83 for failure to file the 11/30/82 annual report:

Cooperative Marketing Act

Farmers' Co-operative Association, Parsons, KS.
Pratt County Artificial Breeding Association, Pratt, KS.

Pratt Equity Exchange, Pratt, KS.

Cancelled 12/15/83 for failure to file the annual report due after 9/15/83 extension:

Domestic for Profit

Blaker's Studio Royal, Inc., Manhattan, KS.
Garden City Paving, Inc., Garden City, KS.
Greg Wegener, Inc., Overland Park, KS.
Hurricane Oil Well Services, Inc., Winfield, KS.

Foreign for Profit

H. J. Walter Corporation, Kansas City, MO.
International Fastener Research Corp., Los Angeles, CA.
Kenworthy Air Freight Services, Inc., Indianapolis, IN.

Cancelled for failure to correct and return an annual report:

Domestic for Profit

American Services, Inc., Overland Park, KS.
Asphalt Pavers, Inc. of Kansas, Merriam, KS.
Beulah Land Enterprises, Inc., Emporia, KS.
Bigor Resources Inc., Topeka, KS.
Blackstone and Coke, Inc., Manhattan, KS.
Communications Group, Inc., Wichita, KS.
Denim Depot, Inc., Chanute, KS.
D.S. Distributors, Inc., Wichita, KS.
Evans Inc., Topeka, KS.
K W Drilling, Inc., Topeka, KS.
McKinley Company, Inc., Topeka, KS.
Midstate Steel, Inc., Topeka, KS.
Midway Motor Co., Inc., Concordia, KS.
Payroll Services, Inc., Manhattan, KS.
Pine Tree Acres, Inc., Mullinville, KS.
Robin's Motor Co., Inc., Wichita, KS.
The Sedan Seed House, Inc., Sedan, KS.
Smith Construction Services Company, Inc., Garden City, KS.

Tax Favored Benefits, Incorporated, Prairie Village, KS.

Wichita Cabinet Company, Inc., Wichita, KS.

Foreign for Profit

Associated Contractors of America, Inc., Aberdeen, SD.

Bugs Burger Bug Killers, Inc., Miami, FL.
Flash Pizza Service, Incorporated, Winston-Salem, NC.

Houston Reakt, Inc., Houston, TX.
MCI Equipment Corporation, Shreveport, LA.
MCI Leasing, Inc., Washington, DC.
MCI Telecommunication Corp., Washington, DC.
Medical Help, Inc., Kansas City, MO.
Mid-Continent Business Forms Co., Kansas City, MO.

N-Triple-C Inc., Washington, DC.
Paeon, Inc. of Texas, El Paso, TX.
Raxton Corp., Boston, MA.
RIC Gunit & Refractories, Inc., Seabrook, TX.
SION Exploration, Inc., New Orleans, LA.
Tye Resources, Inc., Calgary, Alberta, Canada.
United Intermodal Services, Inc., Cincinnati, OH.
United States Consolidators, Inc., Cincinnati, OH.

Domestic Not for Profit

The Alaskan Malamute Club of Greater Kansas City, Kansas City, KS.

Faith Temple, Inc., Leavenworth, KS.
The Fraternal Order of Eagles of Downs, KS., Downs, KS.

Lighthouse World Ministries, Incorporated, Goodland, KS.

Shawnee Community Day Care Center, Inc., Overland Park, KS.

Stanley Volunteer Fire Department, Stanley, KS.
Wheat State Roadriders Motorcycle Club, McPherson, KS.

Foreign Not for Profit with Solicitation Certificate
American Health Assistance Foundation, Washington, DC.

Domestic Limited Partnership

Woodlawn Properties, Ltd., Wichita, KS.

Foreign Limited Partnership

Longhorn Gas Company 1978-II, Ltd., Oklahoma City, OK.

Cancelled 12/15/83 for failure to submit a certificate of good standing with the annual report:

Foreign for Profit

Bob Bollier Homes, Inc., Kansas City, MO.
Conway Diet Institute, Inc., Wilmington, DE.
Playworld, Inc., Kansas City, MO.
Universal Home Remodeling Company, Kansas City, MO.

Cancelled 12/15/83 for failure to designate a new resident agent within 60 days of resignation of previous resident agent:

Domestic for Profit

Michael Exploration, Inc., Wichita, KS.

JACK H. BRIER

Secretary of State

By: JOHN R. WINE, JR.

Legal Counsel

Deputy Assistant Secretary of State

Doc. No. 001777

State of Kansas

DEPARTMENT OF ADMINISTRATION**NOTICE OF MAJOR AMENDMENT TO STATE
PLAN OF OPERATION FOR SURPLUS
PROPERTY DONATION PROGRAM**

Notice is hereby given that a proposal has been submitted to amend the state plan of operation for the surplus property donation program. The plan, with amendment, is available for public review and comment. The plan has been prepared by the Kansas Surplus Property Section under the requirements of Public Law 94-519 and the Federal Property Management Regulation 101-44.202(b).

Interested persons may review the entire plan, including the proposed amendment, at the offices of the Surplus Property Section, 3400 East 10th St., Topeka, Kansas, and 1300 East 13th St., Hays, Kansas.

Written comments will be accepted through March 12, 1984.

Comments and questions should be addressed to Surplus Property Section, Department of Administration, Route #4, Box 36A, Topeka, Kansas 66603.

MARVIN A. HARDER
Secretary

Doc. No. 001787

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF ARCHITECTURAL SERVICES****NOTICE OF COMMENCEMENT
OF NEGOTIATIONS
FOR ARCHITECTURAL SERVICES**

Notice is hereby given of the commencement of negotiations for architectural services for the remodeling of Sellers Building and the providing of Code Improvements for Allen Building, both located at the Larned State Hospital, Larned, Kansas.

This project is not currently funded and selection is contingent upon a legislative appropriation.

Interested firms must maintain an office in Kansas, staffed by one or more architects licensed by the Board of Technical Professions. Firms must also be on file with the Division of Architectural Services.

Any questions or expressions of interest should be directed to Jack Nelson, Division of Architectural Services, 625 Polk, Topeka, Kansas 66603, prior to January 27, 1983.

JOHN B. HIPPI, AIA
Director
Division of Architectural Services

Doc. No. 001782

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES****NOTICE TO BIDDERS**

Sealed bids for items hereinafter listed will be received by the Director of Purchases, State Office Building, Topeka, Kansas, until 2:00 p.m., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened:

MONDAY, JANUARY 23, 1984

#25868

Department of Administration, State Printer, Topeka—REFUSE COLLECTION

#25869

Statewide—BAKERY PRODUCTS

#25875

Statewide—THERMAL AND SPIRIT MASTER AND SPIRIT FLUID

#55334-A

Larned State Hospital, Larned—WINDOW SHUTTERS

#56300

Kansas State University, Manhattan—QUADRUPOLE MASS SPECTROMETER

#56301

Kansas State University, Manhattan—YELLOW CORN

#56302

Winfield State Hospital and Training Center, Winfield—MISCELLANEOUS CANNED FRUITS

#56303

Kansas State University, Manhattan—FERTILIZER, Southeast Kansas Experiment Stations, Mound Valley and Parsons

#56304

Larned State Hospital, Larned and Osawatomie State Hospital, Osawatomie—DRY DISINFECTANT/DISH-WASHING COMPOUND

#56305

Kansas State University, Manhattan—MISCELLANEOUS MEATS

#56308

University of Kansas, Lawrence—MICROCOMPUTERS

#56318

Department of Transportation, Hutchinson—AIRCRAFT, Lyons

#56319

Wichita State University, Wichita—BOILER FEED SYSTEM

#56326

Kansas State University, Manhattan—TAB CARDS—5081 WITH LOOP

#56331

Department of Transportation, Salina—HARROW REPAIR PARTS

#56332

Department of Transportation, Hutchinson—HYDRAULIC REPAIR PARTS

#56333

Department of Transportation, various locations—LUBRICATING OIL

#56334

Kansas Fish and Game Commission, Pratt—SPRAYERS, various locations

(continued)

#56338
Department of Transportation, Topeka—CONCRETE,
MAGNESIUM PHOSPHATE, 50 POUND BAGS
#56349
University of Kansas Medical Center, Kansas City—
MICROSCOPES

TUESDAY, JANUARY 24, 1984

#A-4688
Youth Center at Atchison, Atchison—STORM WIN-
DOWS TO LOWER LEVEL OF MAPLE COTTAGE
#A-4767
Fort Hays State University, Hays—FURNISH AND
INSTALL NEW THEATER SEATING, FELTEN-
START THEATER—Revised—2nd Bid
#A-4900

Wichita State University, Wichita—CONSTRUCT AIR
LOCK—EAST LOBBY ENTRY JARDINE HALL
#25744 (Supplement)

University of Kansas Medical Center, Kansas City and
Other State Agencies—GLOVES, PACKS AND TRAYS
(CLASS 06) SUPPLEMENTAL
#25871

Statewide—COFFEE AND TEA
#56306

Kansas State Penitentiary, Lansing—CONCRETE,
CEMENT, LIME, FINE SAND
#56314

Kansas State University, Manhattan—MINICOM-
PUTER SYSTEM
#56320

Kansas State University, Manhattan—GALVANIZED
STEEL DECKS
#56335

Department of Transportation, various locations—
RADIO EQUIPMENT SHELTERS
#56336

Department of Transportation, Hutchinson—MOW
HIGHWAY RIGHT OF WAY, Wichita
#56337

Department of Transportation, Salina—BLADES
#56346

Department of Transportation, Salina—JOINT,
FILLER, PRESSURE RELIEF FOR 4 INCH JOINT
OPENING
#56347

University of Kansas, Lawrence—POWER FACTOR
CORRECTION CAPACITORS
#56348

Department of Transportation, various locations—
ELECTRONIC EQUIPMENT

WEDNESDAY, JANUARY 25, 1984

#A-4706
Parsons State Hospital and Training Center, Parsons—
REPLACE AIR CONDITIONING EQUIPMENT FOR
THE RECREATION BUILDING
#25872

Department of Transportation, Topeka—FLATBED
AND DRUM PLOTTER SUPPLIES
#25873

Department of Transportation, Topeka—READY MIX
CONCRETE—DISTRICT 1, AREA 1, 2, 3, 4, 5 and 6
#56311

Kansas State University, Manhattan—LABORATORY
APPARATUS, Southeast Kansas Experiment Station,
Parsons
#56312

Wichita State University, Wichita—INTRUSION DE-
TECTION SECURITY SYSTEM

#56313
Department of Transportation, Norton—WOOD SIGN
POSTS
#56321

Kansas State University, Manhattan—PIPE FITTING
COVERS
#56330

Kansas State University, Manhattan—COMPUTER-
IZED PHOTOTYPESETTING FRONT-END SYSTEM
THURSDAY, JANUARY 26, 1984

#25879
University of Kansas Medical Center, Kansas City—
ELEVATOR AND DUMBWAITER MAINTENANCE
#56322

Wichita State University, Wichita—PACKAGED
BOILER
#56323

Kansas State Historical Society, Topeka—LUMBER
AND BUILDING MATERIALS
#56324

Kansas Highway Patrol, Topeka—BREATH ANALY-
SIS APPARATUS
#56325

Department of Human Resources, Topeka—CONTIN-
UOUS MAILERS—K-CNS 100
#56328

Department of Transportation, various locations—
SELF SUPPORTING ANTENNA TOWERS
#56329

Kansas Fish and Game Commission, Pratt—
VEHICLES
THURSDAY, MARCH 1, 1984

#25863
University of Kansas Medical Center, College of
Health Sciences and Hospital, Kansas City—PROFES-
SIONAL LIABILITY INSURANCE

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 001786

(Published in the KANSAS REGISTER, January 12, 1984.)

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE TO CONTRACTORS

Notice is hereby given that sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, Kansas, until 10:00 a.m., February 2, 1984 and then publicly opened:

DISTRICT I

Atchison—73-3 K 1942-01—6.1 miles Bituminous Overlay (¾"), beginning at the Atchison city limits, then south on US-73 (State Funds).

Atchison—73-3 M 1325-01—6.063 miles Crack Repair, beginning 3.4 miles north of the Atchison-Leavenworth County line, then north on US-73 (State Funds).

Atchison—74-3 K 1683-01—3.0 miles Bituminous Overlay (1½"), beginning at Potter, then east on K-74 to the jct. of K-74 and US-73 (State Funds).

(continued)

Atchison—73-3 K 1514-01—3.4 miles Bituminous Recycling, beginning at the Leavenworth-Atchison County line, then north on US-73 (State Funds).

Douglas—23 U 0862-01—Traffic Signal Installation at 9th and Tennessee and 9th and Kentucky in the City of Lawrence (Federal Funds).

Douglas—10-23 K 2133-01—8.3 miles Bituminous Recycling, beginning at Lawrence, then east on K-10 to the Douglas-Johnson County line (State Funds).

Douglas—59-23 K 1980-01—4.2 miles Surface Recycling, beginning at the south city limits in Lawrence, then south on US-59 (State Funds).

Johnson—35-46 K 0429 06—Highway Signing and Delineation, at I-35 and 95th Street (Federal Funds).

Johnson—56-46 K 1522-02—10.363 miles Pavement Marking, beginning at the west city limits in Gardner on US-56 to the jct. of I-35—US-50—US-56 (State Funds).

Johnson—56-46 K 1522-01—10.363 miles Bituminous Overlay (1½"), beginning at the west city limits in Gardner on US-56 to the jct. of I-35—US-50—US-56 (State Funds).

Johnson—10-46 K 2129-01—11.8 miles Bituminous Recycling, beginning at the Douglas-Johnson County line, then east on K-10 to the south jct. of K-7 and K-10 (State Funds).

Leavenworth—73-52 K 1513-02—10.910 miles Pavement Marking, beginning at Leavenworth, then northwest on US-73 to the Leavenworth-Atchison County line (Federal Funds).

Leavenworth—5-52 K 1968-01—7.6 miles Bituminous Overlay (1"), beginning at the Wyandotte-Leavenworth County line, then northwest on K-5 to the jct. of K-5 & US-73 (State Funds).

Leavenworth—73-52 K 1513-01—11.7 miles Bituminous Recycling, beginning at Leavenworth, then northwest on US-73 to the Leavenworth-Atchison County line (State Funds).

Leavenworth—73-52 K 1970-01—2.8 miles Bituminous Recycling, beginning 3.2 miles north of the Wyandotte-Leavenworth County line, then north on US-73 (State Funds).

Pottawatomie—24-75 K 1908-01—3.836 miles Surface Recycling, beginning .053 mile east of the Riley-Pottawatomie County line, then east on US-24 (eastbound lane only) (State Funds).

Wyandotte—5.105 K 1969-01—3.3 miles Bituminous Overlay (1"), beginning at the Wyandotte-Leavenworth County line, then southeast on K-5 (State Funds).

DISTRICT II

Dickinson—4-21 K 1993-01—9.0 miles Bituminous Sealing, beginning at the jct. of K-4 and K-15, then east on K-4 to the jct. of K-4 and K-43 (State Funds).

Dickinson—4-21 K 1981-01—7.9 miles Bituminous Overlay (¾"), beginning at the jct. of K-4 and K-43, then east on K-4 to the Dickinson-Morris County line (State Funds).

Dickinson—218-21 K 1975-01—2.1 miles Bituminous Overlay (¾"), beginning at the jct. of K-218 and US-56, then west and north on K-218 (State Funds).

Geary—31 U 0822-01—Repair of Bridge on North Washington Street over the Republican River in the City of Junction City (Federal Funds).

Jewell—28-45 K 1982-01—15.9 miles Bituminous Sealing, beginning at the jct. of K-28 & US-36, then north on K-28 to the Kansas-Nebraska State line (State Funds).

Lincoln—14-53 K 1953-01—11.6 miles Bituminous Overlay (¾"), beginning at the jct. of K-14 & K-18, then north on K-14 to the Lincoln-Mitchell County line (State Funds).

McPherson—61-59 K 2498-01—Repair of eastbound Bridge #099 on K-61 over K-153 at McPherson (State Funds).

Morris—4-64 K 2107-01—15.907 miles Bituminous Overlay (1½"), beginning at the Dickinson-Morris County line, then east on K-4 to the beginning curb and gutter in White City (State Funds).

DISTRICT III

Cheyenne—27-12 K 1955-01—6.000 miles Bituminous Overlay (1½"), beginning at the Sherman-Cheyenne County line, then north on K-27 (State Funds).

Sherman—27-91 K 1995-01—6.007 miles Bituminous Overlay (1½"), beginning 7.1 miles north of the Wallace-Sherman County line, then north on K-27 (State Funds).

Thomas—24-97 K 1570-01—8.517 miles Bituminous Overlay (1½"), beginning at the east city limits in Colby, then east on US-24 to the jct. of US-24 and US-83 (State Funds).

Thomas—25-97 K 1944-01—7.750 miles Bituminous Overlay (1½"), beginning at the south city limits in Colby, then south on K-25 (State Funds).

Thomas—25-97 K 1954-01—11.492 miles Bituminous Overlay (1½"), beginning at the north city limits in Colby, then north on K-25 to the Thomas-Rawlins County line (State Funds).

Wallace—27-100 K 1945-01—14.182 miles Bituminous Overlay (1½"), beginning at the Greeley-Wallace County line, then north on K-27 (State Funds).

Wallace—27-100 K 1934-01—16.220 miles Bituminous Recycling, beginning at the jct. of US-40 and K-27, then north on K-27 to the Wallace-Sherman County line (State Funds).

DISTRICT V

Butler—8 C 1715-01—0.2 mile Grading and Bridge, beginning approx. 3.0 miles north and 1.7 miles east of Potwin, then east on county highway FAS-862 (Federal Funds).

Cowley—18 U 0312-01—1.001 miles Grading and Surfacing, beginning at 19th Avenue on Wheat Road, then north to Simpson in Winfield (Federal Funds).

Sedgwick—87 U 0837-01—0.631 mile Grading and Surfacing, beginning at the jct. of Kellogg and Webb Road, then north on Webb Road to Central in Sedgwick County (Federal Funds).

Proposals will be issued upon request to all prospective bidders who have been prequalified by the

(continued)

Kansas Department of Transportation on the basis of financial condition, available construction equipment, and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone regardless of race, religion, color, sex, physical handicap, national origin or ancestry in the award of contracts.

Plans and specifications for the project(s) may be examined at the offices of the respective County Clerks or at the Kansas Department of Transportation district offices responsible for the work.

BY ORDER OF THE KANSAS
DEPARTMENT OF TRANSPORTATION
JOHN B. KEMP
Secretary

Doc. No. 001790

(Published in the KANSAS REGISTER, January 12, 1984.)

NOTICE OF BOND SALE
\$1,449,496.79
GENERAL OBLIGATION BONDS
OF THE
CITY OF NEWTON, KANSAS

The CITY OF NEWTON, KANSAS will receive sealed bids at the OFFICE OF THE CITY CLERK, CITY HALL, 120 EAST 7TH, NEWTON, KANSAS, until 7:30 o'clock P.M., C.S.T., on

WEDNESDAY, FEBRUARY 1, 1984 for \$1,449,496.79 par value GENERAL OBLIGATION BONDS of the City, Series A, 1984 in the principal amount of \$597,988.65, Series B, 1984 in the principal amount of \$313,870.56, and Series C, 1984 in the principal amount of \$537,637.58, (jointly referred to as the "Bonds"), at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The Bonds will be dated as of February 1, 1984, and shall mature on December 1 in each of the years and in the amounts set forth below. Such Bonds shall consist of fully registered certificated bonds, each in the denomination of \$5,000.00 or integral multiples thereof, except one Bond of Series A, 1984 in the denomination of \$7,988.65, one Bond of Series B, 1984 in the denomination of \$8,870.56, and one Bond of Series C, 1984 in the denomination of \$7,637.58, not exceeding the principal amount of Bonds maturing in each year. Interest will be payable semiannually, commencing June 1, 1985, and each December 1 and June 1 thereafter. The principal of, and premium, if any, on the Bonds shall be payable in lawful money of the United States of America, at the principal office of the Treasurer of the State of Kansas, (the Paying Agent and Bond Registrar) to the registered owners thereof upon presentation of the Bonds for payment and cancellation. Interest on the Bonds shall be payable in lawful money of the United States of America, by check or draft of the Paying Agent to the registered owners appearing on the books maintained by the Bond Registrar as of the 15th day of the month next preceding the Interest Payment Dates (the "Record

Dates"). The fees of the Bond Registrar for registration and transfer of the Bonds shall be paid by the City.

The Series A, 1984 Bonds will mature serially in accordance with the following schedule:

Principal Amount	Maturity Date
\$57,988.65	December 1, 1985
60,000.00	December 1, 1986
60,000.00	December 1, 1987
60,000.00	December 1, 1988
60,000.00	December 1, 1989
60,000.00	December 1, 1990
60,000.00	December 1, 1991
60,000.00	December 1, 1992
60,000.00	December 1, 1993
60,000.00	December 1, 1994

The Series B, 1984 Bonds will mature serially in accordance with the following schedule:

Principal Amount	Maturity Date
\$18,870.56	December 1, 1985
20,000.00	December 1, 1986
20,000.00	December 1, 1987
20,000.00	December 1, 1988
20,000.00	December 1, 1989
20,000.00	December 1, 1990
20,000.00	December 1, 1991
20,000.00	December 1, 1992
20,000.00	December 1, 1993
20,000.00	December 1, 1994
20,000.00	December 1, 1995
20,000.00	December 1, 1996
25,000.00	December 1, 1997
25,000.00	December 1, 1998
25,000.00	December 1, 1999

The Series C, 1984 Bonds will mature serially in accordance with the following schedule:

Principal Amount	Maturity Date
\$27,637.58	December 1, 1985
20,000.00	December 1, 1986
20,000.00	December 1, 1987
20,000.00	December 1, 1988
20,000.00	December 1, 1989
20,000.00	December 1, 1990
20,000.00	December 1, 1991
20,000.00	December 1, 1992
20,000.00	December 1, 1993
20,000.00	December 1, 1994
30,000.00	December 1, 1995
30,000.00	December 1, 1996
30,000.00	December 1, 1997
30,000.00	December 1, 1998
35,000.00	December 1, 1999
35,000.00	December 1, 2000
35,000.00	December 1, 2001
35,000.00	December 1, 2002
35,000.00	December 1, 2003
35,000.00	December 1, 2004

(continued)

REDEMPTION

Bonds maturing December 1, 1995, and thereafter, are subject to call for redemption and payment prior to their respective maturities at the option of the City on and/or after December 1, 1994, in whole at any time or in part in inverse order of maturity, and by lot within maturities, on any interest payment date, at the redemption price set forth below, plus accrued interest to the redemption date:

<i>Redemption Period (Dates Inclusive)</i>	<i>Redemption Price</i>
December 1, 1994 to December 1, 1996	103%
June 1, 1997 to December 1, 1999	102%
June 1, 2000 to December 1, 2003	101%
June 1, 2003 and thereafter	100%

Notice of any call for redemption will be mailed to the registered owners of such Bonds to be redeemed at the address shown on the registration books maintained by the Bond Registrar not less than 30 days prior to the date fixed for such redemption and payment. Interest on the Bonds so called for redemption and payment will cease to accrue after the redemption date, provided notice has been given and funds are then available to pay the full redemption price thereof.

INTEREST RATE

Proposals will be received on the Bonds bearing such rate or rates of interest as may be specified by the bidder. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8th) or one-twentieth (1/20th) of one per cent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed three and one-half percent (3½%). No interest rate shall exceed the maximum interest rate allowed by Kansas law; said rate being the "20 Bond Index" of tax exempt municipal bonds published by the *Weekly Bond Buyer* in New York, New York on the Monday next preceding the day on which the Bonds are sold (January 30, 1984), plus 2%, and no bid of less than par and accrued interest will be considered. Bids for less than the entire issue of Bonds will not be considered.

BID FORM AND GOOD FAITH DEPOSIT

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the City at CITY HALL, 120 EAST 7TH, NEWTON, KANSAS 67114, ATTENTION: JOHN TORLINE, CITY CLERK, and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the City will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, and shall be payable to TREASURER, CITY OF NEWTON, KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The

checks of unsuccessful bidders will be returned promptly.

AWARD OF BIDS

The sealed bids for the Bonds shall be opened publicly and only at the time and place specified in this Notice; and the Bonds will be sold to the best bidder. The City reserves the right to reject any and/or all of the bids, and to waive any irregularities. Unless all bids are rejected, the Bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the City; and the net interest cost will be determined by deducting the amount of any premium paid from the aggregate amount of interest upon all of the Bonds from their date until their respective maturities.

DELIVERY OF THE BONDS

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City; and the Bonds will be sold subject to the unqualified approving opinion of GAAR & BELL, Bond Counsel, of Wichita, Kansas. THE NUMBER, DENOMINATION OF BONDS, AND NAMES OF THE INITIAL REGISTERED OWNERS TO BE INITIALLY PRINTED ON THE BONDS SHALL BE SUBMITTED IN WRITING BY THE SUCCESSFUL BIDDER TO THE BOND REGISTRAR NOT LATER THAN FEBRUARY 21, 1984. The purchaser will be furnished with a complete Transcript of Proceedings evidencing the authorization and issuance of the Bonds; and the usual closing proofs, which will include a Certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity. Payment for the Bonds shall be made in immediately available funds. Delivery of the Bonds will be made to the successful bidder on or before February 29, 1984, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

LEGAL OPINION

Bids shall be conditioned upon the unqualified approving opinion of GAAR & BELL, Bond Counsel, Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each Bond and a manually signed original will be furnished without expense to the purchaser of the Bonds at the delivery thereof. The cost of this legal opinion and the expense of printing the Bonds and legal opinion will be paid by the City. Said legal opinion will state in part substantially that the Bonds will constitute general obligations of the City, payable as to both principal and interest in part from the collection of special assessments which have been levied on benefited property; but any portion of said specially assessed part not so paid, and the remainder of said principal and interest will be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the City; and that, under existing law, the interest on said Bonds is exempt from present Federal

(continued)

income taxation and the Bonds are exempt from intangible personal property taxes levied by Kansas cities, counties and townships.

PURPOSE OF ISSUE

The Series A, 1984 Bonds are being issued for the purpose of acquiring certain fire equipment and constructing bridge improvements for the City of Newton, Kansas. The Series B, 1984 Bonds are being issued for the purpose of constructing certain street, bridge and storm sewer improvements for the City of Newton, Kansas. The Series C, 1984 Bonds are being issued for the purpose of constructing certain airport, water and sewer improvements for the City of Newton, Kansas.

CUSIP IDENTIFICATION NUMBERS

CUSIP identification numbers will be printed on said Bonds. All expenses in relation to printing of CUSIP numbers on said Bonds and the expenses of CUSIP Service Bureau for the assignment of said numbers shall be the responsibility of and shall be paid for by the City.

ASSESSED VALUATION

Assessed valuation figures for the City of Newton, Kansas, for the year 1983, are as follows:

Equalized Assessed Valuation of Taxable	
Tangible Property	\$35,861,693
Tangible Valuation of Motor Vehicles	\$ 7,652,752
Tangible Valuation of Motor Vehicle Dealers' Inventory	\$ 499,230
Assessed Valuation of Farm Machinery and Equipment (1982)	\$ -0-
Estimated Assessed Valuation of Business Aircraft (1982)	\$ 46,430
Estimated Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations	\$44,060,105

BONDED INDEBTEDNESS

The total general obligation bonded indebtedness of the City of Newton, Kansas, at the date hereof, including this \$1,449,496.79 proposed issue of Bonds, is in the amount of \$8,784,917.26. The City will retire \$1,026,000.00 of outstanding Temporary Notes from the proceeds of the Bonds, special assessments which have been collected in cash, and other available funds.

OFFICIAL STATEMENT

Additional copies of this Notice of Bond Sale, or copies of the City's Official Statement relating to the Bonds, or further information may be received from the office of the City Clerk, City of Newton, Kansas, City Hall, 120 East 7th, Newton, Kansas 67114.

DATED JANUARY 10, 1984.

JOHN TORLINE, City Clerk
City of Newton, Kansas

Doc. No. 001784

State of Kansas

SOCIAL AND REHABILITATION SERVICES

TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board December 21, 1983. Effective January 1, 1984. Will expire May 1, 1984.)

Article 5.—PROVIDER PARTICIPATION, SCOPE OF SERVICES, AND REIMBURSEMENTS FOR THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM

30-5-71. Co-pay requirements. (a) Except as set forth in paragraph (b), program recipients shall be obligated to the provider for the first \$1.00 of reimbursement that would otherwise be due from the agency for the following services:

- (1) Psychologist services (per visit);
- (2) chiropractic services (per visit);
- (3) dental services (per visit);
- (4) non-emergency ambulance services (per trip);
- (5) optometric services (per visit);
- (6) pharmacy services (per prescription, new and refill); and
- (7) physician office visits (per visit).

(b) The provisions of paragraph (a) shall not apply to services provided:

- (1) To residents in intermediate care, intermediate care for mentally retarded, intermediate care for mentally ill, skilled nursing facilities, and to recipients participating in the home and community based services program;
- (2) to recipients under 18;
- (3) to recipients enrolled in a health maintenance organization;
- (4) for family planning purposes; and
- (5) that are related to pregnancy.

(c) The effective date of this regulation shall be January 1, 1984. (Authorized by and implementing K.S.A. 1982 Supp. 39-708c; effective May 1, 1981; amended May 1, 1982; amended, T-83-38, Nov. 23, 1982; amended May 1, 1983; amended, T-84-36, Jan. 1, 1984.)

Article 6.—MEDICAL ASSISTANCE PROGRAM—CLIENTS' ELIGIBILITY FOR PARTICIPATION

30-6-103. Determined eligibles; protected income levels. (a) Independent living. The protected income level for persons in independent living arrangements shall be based on the total number of persons in the assistance plan and the legally responsible persons in the family group who are not included in the plan. The protected income levels for independent living shall also be used when any applicant or recipient enters a medicaid approved facility; is absent from the home for medical care for a period not to exceed three months to allow for maintaining their independent living arrangements; or is in the home and community based services program.

- (1) The following table shall be used to determine

(continued)

the protected income level for persons in independent living.

PERSONS IN INDEPENDENT LIVING
(Per Month)

1	2	3	4
\$315	\$410	\$420	\$430

The protected income level for additional persons shall be the sum of the basic standard for a like public assistance family plus the maximum state shelter standard, except that the protected income level shall not be less than \$430.00.

(2) For any child in foster family care, the protected income level shall equal the foster family care rate pursuant to K.A.R. 30-4-102.

(b) Institutional living arrangements. For persons residing in institutional settings, the protected income level shall be \$25.00 except as noted in paragraph (a) above.

(c) Specialized living arrangements. The protected income level for persons residing in approved specialized living arrangements (including adult family homes, home and community based congregate care facilities, and child care facilities) shall be as established by the secretary.

(d) The effective date of this regulation shall be January 1, 1984. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c, 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended, T-84-11, July 1, 1983; amended, T-84-36, Jan. 1, 1984.)

Article 43.—CORPORATE GUARDIANS

30-43-1. Certification of corporate guardians. (a) Each corporation requesting to be certified as suitable to perform the duties of a guardian shall make application on forms prescribed by the secretary. Each corporation, along with its application, shall furnish the agency with a copy of its articles of incorporation, an organizational chart, including the names of the board of directors, a current financial statement, and a detailed plan of operation concerning its functions as a corporate guardian. The corporation shall update the information provided on the application and attachments, as necessary.

(b) To be eligible for certification, each corporation shall:

- (1) Provide proof of corporate stability;
- (2) provide proof of financial solvency;
- (3) have access to qualified professionals to provide consultation concerning the needs of the wards for whom the corporation is acting as guardian;
- (4) have access to an attorney to provide necessary legal services in relationship to its guardian responsibilities;
- (5) maintain liability insurance coverage of at least \$25,000.00 per occurrence for the protection of the wards from corporate negligence;
- (6) provide orientation and in-service training, as approved by the agency, to persons working with wards and their supervisors. No person may serve as a supervisor or be directly responsible for a ward unless

that person has attended the required orientation or in-service training sessions, as appropriate;

(7) assign a specific individual to be directly responsible for each ward. No person shall be directly responsible for more than 15 wards;

(8) assign a supervisor to each person who is directly responsible for a ward. No supervisor shall have more than 10 supervisees;

(9) not assign a person to be a supervisor or to work with wards if that person has ever been:

(A) Convicted of a felony or crime against persons;

(B) removed as a guardian or conservator by the court for cause; or

(C) relieved of responsibilities in the guardianship program by a corporation for cause;

(10) ensure that the person assigned the direct responsibility for a ward lives within 50 miles of the ward, has an active involvement with the ward and makes contact with the ward, as necessary, encourages appropriate interaction of immediate family members, relatives, and friends with the ward, and effectively carries out the corporation's guardianship responsibility to the ward. The person who is assigned responsibility for a ward shall contact the ward at least once each week and shall meet in person with the ward at least once each month. If a ward's mental status is diminished to the extent that the ward cannot communicate with the person assigned to the ward, the weekly contact shall be with a person who has day to day contact with the ward or who supervises such activities;

(11) designate back-up persons for each person assigned to a ward and maintain a 24 hour telephone system, at no cost to the ward, to ensure coverage in an emergency;

(12) ensure that a ward is not used in a fund raising or publicity campaign without the approval of the agency;

(13) have a written grievance procedure for wards;

(14) assign a specific staff person to act on behalf of the corporation to carry out the corporation's guardianship responsibility for each ward for whom the corporation is acting as guardian;

(15) maintain a file and case log for each ward;

(16) furnish reports to the agency, as requested;

(17) report serious injuries of wards to the agency within 72 hours of their occurrence;

(18) notify the agency if a supervisor or person working with a ward is:

(A) Convicted of a felony or crime against persons;

(B) removed as a guardian or conservator by the court for cause; or

(C) relieved of responsibilities in the guardianship program by a corporation for cause; and

(19) allow the agency to have access to wards and their records.

(c) Hearings to revoke certification shall be conducted pursuant to K.A.R. 30-7-26, et seq. (Authorized by and implementing L. 1983, Ch. 191; effective, T-84-36, Dec. 21, 1983.)

ROBERT C. HARDER
Secretary

Doc. No. 001778

State of Kansas

KANSAS BUREAU OF INVESTIGATION**TEMPORARY ADMINISTRATIVE REGULATIONS**

(Approved by the State Rules and Regulations Board December 21, 1983. Will expire May 1, 1984.)

Article 16.—COLLECTION AND REPORTING

10-16-1. Accuracy and completeness. Each juvenile justice agency shall make all necessary efforts to determine the accuracy and completeness of data supplied to the central repository as part of the juvenile information system. (Authorized by K.S.A. 1983 Supp. 38-1618; implementing K.S.A. 1983 Supp. 38-1618; effective, T-84-38, Dec. 21, 1983.)

10-16-2. Obligation to report. Each juvenile justice agency obligated to report to the central repository shall do so within 30 days of the occurrence of the reportable event to which the information relates, unless otherwise specified by law. (Authorized by K.S.A. 1983 Supp. 38-1618; implementing K.S.A. 1983 Supp. 38-1618; effective, T-84-38, Dec. 21, 1983.)

10-16-3. Forms for reporting. Data supplied to the central repository shall be on forms, or in a format, approved by the director of the KBI. (Authorized by K.S.A. 1983 Supp. 38-1618; implementing K.S.A. 1983 Supp. 38-1618; effective, T-84-38, Dec. 21, 1983.)

**Article 17.—REPORTABLE EVENTS;
DUPLICATION**

10-17-1. Reportable events. Pursuant to K.S.A. 1983 Supp. 38-1617(e) (12) additional reportable events shall include: (a) issuance of a summons; (b) filing or non-filing of a complaint; and (c) diversion. (Authorized by K.S.A. 1983 Supp. 38-1617; implementing K.S.A. 1983 Supp. 38-1617; effective, T-84-38, Dec. 21, 1983.)

10-17-2. Duplication in reporting. No juvenile justice agency shall knowingly provide a duplicate report of an event required by K.S.A. 1983 Supp. 38-1617. Any juvenile justice agency may fulfill its reporting responsibility by agreements with other juvenile justice agencies. However, the primary responsibility for reporting shall remain with the designated juvenile justice agency as established by K.S.A. 1983 Supp. 38-1617(d). (Authorized by K.S.A. 1983 Supp. 38-1618; implementing K.S.A. 1983 Supp. 38-1618; effective, T-84-38, Dec. 21, 1983.)

10-17-3. Responsibility for reporting. Events which must be reported shall include, but shall not be limited to the following. (a) Each law enforcement agency shall report:

- (1) taking a juvenile into custody;
- (2) release of the juvenile without referral to the county or district attorney;
- (3) commitment of a juvenile to a juvenile detention facility;
- (4) release of a juvenile from a juvenile detention facility;

(5) fingerprinting of juveniles taken into custody for a felony-type offense; and
(6) referral of a juvenile to the prosecutor.
(b) Each juvenile detention facility shall report:
(1) the admission and release of juvenile; and
(2) issues relative to the state's compliance with the federal juvenile justice and delinquency prevention act.

(c) Each county or district attorney shall report:
(1) filing or non-filing of a complaint;
(2) detention hearing; and
(3) diversion.
(d) Each court shall report:
(1) issuance of a warrant or summons;
(2) probation;
(3) adjudication;
(4) pleadings;
(5) disposition;
(6) motions for waiver; and
(7) appeals.
(e) Each correctional agency and SRS agency shall report:
(1) admissions;
(2) releases; and
(3) treatment during supervision. (Authorized by K.S.A. 1983 Supp. 38-1618; implementing K.S.A. 1983 Supp. 38-1618; effective, T-84-38, Dec. 21, 1983.)

**Article 18.—IMPLEMENTATION,
ADMINISTRATION****10-18-1. Reserved.**

10-18-2. Administration. Access to the data maintained in the juvenile offender information system shall be strictly limited as provided by K.S.A. 1983 Supp. 38-1618(c). Release of any data of an identifiable nature to those parties specifically authorized by law to receive said data shall include provisions attesting to the lack of specific identifiability due to the absence of fingerprint records for comparison. (Authorized by K.S.A. 1983 Supp. 38-1618; implementing K.S.A. 1983 Supp. 38-1618; effective, T-84-38, Dec. 21, 1983.)

THOMAS E. KELLY
Director

Doc. No. 001780

State of Kansas

**DEPARTMENT OF REVENUE
DIVISION OF
ALCOHOLIC BEVERAGE CONTROL**

TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board
December 21, 1983. Will expire May 1, 1984.)

**Article 6.—CONTAINERS
AND LABELS**

14-6-2a. Capacities of containers. Alcoholic liquors shall be sold or offered for retail sale in this state in original containers of the following capacities: (a) Beer: 6½, 7, 8, 10, 11, 11½, 12, 15, 16, 17, 24, 25.6 or 40 fluid ounces; 1 quart; ½ gallon; 2 liters; 1 gallon; 2½ gallons (tapper); ⅓ barrel (3⅞ gallons); ¼ barrel (7¾ gallons); ½ barrel (15½ gallons); or 1 barrel (31 gallons).

(b) Wines: ⅔ pint or 375 milliliters; 1 pint (imports only); ⅔ quart or 750 milliliters; 1 quart or 1 liter; ½ gallon; ⅔ gallon or 1.5 liters; 1 gallon or 3 liters; or 4 liters through 18 liters. Any brand or type may be permitted in ½ gallon; ⅔ gallon or 1.5 liters; 1 gallon or 3 liters; or 4 liters through 18 liters, provided they are measured in full liter quantities. Any brand or type may be permitted in one of the following: the ½ gallon, ⅔ gallon or 1.5 liter size; or the 1 gallon or 3 liter size. Aperitif wine, including vermouth, may be sold or offered for retail sale in this state in original containers having a capacity of 15/16 quart, if the gallonage tax is paid at the full quart rate per bottle.

(c) Alcoholic liquor other than beer and wine: ½ pint or 200 milliliters; ⅓ gallon or 375 milliliters; 1 pint or 500 milliliters; ⅔ quart or 750 milliliters; 1 quart or 1 liter; ½ gallon or 1.75 liters; or 1 gallon.

(1) Domestic whiskey, including bonded bourbon, bonded rye, straight bourbon, straight rye, all blends of neutral spirits, corn whiskey, alcohol, domestic and imported gin, vodka, tequila, and Canadian imported whiskey shall not be offered for sale in containers of 1/10 gallon.

(2) Domestic brandies, prepared cocktails, rum, American cordials, liqueurs and specialties, flavored gin, flavored vodka, flavored whiskey, and scotch whiskey shall not be offered for sale in containers of 1 pint size, but may be offered in containers of 500 milliliters size.

(3) Any brand or type of merchandise may be permitted in one of the following: the 1/10 gallon, 1 pint, or 500 milliliters size.

(d) For tax approval purposes on containers offered for sale, a variance in content may be permitted within 2 fluid ounces or 59.14 milliliters from the above approved sizes.

(e) Suppliers of spirits authorized to do business in the State of Kansas may post for sale both a 375ML size container and a 500ML size container for a particular product. Once a supplier of spirits ships to Kansas an item in a 375ML container, that supplier is prohibited from shipping a 500ML container of that same item to a licensed Kansas distributor. Licensed Kansas distributors shall, upon receipt of a particular

item in the 375ML size containers, first deplete their inventories of 500ML size containers of that particular item. Upon depletion of a distributor's stock of 500ML size containers, the distributor may introduce the 375ML size containers of that particular item into the distributor's franchise territory. Upon the filing of an affidavit by a supplier that the supplier has discontinued the manufacturing and sale of a 375ML container for an item, the supplier may, with authorization of the director and under such conditions as the director deems necessary to maintain an orderly market, repost and ship 500ML containers to licensed Kansas distributors. (Authorized by K.S.A. 41-211; implementing K.S.A. 41-211; effective May 1, 1983; amended, T-84-37, Dec. 21, 1983.)

Article 11.—FARM WINERIES

14-11-3. Farm winery licensee shall not be employed by a licensed club. No farm winery licensee, or the spouse of any licensee, shall be employed in the capacity of an officer or manager of a club which is licensed by the director and shall not be employed in connection with the mixing, serving, selling and dispensing of alcoholic liquor in such a club. Employees of farm winery licensees shall not purchase, or receive an order to deliver, any alcoholic liquors for a licensed private club. (Authorized by K.S.A. 41-210; implementing K.S.A. 1983 Supp. 41-311(b)(4); effective, T-84-37, Dec. 21, 1983.)

14-11-5. Licensed farm winery's warehouses to be separate. Every licensed farm winery shall provide, at the licensee's own expense, a warehouse area to be situated on and to constitute a part of the farm winery's premises. The warehouse area shall be used solely and exclusively for the purpose of storage of domestic table wine manufactured by that winery. Domestic table wine shall not be stored in any other place, except as provided in K.A.R. 14-5-4. (Authorized by K.S.A. 41-210; implementing K.S.A. 41-401, K.S.A. 1983 Supp. 41-308a; effective T-84-37, Dec. 21, 1983.)

14-11-6. Opened containers of domestic table wine on the licensed premises. A licensed farm winery that sells domestic table wine at retail shall not permit the original package or container of any domestic table wine to be opened in or on that portion of the licensed premises that is used for retail sales. The presence of any unsealed container or original package containing domestic table wine on the retail sales area of the licensed premises shall be considered as prima facie evidence of a violation of the act. (Authorized by K.S.A. 41-210; implementing K.S.A. 1983 Supp. 41-308a(a); effective T-84-37, Dec. 21, 1983.)

14-11-7. Retail sales and deliveries shall be made within licensed premises. Retail sales of domestic table wine by a farm winery shall be made only on and within the licensed premises. Deliveries of domestic table wine sold at retail by a farm winery shall be made only within the licensed premises for off-premise consumption. (Authorized by K.S.A. 41-210; implementing K.S.A. 1983 Supp. 41-308a; effective, T-84-37, Dec. 21, 1983.)

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14-11-8. Sales to or for minors prohibited. No farm winery that sells wine at retail shall knowingly or unknowingly sell, give or deliver any domestic table wine to any person under the age of 21 years of age. No farm winery shall sell, give, or deliver any domestic table wine to any person if the farm winery knows or has reason to know that the domestic table wine is being obtained for a person under 21 years of age. (Authorized by K.S.A. 41-210; implementing K.S.A. 41-715; effective, T-84-37, Dec. 21, 1983.)

14-11-9. Farm winery licensee prohibited from acting as bailee of domestic table wines for retail purchasers for delivery when sales are illegal. No licensed farm winery that sells domestic table wine at retail shall take orders, or otherwise arrange sales of domestic table wine, for retail customers for the purpose of delivering the domestic table wine before the legal opening hour or after the legal closing hour or any day when sales at retail are prohibited. (Authorized by K.S.A. 41-210; implementing K.S.A. 1983 Supp. 41-717; effective, T-84-37, Dec. 21, 1983.)

14-11-10a. Licensed farm wineries; sworn statement. Every farm winery, before selling or offering to sell any domestic table wine to a licensed distributor, shall file with the director a written statement sworn by the licensee, in which it shall agree that:

(1) it will sell any of the brands or kinds of domestic table wine manufactured or distributed by it to any licensed distributor;

(2) all such sales will be made to all licensed distributors in this state at the same current price and without discrimination; and

(3) price lists showing the current prices will be filed by it in the office of the director each month. If the licensee is an individual, that person must execute the agreement. If the licensee is a partnership, any partner may execute the agreement. If the licensee is a corporation, any director, officer, or manager who has authority to contract on behalf of the corporate licensee may execute the agreement. (Authorized by K.S.A. 41-1118; implementing K.S.A. 1983 Supp. 41-1101; effective, T-84-37, Dec. 21, 1983.)

14-11-10b. Licensed farm wineries; price listings.

(a) The price listings filed, with the director, by each farm winery under K.A.R. 14-11-10a, shall be the cash price for domestic table wine sold by the case. All price projections required to be filed by farm wineries with the director shall be based on the farm winery's cash price to distributors. A certified copy of each contract used for the sale of domestic table wine shall be filed with the director by the farm winery making those sales.

(b) Price listings for domestic wine in cases shall show:

(1) the place from which shipments will be made;

(2) the price, per case, for each size of original packages of each particular brand or kind of domestic table wine sold or offered for sale by the farm winery; and

(3) any other information that the director may require.

(c) (1) When the domestic wine is sold in bulk, the price list shall show one or more of the following:

(A) the case price;
(B) the wholly deferred, or partly deferred, payment price; and

(C) transportation charges from the farm winery's warehouse or the point from which the farm winery will make shipment. The price listings shall not include the gallonage tax imposed by the act.

(2) Price listings for domestic table wines in bulk, posted by the barrel, shall also show:

(A) for each class and type of particular brand or brands, if any, under which the domestic table wines in bulk will be bottled, the age, price per proof gallon and original gauge in bond; and

(B) any other information that the director may require. (Authorized by K.S.A. 41-1118; implementing K.S.A. 1983 Supp. 41-1101, K.S.A. 41-1112; effective, T-84-37, Dec. 21, 1983.)

14-11-10c. Farm wineries; discrimination against distributors. A farm winery shall be deemed to have discriminated against licensed distributors if the farm winery, directly or indirectly, or by any agent or employee:

(1) Offers to sell or sells domestic table wine, on credit or in any other manner, to a distributor at a price less than the listed current price which the licensee has filed with the director;

(2) Pays or offers to pay any of the transportation cost of the domestic table wine sold or offered for sale by the farm winery to a licensed distributor;

(3) Enters into any transaction, in any manner whatsoever, with any distributor which would result in, or which has as its purpose, the purchase of any such domestic table wine by a licensed distributor at a price less than the current price which the farm winery has filed with the director, or if the farm winery makes or offers to make any secret rebate on the purchase of such wine. The furnishing and distributor of free samples of domestic table wine shall be deemed a rebate;

(4) Requires a licensed distributor to purchase an amount of domestic table wine sold by the case that is in excess of one case lot of any brand, or kind, or container size;

(5) Refuses to sell any brand or kind of domestic table wine, to a licensed distributor, in any quantity of such wine that is sold to distributors by the case and that is ordered by that distributor in lots of one or more cases;

(6) Refuses to sell such domestic table wine to a licensed distributor, for cash at the listed current price, when that domestic table wine is ordered in a lot of one case or more and when the price is listed to distributors by the case;

(7) Refuses to sell any brand or kind of domestic table wine to a licensed distributor unless the licensed distributor purchases or agrees to purchase domestic table wine of another kind, form, quantity, or brand in addition to, or partially in lieu of, the brand or kind of domestic table wine specifically ordered by the licensed distributor; or

(8) Fails to fill orders of distributors for domestic table wine in the sequence and order in which the purchase orders from distributors are received. This

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paragraph shall not apply when the manufacturer is operating under a rationing plan approved by the director under the provisions of K.S.A. 41-1101. (Authorized by K.S.A. 41-1118; implementing K.S.A. 1983 Supp. 41-1101; effective, T-84-37, Dec. 21, 1983.)

14-11-10d. Sale of wine prohibited prior to filing price schedules; penalties. No farm winery shall sell, offer for sale or deliver to any licensee any domestic table wine before the farm winery files a schedule of prices for that wine in the office of the director as required by K.A.R. 11-3-10b.

The penalty for any violation of the requirements of this regulation shall be suspension or revocation of the license or the imposition of a fine. (Authorized by K.S.A. 41-1118; implementing K.S.A. 1983 Supp. 41-1101; effective, T-84-37, Dec. 21, 1983.)

14-11-11. Domestic table wine rationing; requirements. Each licensed farm winery that sells its wine to distributors in the state of Kansas shall immediately notify the director if that winery does not have sufficient supply of domestic table wine, of any of the brands or kinds which it manufactures and distributes, to fill and ship all orders of each licensed distributor who possesses a franchise for that farm winery's brands in this state, in the sequence and order in which those purchase orders are received and within 45 calendar days from the date on the order of the licensed distributor. Such a farm winery shall submit, for the approval or rejection of the director, an equitable plan of distribution of all domestic table wine that is in short supply. The failure of such a farm winery to notify the director or to submit a plan of distribution shall be grounds for the suspension or revocation of the license of that farm winery or for the imposition of a monetary fine. (Authorized by K.S.A. 41-1118, implementing K.S.A. 1983 Supp. 41-1101; effective T-84-37, Dec. 21, 1983.)

14-11-12. Inducements from licensed farm wineries to distributors or retailers prohibited. No licensed farm winery, its agents, salespersons or representatives shall, directly or indirectly, offer, give or furnish to any licensed distributor or licensed retailer, or to any applicant for a retail liquor license who has submitted an application to the director, any gifts, prizes, coupons, premiums, rebates, quantity discounts, entertainments, decorations, services of any employee, including errands and administrative services, or any other inducement or thing of value of any kind. (Authorized by K.S.A. 41-210; implementing K.S.A. 41-702, K.S.A. 1983 Supp. 41-308a(c); effective, T-84-37, Dec. 21, 1983.)

14-11-13. Advertisement defined. The word "advertisement," as used in this article, means any advertisement of domestic table wine through the medium of newspapers, periodicals, circulars, pamphlets, or other publications or any sign or outdoor advertisement or any other printed or graphic matter. (Authorized by K.S.A. 41-211; implementing K.S.A. 1983 Supp. 41-714; effective, T-84-37, Dec. 21, 1983.)

14-11-14. Prohibited statements and restrictions in the advertising of domestic table wine. (a) Advertisements of domestic table wine shall not contain:

(1) any statement, design, device, or representation of, or relating to, any guaranty which is false or likely to mislead the consumer;

(2) any statement, design, device, or representation which is obscene, indecent, undignified or in bad taste;

(3) any statement concerning the brand of alcoholic liquor that is inconsistent with any statement on the labeling;

(4) any statement of, or relating to, the price of domestic table wine, except a reference to the authorized discount on case sales, if the advertisement is directed to the public;

(5) any statement, design, or device representing that the use of any domestic table wine has curative or therapeutic effects, if the statement is untrue specifically or tends to create a misleading impression;

(6) any statement, design, device, or representation relating to analysis, standards, or tests, irrespective of falsity, which is likely to mislead the consumer;

(7) any statement that the product is produced, blended, made, bottled, packed, or sold under or in accordance with any authorization, law, or regulation of any municipality, county, state, federal, or foreign government unless this statement is required or specifically authorized by the laws or regulations of that government. If a municipal, county, state or federal permit number is stated, this permit number shall not be accompanied by any additional statement relating to it;

(8) any statement that domestic table wine has manufactured in, or imported from, a place or country other than that of its actual origin, or that it was produced or processed by one who was not in fact the actual producer or processor;

(9) any statement, design, device, or pictorial representation of or relating to, or capable of being construed as relating to, the armed forces of the United States, the American flag, any state flag or of any emblem, seal, insignia, or decoration associated with any flag or the armed forces of the United States. Advertisements shall not contain any statement, device, design, or pictorial representation of, or concerning, any flag, seal, coat of arms, crest or other insignia that is likely to falsely lead the consumer to believe that the product has been endorsed, made, used by, produced for or under the supervision of, or in accordance with the specifications of, a government, organization, family, or individual with whom the flag, seal, coat of arms, crest, or insignia is associated;

(10) the words "bond," "bonded," "bottled in bond," "aged in bond," or phrases containing these or synonymous terms, unless these words or phrases appear upon the labels of the domestic table wine advertised and unless they are stated in the advertisement in the manner and form in which they appear upon the label; or

(11) any statement, design, or device that, directly or by implication, concerns age or maturity of any brand or lot of domestic table wine unless a statement of age appears on the label of the advertised product. If a statement, design, or device concerning age or

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maturity is contained in any advertisement, it shall include, in direct conjunction and with substantially equal conspicuousness, all parts of the statement concerning age and percentages, if any, which appear on the label.

(b) Licensed farm wineries may advertise the farm winery's products by brand name. (Authorized by K.S.A. 41-211; implementing K.S.A. 1983 Supp. 41-714; effective, T-84-37, Dec. 21, 1983.)

14-11-15. Public display of domestic table wine regulated. Domestic table wine intended for retail sale for purposes of consumption shall not be placed on public display in any place or at any other location than the licensed premises. Licensed farm wineries may, if approved by the director upon receipt of a written request, display domestic table wines at state or county fairs or other agricultural shows if no free samples are dispensed, no retail sales are made at the fair or show, and no orders are taken for subsequent sales. (Authorized by K.S.A. 41-211; implementing K.S.A. 1983 Supp. 41-714; effective, T-84-37, Dec. 21, 1983.)

14-11-16. Farm wineries that sell at retail; marking price on original packages; use of price or inventory control tags, or both; shelf markings; and price marking on point of sale materials. Kansas farm wineries that sell domestic table wine at retail may mark the retail selling price on the glass portion of the original container by means of crayon, grease pencil, or other similar method. Price marking on the container's label, Kansas ID stamps, or federal strip shall be prohibited. Licensees may affix, to an original container, a price or inventory control paper tag or both. Luminous, fluorescent or similar paper may be used for price or inventory control tags.

Farm winery licensees having authorized coolers or refrigerators may place on the refrigerator or cooler or on a nearby wall the list of cold items available and the price per item or case. In addition, licensees may place price information on point of sale materials as authorized and defined by K.A.R. 14-10-1. (Authorized by K.S.A. 41-211; implementing K.S.A. 1983 Supp. 41-714; effective, T-84-37, Dec. 21, 1983.)

14-11-17. Display of "dummy" bottles prohibited. No licensed farm winery that sells domestic table wine at retail shall display "dummy bottles" in or near the retail sales area. For purposes of this regulation, a "dummy bottle" is an original bottle or container which has been emptied and which may or may not contain a substitute for the original content. Inflatable or plastic bottles or raised pictures of bottles shall not be considered "dummy bottles." (Authorized by K.S.A. 41-211; implementing K.S.A. 1984 Supp. 41-714; effective, T-84-37, Dec. 21, 1983.)

14-11-18. House-to-house, door-to-door solicitation prohibited. No licensed farm winery shall, directly or indirectly, solicit the purchase or sale of domestic table wine from house-to-house, from door-to-door, personally, by telephone, by mail, or to places of business other than licensed distributors nor permit any such solicitation. Seminars conducted by licensed farm wineries, when authorized by the director, may

be conducted to educate other licensees. Licensed farm wineries shall request authorization no less than seven days prior to the event and shall set forth, in the authorization request, the following information:

- (a) The date of the seminar;
- (b) The time of the seminar;
- (c) The exact location where the seminar will occur;
- (d) A statement of the nature and purpose or purposes of the seminar;
- (e) A statement that any domestic farm winery merchandise displayed or used will be purchased from the farm winery's retail outlet; and
- (f) A statement that any domestic table wine samples offered will be consumed in accordance with provision of Kansas law. (Authorized by K.S.A. 41-211; implementing K.S.A. 1983 Supp. 41-714; effective, T-84-37, Dec. 21, 1983.)

14-11-19. Advertising referring to certain holidays and special days prohibited. No licensed farm winery shall publish or cause to be published or otherwise circulate in the state of Kansas any advertisement referring to the days popularly known as Easter or Holy Week. Any form of advertising of domestic table wine which makes any use of or reference to any of the days or occasions named in this regulation by the names set forth or by other names or appellations shall be prohibited. (Authorized by K.S.A. 41-211; implementing K.S.A. 1983 Supp. 41-714; effective, T-84-37, Dec. 21, 1983.)

14-11-20. Advertising by radio, television, motion pictures, filmstrips, newspapers and magazines authorized. Licensed farm wineries may advertise domestic table wine or the place of business over the radio, the television, by public address system, or by means of motion pictures, film strips, newspapers, or magazines. (Authorized by K.S.A. 41-211; implementing K.S.A. 1983 Supp. 41-714; effective, T-84-37, Dec. 21, 1983.)

14-11-21. Advertising by decorated or undecorated boxes, cartons, bags, etc.; prohibitions. No licensed farm winery shall sell, furnish, give, distribute or deliver to any licensed distributor or retailer within this state any boxes, cartons or bags which bear any symbols, designs, pictures, slogans, or descriptive phraseology that may in any manner be construed as having any connotation with regard to Easter or Holy Week. The use of colors or combinations of colors with geometric or artistic designs is not prohibited hereunder providing the designs and colors do not result in a design or symbol prohibited in this regulation.

No licensed farm winery shall sell, furnish, give, distribute, or deliver to a licensed distributor or retailer any wrapping paper or other display material of any kind. (Authorized by K.S.A. 41-211; implementing K.S.A. 1983 Supp. 41-714; effective, T-84-37, Dec. 21, 1983.)

THOMAS J. KENNEDY, Director
Division of Alcoholic Beverage Control

Doc. No. 001779

State of Kansas

PERMANENT ADMINISTRATIVE REGULATIONS

NOTICE

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1983 Supp. 77-415 et seq. These regulations are scheduled to become effective May 1, 1984, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1. Any such legislative action will be reported in the Kansas Register. The May 3, 1984 issue of the Register will contain a complete index to regulations effective May 1, and any legislative actions on them.

BOARD OF COSMETOLOGY ADMINISTRATIVE REGULATIONS

Article 1.—LICENSING AND QUALIFICATIONS OF COSMETOLOGISTS

69-1-1. Requirements for licensing as cosmetologist. Each person desiring to become a licensed cosmetologist for the practice of the profession of cosmetology in the state of Kansas shall submit a written application. This application shall be received in the state board of cosmetology offices on or before the 25th of the month preceding the date the demonstration and oral examination will be given, and shall be on a form approved and furnished by the board of cosmetology. The application shall include:

(a) A statement from the licensed school that the applicant has completed the required training period in a licensed school of cosmetology or completed an apprenticeship in a shop. It shall also include the name of the school or shop and the date of completion of the training; and

(b) the fee as required by K.A.R. 69-11-1. (Authorized by and implementing K.S.A. 1983 Supp. 65-1905; effective Jan. 1, 1966; amended, E-70-24, July 1, 1970; amended Jan. 1, 1971; amended May 1, 1981; amended May 1, 1982; amended May 1, 1984.)

Article 11.—FEES

69-11-1. Fees. The board of cosmetology shall charge, within the limits of the statutes, the following fees:

Table with 2 columns: Description of fee and Amount. Includes items like Cosmetology license renewal (\$20.00), Delinquent cosmetology fee (4.00), and Any duplicate license (2.00).

(Authorized by and implementing K.S.A. 1983 Supp. 65-1904; effective, E-76-44, Sep. 5, 1975; effective Feb. 15, 1977; amended May 1, 1978; amended May 1, 1981; amended May 1, 1982; amended, T-83-21, July 21, 1982; amended May 1, 1983; amended May 1, 1984.)

HENRI FOURNIER Executive Director

Doc. No. 001716

State of Kansas

PERMANENT ADMINISTRATIVE REGULATIONS

NOTICE

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1983 Supp. 77-415 et seq. These regulations are scheduled to become effective May 1, 1984, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1. Any such legislative action will be reported in the Kansas Register. The May 3, 1984 issue of the Register will contain a complete index to regulations effective May 1, and any legislative actions on them.

BOARD OF BARBER EXAMINERS ADMINISTRATIVE REGULATIONS

Article 1.—SANITARY RULES AND REGULATIONS GOVERNING BARBER SHOPS, SCHOOLS AND COLLEGES AND PUBLIC RESTROOMS IN CONNECTION THEREWITH

61-1-3. Water supply; lavatory; waste disposal. (a) Each barbershop, barber school or barber college within an area which is served by an approved public water supply and sewer system shall be connected to that system, shall have positive pressure on both hot and cold water, and shall have the lavatory drain connected to the approved sewer system.

(b) Each barbershop, barber school or barber college that is within an area which does not have an approved public water or sewer system shall install a closed tank with a spigot or a storage system of water. Waste water from such a barber facility shall be drained into a septic tank-lateral field installation or other private sewerage system approved by the appropriate authority.

(c) A lavatory shall be near each station at which a barber is working. (Authorized by K.S.A. 1983 Supp. 74-1805 and K.S.A. 74-1806; implementing K.S.A. 1983 Supp. 74-1805; effective Jan. 1, 1966; amended May 1, 1981; amended May 1, 1984.)

CHARLES L. LUTZ Administrative Officer

Doc. No. 001717

State of Kansas

PERMANENT ADMINISTRATIVE REGULATIONS**NOTICE**

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1983 Supp. 77-415 *et seq.* *These regulations are scheduled to become effective May 1, 1984, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1.* Any such legislative action will be reported in the *Kansas Register*. The May 3, 1984 issue of the *Register* will contain a complete index to regulations effective May 1, and any legislative actions on them.

**BOARD OF HEARING
AID EXAMINERS
ADMINISTRATIVE REGULATIONS**

**Article 1.—APPLICATION FOR
LICENSE**

67-1-5. Applications. (a) All applications shall be signed by the applicant. In the case of a temporary license, the sponsor's statement shall be signed by the sponsor.

(b) A sponsor is defined as a trained person who holds a valid license or certificate of endorsement issued under K.S.A. 74-5812 or K.S.A. 74-5814.

(c) All applications to the board shall state the name and location of the office or place of business where the hearing aid dispenser's license will be regularly displayed. (Authorized by and implementing K.S.A. 74-5806(i); effective May 1, 1982; amended May 1, 1984.)

67-1-7. Change of information. When the name or address of the licensee's business is changed, notice of this change shall be mailed to the executive officer within 10 days of the change. (Authorized by and implementing K.S.A. 74-5806(i); effective May 1, 1982; amended May 1, 1984.)

Article 2.—EXAMINATIONS

67-2-4. Examinations. (a) Applicants shall be required to take an examination which includes both a written and practical demonstration of technical proficiency. The passing score shall be 75 percent.

(b) The applicant shall be notified by letter of the date, time, and location of the examination. The applicant shall be notified by letter of the examination results within 30 days from the date of the examination. (Authorized by K.S.A. 74-5806; implementing K.S.A. 74-5806, 74-5812(a); effective May 1, 1982; amended May 1, 1984.)

**Article 4.—EDUCATIONAL
REQUIREMENTS**

67-4-6. Notice to licensees of educational course offers. Current and temporary licensees shall be notified at least 30 days before the date the educational

courses are to be offered by the board. (Authorized by K.S.A. 74-5806; implementing K.S.A. 74-5821; effective May 1, 1982; amended May 1, 1984.)

67-4-7. Educational requirements; duties of executive officer; national organizations; acceptance. (a) The executive officer shall rate those who are in attendance at educational courses offered by the board and shall issue each person a written certificate stating the number of credit hours that each person has successfully completed. These certificates shall be presented to the board annually at least 30 days before July 1, and the executive officer shall issue a signed certificate to each person stating the number of credit hours successfully completed. The executive officer shall give to the board written evidence of the educational requirements which each person has completed.

(b) Any licensee completing the educational requirements through the National Hearing Aid Association or the National Manufacturer's Symposium shall obtain a signed certificate from the instructor of each course stating the course title and the number of credit hours. The licensee shall present the certificates to the executive officer of the board within 60 days after attending the alternative courses.

(c) The board shall examine each certificate and advise the licensee of the number of credit hours the board will accept toward the two days of educational requirements set forth in K.S.A. 74-5821. (Authorized by K.S.A. 74-5806; implementing K.S.A. 74-5821; effective May 1, 1982; amended May 1, 1984.)

67-4-8. (Authorized by K.S.A. 74-5806; implementing K.S.A. 74-5821; effective May 1, 1982; revoked May 1, 1984.)

67-4-9. (Authorized by K.S.A. 74-5806; implementing K.S.A. 74-5821; effective May 1, 1982; revoked May 1, 1984.)

67-4-10. Same; local organizations; notice of credit hours. Any temporary or permanent licensee who desires to complete the educational requirements set forth in K.S.A. 74-5821 through a local meeting presented by a manufacturer representative shall present to the board the title of the proposed program, the name of the instructor, and a short statement of the course content at least 60 days before the proposed program is to be taught. After reviewing the proposed program, the board shall determine whether the proposed program meets the educational requirements set forth in K.S.A. 74-5821, within 30 days of its receipt by the board. The board shall notify the applicant of its determination and, if the program is accepted, of the number of credit hours allowed pursuant to K.S.A. 74-5821. (Authorized by K.S.A. 74-5806; implementing K.S.A. 74-5821; effective May 1, 1982; amended May 1, 1984.)

67-4-11. (Authorized by K.S.A. 74-5806; implementing K.S.A. 74-5821; effective May 1, 1982; revoked May 1, 1984.)

67-4-12. (Authorized by K.S.A. 74-5806; imple-

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menting K.S.A. 74-5821; effective May 1, 1982; revoked May 1, 1984.)

Article 5.—RENEWALS

67-5-3. Renewal fee; responsibility of licensee. A renewal fee of \$25.00 shall be paid by each licensee on or before the expiration date of the licensee's current license. (Authorized by K.S.A. 74-5806; implementing K.S.A. 74-5810a, K.S.A. 74-5816; effective May 1, 1982; amended May 1, 1984.)

Article 6.—UNETHICAL CONDUCT

67-6-2. Unethical conduct. Unethical conduct shall mean: (a) Obtaining a fee on the making of a sale of a hearing aid by fraud or misrepresentation;

(b) Directly or indirectly employing a suspended or unlicensed person to perform work covered by this act. A licensee who fits or dispenses a hearing aid during a period of suspension shall have that license revoked;

(c) Using, causing, or promoting the use of advertising matter, promotional literature, testimonials, guarantees, warranties, labels, brands, insignia, or other representations, however disseminated or published, which are misleading, deceiving, or untruthful;

(d) Representing that the services or advice of a person licensed to practice medicine will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing aids when that is not true;

(e) Permitting another person to use the licensee's license or certificate;

(f) Directly or indirectly giving, or offering to give, money or anything of substantial value to a practitioner who is licensed by the Kansas board of healing arts for the purpose of inducing that practitioner to refer patients or clients to the licensee;

(g) Fitting, dispensing and servicing hearing aids in a grossly incompetent or negligent manner;

(h) Failing to return monies within 20 days after an aid has been returned in good condition and pursuant to contract;

(i) Using the term "hearing" in advertisements, letterheads, business cards, or upon the premises without including the term "hearing aid" in a conspicuous place; and

(j) Advertising or promoting the licensee's business without including the name and address of that business in the advertisement. (Authorized by and implementing K.S.A. 74-5806(i); effective May 1, 1982; amended May 1, 1984.)

67-6-3. (Authorized by and implementing K.S.A. 74-5806(i); effective May 1, 1982; revoked May 1, 1984.)

67-6-4. Office conditions; license identification:

(a) The office of each licensee shall contain properly maintained equipment and supplies that are necessary for servicing customers' needs. The office and equipment shall be kept in a sanitary condition.

(b) An identification card shall be issued to each licensee and it shall list the address of the licensee's

office. This card shall be kept in the possession of the licensee and, upon the request of a customer or board member, the licensee shall permit the identification card to be inspected. (Authorized by and implementing K.S.A. 74-5806; effective May 1, 1982; amended May 1, 1984.)

Article 7.—INSPECTIONS

67-7-3. (Authorized by and implementing K.S.A. 74-5806; effective May 1, 1982; revoked May 1, 1984.)

Article 8.—FILING AND INVESTIGATION OF CHARGES

67-8-3. Complaint. A person may make a complaint before the board against a licensee by filing with the executive officer, in writing, a statement that includes the name of the licensee, the nature of the complaint, and the time and place of the complaint's origin. The complaint shall be signed by the complainant. This information shall be kept confidential unless this information is made the basis of a hearing before the board. (Authorized by and implementing K.S.A. 74-5806; effective May 1, 1982; amended May 1, 1984.)

Article 9.—SUSPENSION OR REVOCATION PROCEEDINGS

67-9-5. Proceedings. In proceedings for a suspension or revocation of a license, temporary license, or certificate of endorsement, the licensee shall have the right to request a public hearing or a hearing before the board. The board shall mail to the licensee a notice of the charges against the licensee and shall set forth the time and place of the hearing. The licensee shall have 20 days from the date of the notice in which to prepare for hearing. The licensee, upon request, shall be given the opportunity to produce testimony in the licensee's favor and to confront any witness against the licensee. (Authorized by K.S.A. 74-5806; implementing K.S.A. 74-5806, K.S.A. 74-5820; effective May 1, 1982; amended May 1, 1984.)

DOROTHEA E. KLEIN
Chairperson

Doc. No. 001719

State of Kansas

PERMANENT ADMINISTRATIVE REGULATIONS**NOTICE**

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1983 Supp. 77-415 *et seq.* *These regulations are scheduled to become effective May 1, 1984, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1.* Any such legislative action will be reported in the *Kansas Register*. The May 3, 1984 issue of the *Register* will contain a complete index to regulations effective May 1, and any legislative actions on them.

BOARD OF EMBALMING ADMINISTRATIVE REGULATIONS**Article 1.—EMBALMING; CONTINUING EDUCATION OF EMBALMERS AND FUNERAL DIRECTORS**

63-1-6. General rules relating to the practice of embalming. (a) In the event of loss or destruction of any embalmer's license issued, the board shall issue a duplicate upon verified proof of the loss or destruction of the license.

(b) Licenses shall not be transferable or salable.

(c) Only persons duly licensed under the laws of the state of Kansas as embalmers shall practice the art of embalming, or hold themselves out to the public or advertise as an embalmer within the state of Kansas.

(d) All licensees shall promptly notify the secretary of the board of all changes in their addresses.

(e) All licensees shall promptly and fully cooperate at all times with the state department of health and environment and with this board in all matters pertaining to the general practice of embalming.

(f) A prearranged funeral service which does not include prefinancing may be entered into by a licensee if the licensee does not solicit the agreement. All such agreements shall be available at all times for the board's review.

(g) A licensee, or anyone acting on behalf of a licensee, shall not receive, make, solicit or enter into a funeral service contract or any part of a funeral service contract, unless all contracts comply with K.S.A. 16-391, *et seq.* These contracts or agreements shall be available at all times for the board's review.

(h) A licensee, or any person acting on behalf of a licensee, shall not in any way represent any insurance company, society, association, corporation or agency selling insurance or burial insurance benefits or plans, or collect premiums or assessments, unless subject to the following conditions and restrictions.

(1) A licensee of this board may represent an insurer if:

(A) The licensee is a stockholder, officer, or agent for an insurance company. Such a licensee shall have the right to perform all duties pertaining to that office;

(B) the insurance company is authorized to do business in this state;

(C) the insurance policies are payable in cash and if the policies do not restrict the right of the insured or the beneficiary to select a funeral director of his or her own choice; and

(D) no other provision in these regulations are violated.

(2) A licensee shall not solicit or obtain applications for insurance with companies which are not authorized to transact business in Kansas.

(3) A licensee's name may be used in the form of an endorsement of a funeral or burial insurance plan or burial association benefits, if the licensee does not initiate or pay the cost of that advertising and the recommendation is genuine and representative of the current opinion of the author. This shall apply to the policy advertised and shall be accurately reproduced. If the individual making the recommendation has a financial interest in the insurer or a related entity, or if the individual will, as a direct or indirect stockholder, officer or employee, receive any benefit directly or indirectly, this fact shall be disclosed in the advertising.

(4) An insurance company or its designated agent shall not operate within the confines of a funeral home or establishment.

(5) A licensee shall not be connected in any way with an insurance company if:

(A) policies are payable in merchandise, or require the service of a designated funeral director or a member of a designated group of funeral directors; or

(B) the certificate or policy of that company provides for a reduction on the value of merchandise or services furnished or the price to be paid for them. (Authorized by K.S.A. 74-1704, 74-1707; implementing K.S.A. 65-1701, 74-1707, 65-1711a; effective Jan. 1, 1966; modified, L. 1979, ch. 345, May 1, 1979; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984.)

63-1-8. Investigations and hearings. (a) The state board of embalming shall initiate an inquiry whenever a duly verified written complaint is filed with the board charging the holder of a Kansas embalmer or funeral director license with the violation of:

(1) any of the rules and regulations of the department of health and environment; or

(2) any statute, rule, or regulation which the state board of embalming is empowered to consider or enforce. If the board finds that there are reasonable grounds for the charge or complaint, it shall fix a time and place for the hearing, and shall cause written notice of the time and place of the hearing to be served upon the licensees by registered mail or personal service. When a written complaint against that person is filed with the board, a copy of the written complaint shall be attached to the notice served upon the licensee. The hearing shall be at a future time that will allow both the complainant and the alleged violator a reasonable time to prepare the case, and may be continued from time to time at the discretion of the board. Each interested party may appear in person and be represented by counsel, and may also produce wit-

(continued)

nesses and other evidence. Affidavits that are properly executed may also be introduced into evidence. All complaints shall name the person against whom the complaint was made, the time and place of the alleged violation, and the facts of which the complainant has knowledge.

(b) A record shall be made of all proceedings. If, after being fully informed and considering all facts and circumstances, the board finds the charges to be true, in whole or in part, or in lesser degree than stated in the complaint or notice, it may suspend, refuse to issue or renew, or revoke the license of the guilty party or parties on probation. If the board finds that the charges have not been proved, it shall dismiss those charges. A licensee whose license has been revoked shall only be reinstated by consent of the board, and upon passing any examination and investigation that the board deems necessary and proper under the circumstances. (Authorized by and implementing K.S.A. 74-1704; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984.)

Article 3.—PREPARATION AND TRANSPORTATION OF BODIES; BURIAL IN MAUSOLEUMS; FUNERAL ESTABLISHMENTS

63-3-18. Requirements of the funeral home. (a) *Necessary equipment.* Every funeral home shall possess and keep on the premises any equipment that the board deems necessary for the conduct of business and the protection of the public health. Such equipment shall be kept in good working condition.

(b) *Sanitary conditions.* All portions of each funeral home shall be kept in a clean and sanitary condition.

(c) *Preparation room.*

(1) Every funeral home shall maintain, on the premises, a preparation or embalming room. The preparation or embalming room shall be adequately equipped and maintained in a sanitary manner and shall be used only for the preservation and care of dead human bodies. These rooms shall contain only those articles, facilities, and instruments necessary for the preparation of dead human bodies for burial or final disposition. Those articles, facilities and instruments shall be kept in a clean and sanitary condition.

(2) The minimal requirements for a preparation or embalming room shall be as follows:

(A) Each preparation or embalming room shall be equipped with:

- (i) a sanitary floor (non-porous material);
- (ii) adequate ventilation;
- (iii) suitable and sanitary material, methods, and equipment which shall be used to clean and disinfect all embalming instruments;
- (iv) running hot and cold water;
- (v) an exhaust fan. This exhaust fan shall be permanently installed, operable and sufficiently powerful to effectively reduce the formaldehyde concentration in the room;
- (vi) sanitary plumbing connected with a sewer or cesspool; and
- (vii) a porcelain, stainless steel, metal lined, or fiber glass operating table.

(B) All opening windows and outside doors shall have opaque glass.

(C) Each hydro-aspirator shall be equipped with at least one air breaker.

(D) Containers for refuse, trash, and soiled linens shall be covered or sealed at all times.

(E) The funeral establishment license shall be prominently displayed at all times.

(3) Preparation room entrances shall be situated so that functions in the funeral home will not impede or interfere with entering or exiting from the room. The room shall not open into other public rooms of the funeral establishment. (Authorized by K.S.A. 74-1704; implementing K.S.A. 65-1713a and K.S.A. 65-1723; effective May 1, 1976; amended May 1, 1978; amended May 1, 1982; amended May 1, 1984.)

63-3-20. Reporting of prefinanced funeral agreement. (a) Each funeral home licensed in the state of Kansas shall report to the state board of embalming, on forms provided by the board, the following information concerning prefinanced funeral agreements entered into pursuant to K.S.A. 16-301 *et seq.*:

(1) The numbers which identify the accounts, in the records of the funeral home, of each purchaser of merchandise and services pursuant to those agreements;

(2) the name of each bank, trust company, savings and loan association or credit union into which each purchaser's funds were deposited and the number of each named account;

(3) the amounts of each purchase pursuant to those agreements; and

(4) the dates of those purchases.

(b) These reports shall accompany each funeral home's biennial application for renewal of its establishment license, as required by K.A.R. 63-3-19, and any notification of the secretary of the board made pursuant to K.A.R. 63-2-7(b). The reports shall include all prefinanced funeral agreements entered into by each funeral home since the last issuance of its license or since the last report submitted under K.A.R. 63-2-7(b). The first report of each funeral home due after the effective date of this regulation shall include all such prefinanced funeral agreements for which any merchandise or service has not yet been rendered.

(c) Should the state board of embalming deem it necessary for the effective performance of its duties, it may require that a funeral home report the name and address of any purchaser and the corresponding account number described in (a)(1) above. The funeral home shall report such additional information within 10 days of having received a written request therefor by the board.

(d) Failure of any funeral home to report as required by this regulation shall be grounds for refusal or revocation of its establishment license. (Authorized by and implementing K.S.A. 74-1707; effective May 1, 1984.)

DOUGLAS "MACK" SMITH
Executive Secretary

Doc. No. 001718

State of Kansas

PERMANENT ADMINISTRATIVE REGULATIONS**NOTICE**

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**BOARD OF NURSING
ADMINISTRATIVE REGULATIONS****Article 10.—ADVANCED REGISTERED
NURSE PRACTITIONER**

60-10-101 to 60-10-105. (Authorized by and implementing K.S.A. 65-1128; effective, E-81-12, May 14, 1980; effective May 1, 1981; revoked May 1, 1984.)

60-10-106. (Authorized by and implementing K.S.A. 65-1119; effective, E-81-12, May 14, 1980; effective May 1, 1981; revoked May 1, 1984.)

60-10-107. (Authorized by and implementing K.S.A. 65-1128; effective, E-81-12, May 14, 1980; effective May 1, 1981; revoked May 1, 1984.)

60-10-108 and 60-10-109. (Authorized by and implementing K.S.A. 65-1117 and 65-1128; effective, E-81-12, May 14, 1980; effective May 1, 1981; revoked May 1, 1984.)

**Article 11.—ADVANCED REGISTERED
NURSE PRACTITIONERS**

60-11-101. Definition and limitations. (a)(1) An advanced registered nurse practitioner, as defined by L. 1983, Ch. 206, Sec. 6, functions in an expanded role to provide primary health care to individuals, families or groups, or some combination of these groups of clients, in a variety of settings, including homes, institutions, offices, industries, schools, community agencies, and private practice. Advanced registered nurse practitioners function in a collegial relationship with physicians and other health professionals in the delivery of primary health care services. Advanced registered nurse practitioners make independent decisions about nursing needs of families and clients, and interdependent decisions with physicians in carrying out health regimens for families and clients. Advanced registered nurse practitioners are directly accountable and responsible to the consumer.

(2) "Primary health care" is the prevention of disease, promotion and maintenance of health, assessment of needs, long term nursing management of chronic illness and referral of clients to other resources. The contact between advanced registered nurse practitioner and client may be for an episode of

illness or it may be for continuous health care monitoring.

(b) The physical presence of the physician is not necessarily implied when care is given by the advanced registered nurse practitioner. (Authorized by and implementing K.S.A. 1983 Supp. 65-1113, 65-1130; effective May 1, 1984.)

60-11-102. Categories of advanced registered nurse practitioners. The four categories of advanced registered nurse practitioners certified by the board of nursing are: (a) nurse clinician or nurse practitioner; (b) nurse anesthetist; (c) nurse-midwife; and (d) clinical specialist.

(Authorized by and implementing K.S.A. 1983 Supp. 65-1113, 65-1130; effective May 1, 1984.)

60-11-103. Qualifications of advanced registered nurse practitioners. To be eligible for certification as an advanced registered nurse practitioner in one of the following categories, the applicant shall hold a current Kansas license as a registered professional nurse. (a) To be certified as an advanced registered nurse practitioner in the category of nurse clinician or nurse practitioner, each applicant shall have successfully completed a formal, post-basic nursing education program which prepares the nurse to function in an expanded role or the applicant shall have current certification approved by the state board of nursing.

(b) To be certified as an advanced registered nurse practitioner in the category of certified registered nurse anesthetist, each applicant shall have a current certification or recertification that has been approved by the state board of nursing.

(c) To be certified as an advanced registered nurse practitioner in the category of nurse-midwife, each applicant shall have a current certification that has been approved by the state board of nursing.

(d) To be certified as an advanced registered nurse practitioner in the category of clinical nurse specialist, each applicant shall hold a master's degree in a nursing clinical area which prepares the nurse to function in the expanded role. (Authorized by and implementing K.S.A. 1983 Supp. 65-1113, 65-1130; effective May 1, 1984.)

60-11-104. Functions of the advanced registered nurse practitioner, nurse clinician or nurse practitioner. Advanced registered nurse practitioners function in the expanded role of nurse clinician or nurse practitioner, at a specialized level, through the application of advance knowledge and skills. Each nurse clinician or nurse practitioner shall: (a) Perform all functions defined for basic nursing practice;

(b) Evaluate the physical and psychosocial health status of the client through a comprehensive health history and physical examination, using skills of observation, inspection, palpation, percussion and auscultation, and using diagnostic instruments or laboratory procedures that are basic to the screening of physical signs and symptoms;

(c) Assess normal and abnormal findings from the history, physical examination and laboratory reports;

(continued)

- (d) Plan, implement and evaluate care;
- (e) Consult with the client and members of the health care team to provide for acute and ongoing health care or referral of the client;
- (f) Manage the medical plan of care prescribed for the client, based on protocols or guidelines adopted jointly by the nurse practitioner and the attending physician;
- (g) Initiate and maintain accurate records, appropriate legal documents and other health and nursing care reports;
- (h) Develop individualized teaching plans with the client based on overt and covert health needs;
- (i) Counsel individuals, families and groups about health and illness and promote health maintenance;
- (j) Recognize, develop and implement professional and community educational programs related to health care;
- (k) Participate in periodic and joint evaluation of services rendered, including, but not limited to, chart reviews, case reviews, patient evaluations and outcome of case statistics; and
- (l) Participate, when appropriate, in the joint review and revision of adopted protocols or guidelines when the advanced registered nurse practitioner is involved in the medical plan of care. (Authorized by and implementing K.S.A. 1983 Supp. 65-1113, 65-1130; effective May 1, 1984.)

60-11-105. Functions of the advanced registered nurse practitioner; nurse-midwife. An advanced registered nurse practitioner functioning in the expanded role of nurse-midwife shall perform in an interdependent role as a member of a physician-directed health care team, within the framework of mutually adopted protocols or guidelines. Each certified nurse-midwife shall: (a) Be responsible for the management and complete health care of the normal expanding family throughout pregnancy, labor, delivery and post-delivery care;

- (b) Participate in individual and group counseling and teaching throughout the childbearing cycle;
- (c) Participate in well-woman gynecological procedures;
- (d) Participate in periodic and joint evaluation of services rendered, including, but not limited to, chart reviews, case reviews, patient evaluations and outcome of case statistics; and
- (e) Participate in the joint review and revision of adopted protocols or guidelines. (Authorized by and implementing K.S.A. 1983 Supp. 65-1113, 65-1130; effective May 1, 1984.)

60-11-106. Functions of the advanced registered nurse practitioner; nurse anesthetist. An advanced registered nurse practitioner functioning in the expanded role of certified registered nurse anesthetist shall perform in an interdependent role as a member of a physician or dentist-directed health care team. Each certified registered nurse anesthetist shall: (a) Conduct a pre- and post-anesthesia visit and assessment with appropriate documentation;

- (b) Develop an anesthesia care plan with the phy-

sician or dentist which includes medications and anesthetic agents;

- (c) Induce and maintain anesthesia at the required levels;
- (d) Support life functions during the perioperative period;
- (e) Recognize and take appropriate action for untoward patient responses during anesthesia;
- (f) Provide professional observation and management of the patient's emergence from anesthesia;
- (g) Participate in the life support of the patient;
- (h) Participate in periodic and joint evaluation of services rendered, including, but not limited to, chart reviews, case reviews, patient evaluations and outcome of case statistics; and
- (i) Participate in the joint review and revision of adopted protocols or guidelines. (Authorized by and implementing K.S.A. 1983 Supp. 65-1113, 65-1130; effective May 1, 1984.)

60-11-107. Functions of the advanced registered nurse practitioner; clinical nurse specialist. The primary responsibility of the advanced registered nurse practitioner performing in the expanded role of clinical nurse specialist shall be patient care delivery to a select population in a specialty area. Each clinical nurse specialist shall: (a) Provide direct nursing care utilizing a broad base of advanced scientific knowledge, nursing theory and skills in assessing, planning, implementing and evaluating those aspects of health and nursing care of individuals who require this specialized competence;

- (b) provide indirect nursing care. Each clinical nurse specialist shall plan, guide, evaluate and direct the nursing care given by other personnel associated with the nursing functions;
- (c) conduct nursing research. Each clinical nurse specialist shall create and test methods of nursing intervention and health care in the area of specialization;
- (d) teach and counsel individuals or groups. Each clinical nurse specialist shall utilize theories and skills of communication and teaching learning process to increase the knowledge or functioning of individuals and groups, nursing personnel, students and other members of the health care team;
- (e) serve as consultant, and as a resource, utilizing advanced health knowledge and skills, to those who are directly and indirectly involved in patient care; and
- (f) participate in periodic evaluation of services rendered, including, but not limited to, chart reviews, case reviews, patient evaluations, and outcome of case statistics. (Authorized by and implementing K.S.A. 1983 Supp. 65-1113, 65-1130; effective May 1, 1984.)

60-11-108. Requirements for advanced registered nurse practitioner programs of study. (a) Each program which prepares registered nurses for advanced nursing practice that is located or offered within Kansas shall be approved by the state board of nursing.

- (b) The educational program shall be a minimum of nine months or one academic year of full-time study or

(continued)

its equivalent, as defined by the sponsoring academic institution. The program shall contain both didactic and clinical components. The clinical component shall include a preceptorship meeting a minimum of eight hours a week for one academic year, or its substantial equivalent of practice.

(c) The philosophy, purpose and objectives of the program shall be clearly defined and available in written form.

(d) The objectives reflecting the philosophy shall be stated in behavioral terms and shall describe the competencies of the graduate.

(e) The faculty shall include a majority of advanced registered nurse practitioners who are currently certified by the board in Kansas.

(f) Each faculty member shall have earned a graduate degree.

(g) The content, methods of instruction and learning experience shall be consistent with the philosophy and objectives of the program.

(h) Course syllabi shall be available in writing.

(i) The program shall include, but not be limited to, content relating to role realignment, ethical and legal implications of advanced nursing practice, and the health care delivery system.

(j) The program shall provide clinical instruction in the performance of diagnostic procedures that are essential to practice in the area of specialization.

(k) Admission criteria shall be clearly stated, available in written form, and shall include the requirement of a current license to practice in Kansas as a registered professional nurse.

(l) Policies for withdrawal, dismissal and readmission shall be available in written form.

(m) The student shall receive official evidence that indicates successful completion of the program of study.

(n) A written plan for continuing program evaluation shall be developed, adopted and implemented by the faculty. (Authorized by and implementing K.S.A. 1983 Supp. 65-1119, 65-1133; effective May 1, 1984.)

60-11-109. Initial certification. (a) Each applicant shall submit an application on a form prescribed by the board, together with non-refundable fee of \$30.00.

(b) When the board determines that the applicant meets the qualifications herein, a certificate indicating the expanded role for which the applicant is certified shall be issued. (Authorized by and implementing K.S.A. 65-1128, K.S.A. 1983 Supp. 65-1131; effective May 1, 1984.)

60-11-110. Renewal of certification. (a) Advanced registered nurse practitioner certification shall be subject to the same biennial renewal period as the registered nurse license to practice in Kansas.

(b) The application for renewal shall be submitted on a form prescribed by the board, together with the biennial fee of \$15.00.

(c) Documentation of 30 hours of approved continuing education earned during the preceding two years and related to the area of advanced practice shall accompany the application. These hours of continuing

education shall also be applicable to the renewal of the registered nurse license.

(d) Persons who on June 20, 1982 held a certificate of qualification as an advanced registered nurse practitioner may secure a certificate of qualification as an advanced registered nurse practitioner as defined by L. 1983, Ch. 206, Sec. 4(c).

(d) Failure to renew the certification as an advanced registered nurse practitioner within the current renewal period shall result in a lapsed certificate. (Authorized by and implementing K.S.A. 1983 Supp. 65-1117, 65-1128, 65-1131, 65-1132; effective May 1, 1984.)

60-11-111. Reinstatement of a lapsed certificate.

(a) Any applicant whose certificate has lapsed may reinstate the certificate within five years of the expiration date of the certificate by submitting:

(1) the reinstatement application prescribed by the board;

(2) the reinstatement fee of \$20.00; and

(3) documentation of 30 hours of approved continuing education earned during the preceding two years and related to the area of advanced practice. These hours of continuing education shall also be applicable to the renewal of the applicant's registered nurse license.

(b) Any applicant whose certificate has lapsed for more than five years may reinstate the certificate by submitting:

(1) the reinstatement application prescribed by the board;

(2) the reinstatement fee of \$20.00;

(3) evidence of satisfactory completion of a refresher course approved by the board of nursing; and

(4) documentation of 30 hours of approved continuing education earned during the preceding two years and related to the area of advanced practice. These hours of continuing education shall also be applicable to the renewal of the registered nurse license. (Authorized by and implementing K.S.A. 1983 Supp. 65-1117, 65-1128, 65-1132; effective May 1, 1984.)

LOIS RICH SCIBETTA, Ph.D., R.N.
Executive Administrator

Doc. No. 001715

State of Kansas

**PERMANENT ADMINISTRATIVE
REGULATIONS****NOTICE**

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**BOARD OF HEALING ARTS
ADMINISTRATIVE REGULATIONS****Article 31.—OFFICERS**

100-31-3, 100-31-4. (Authorized by K.S.A. 65-2911; effective Jan. 1, 1966; revoked May 1, 1984.)

Article 33.—MEETINGS

100-33-1, 100-33-2. (Authorized by K.S.A. 65-2911; effective Jan. 1, 1966; revoked May 1, 1984.)

Article 35.—REGISTRATION

100-35-1. Granting. All applicants desirous of being registered as a physical therapist or physical therapist assistant shall file with the secretary of the board, not later than 42 days preceding the examinations, the appropriate application on a form prescribed by the board. The application shall be completed in accordance with the instructions listed on the application. (Authorized by K.S.A. 1983 Supp. 65-2911; implementing K.S.A. 1983 Supp. 65-2906; effective Jan. 1, 1966; amended May 1, 1984.)

100-35-3. Approval of physical therapy programs.
(a) Approved schools of physical therapy. The board shall prepare, a list of approved physical therapy schools. However, no school shall be approved without the formal action of the board. In determining the list of approved schools of physical therapy, the board may take into consideration the approval of a school by the American physical therapy association. If the school from which the applicant received the physical therapy diploma was not on the list of approved schools at the time of the applicant's graduation, the board may consider whether the program was equivalent to physical therapy schools which were approved by the American physical therapy association at that time.

(b) Approved schools of physical therapist assistants. The board shall prepare and keep up to date a list of approved physical therapy assistant schools. However, no school shall be approved without the formal action of the board. In determining the list of approved schools of physical therapist assistants, the American physical therapy association's list of approved schools at the time of the applicant's gradua-

tion may be considered. In determining educational equivalency pursuant to K.S.A. 65-2906, the board shall consider the accreditation criteria of the American physical therapy association on January 1, 1983. (Authorized by K.S.A. 1983 Supp. 65-2911; implementing K.S.A. 1983 Supp. 65-2906; effective Jan. 1, 1966; amended May 1, 1975; amended May 1, 1984.)

100-35-6. Requirements for physical therapists trained in another country. Each physical therapist who received training in another country and who applies for registration as a physical therapist in Kansas shall meet the requirements as provided by the Kansas law for qualifications of applicants. The board shall determine whether the applicant graduated from a program which is equivalent to an American physical therapist approved program. (Authorized by K.S.A. 1983 Supp. 65-2911; implementing K.S.A. 1983 Supp. 65-2906, 65-2909; effective Jan. 1, 1973; amended May 1, 1984.)

100-35-7. Examination. In order to qualify for registration, each physical therapist and physical therapist assistant shall obtain a score of no less than 1.5 standard deviations below the national average raw score. (Authorized by K.S.A. 1983 Supp. 65-2911; implementing K.S.A. 1983 Supp. 65-2906; effective May 1, 1978; amended May 1, 1984.)

Article 37.—PROFESSIONAL CONDUCT

100-37-1. Code of ethics; professional conduct; physical therapists accept the responsibility to protect the public from unethical, incompetent or illegal acts.
(a) Attitudes of physical therapists.

(1) Each physical therapist shall be guided at all times by concern for the physical, psychological and socioeconomic welfare of those patients entrusted to their care.

(2) Each physical therapist shall be responsive to and supportive of colleagues and associates in relation to the best interests and care of the patient.

(3) Each physical therapist shall recognize that each individual is different from all other individuals and shall be tolerant of and responsive to those differences.

(b) Confidential information.

(1) Each physical therapist shall respect and maintain confidentiality pertaining to patient information.

(2) Each physical therapist may respond to inquiries pertaining to patient care within the scope of their knowledge and practice. All other inquiries should be referred to the referring or consulting practitioner.

(c) Responsibility.

(1) Each physical therapist, upon accepting the referral of a patient from a qualified practitioner, shall assume the responsibility for evaluating the patient, planning the patient's treatment program, implementing and supervising that program, re-evaluating and changing that program, maintaining adequate records of the case and filing appropriate progress reports with the attending practitioner.

(continued)

(2) Each physical therapist who does not possess the skill to evaluate a patient, plan the treatment program, or carry out the treatment shall notify the referring or consulting practitioner and the patient and shall assist in identifying a professional person qualified to provide the service.

(3) Each physical therapist shall not delegate any activity which requires the unique skill, knowledge, and judgement of the physical therapist to a less qualified person.

(4) The primary responsibility for physical therapy care rendered by the physical therapist assistant shall rest with the supervising physical therapist. Each supervising physical therapist shall provide adequate supervision of the physical therapist assistant which shall include, at the minimum, that the supervisor perform the following activities:

(A) Interpret the practitioner's referral;
(B) provide initial evaluation of the referred patient;

(C) develop a treatment plan and program including the long and short-term goals;

(D) assess the competency of supportive personnel to perform assigned tasks;

(E) select and delegate appropriate portions of the treatment plan and program;

(F) identify and document precautions, special problems, contraindications, goals, anticipated progress, and plans for re-evaluation;

(G) direct and supervise supportive personnel in delegated functions;

(H) re-evaluate the patient, adjust the treatment plan, perform final evaluation of the patient, and provide discharge planning;

(I) designate or establish channels of written and oral communication; and

(J) supervise each physical therapist assistant a minimum of once a week.

(5) Each physical therapist shall inform the referring or consulting practitioner and the patient when, in that physical therapist's judgment, the patient cannot benefit from treatment. Initiation or continuation of treatment that, in the therapist's judgment, cannot result in a demonstrable beneficial outcome or that is contraindicated shall be considered to be unethical.

(6) The failure of any physical therapist to report alleged unethical, incompetent, or illegal acts shall be considered a violation of this regulation.

(d) Fair and just remuneration.

(1) Each physical therapist shall not endorse equipment or health care facilities to any patient or the lay public if they receive any remuneration in return for such endorsement and if involved in patient care.

(2) Each physical therapist shall not exercise influence on patients to purchase equipment produced or supplied by a company in which the physical therapist owns stock or has any other direct or indirect financial interest.

(3) Each physical therapist shall not participate in any arrangements in which a referring practitioner exploits any patient by referring, prescribing, or rec-

ommending physical therapy without any sound medical basis and solely for the purpose of enhancing the practitioner's personal income.

(e) Violations of any of the above provisions shall be evidence of conduct unbecoming a person registered as a physical therapist and shall constitute grounds for revocation or suspension of registration. (Authorized by K.S.A. 1983 Supp. 65-2911; implementing K.S.A. 1983 Supp. 65-2906, 65-2912; effective Jan. 1, 1966; amended May 1, 1984.)

100-37.2. Physical therapist assistants; code of ethics. (a) Each physical therapist assistant shall accept the responsibility for assisting the physical therapist in protecting the public from unethical, incompetent, or illegal acts.

(b) Attitudes of physical therapist assistants. Each physical therapist assistant shall be guided at all times by concern for the dignity and welfare of those patients entrusted to that assistant's care.

(c) Confidential information. Each physical therapist assistant shall refer all requests for release of confidential information to the supervising physical therapist.

(d) Responsibilities.

(1) Each physical therapist assistant shall not initiate or alter a treatment program without prior evaluation by and approval of the supervising physical therapist.

(2) Each physical therapist assistant shall not interpret data relating to a patient's disability.

(3) Each physical therapist assistant shall not respond to inquiries that require the assessment of patient progress or prognosis. Such inquiries shall be referred directly to the supervising physical therapist.

(4) Each physical therapist assistant may communicate with members of physical therapy staff and other health team members, individually and in conference, to provide patient information other than described in paragraph (3) above.

(5) Each physical therapy assistant shall not represent himself or herself as a physical therapist or suggest or imply that the assistant can provide services that are equal or superior to those provided by a physical therapist.

(6) Each physical therapist assistant may refuse to carry out treatment procedures that they believe to be not in the best interest of the patient.

(7) Each physical therapist assistant shall not carry out any procedure that the assistant is not qualified and competent to provide.

(8) Each physical therapist assistant shall discontinue immediately any treatment procedure which, in that assistant's judgement, appears to be harmful to the patient.

(9) Each physical therapist assistant shall notify the supervising physical therapist as soon as possible of any situation described in paragraphs (6), (7), or (8).

(10) The failure of any physical therapist assistant to report alleged unethical, incompetent, or illegal acts shall be a violation of this regulation.

(e) Supervision.

(continued)

(1) Each physical therapist assistant shall work only under the direction and supervision of a licensed and qualified physical therapist.

(2) Each physical therapist assistant shall respect the supervisory relationship of the physical therapist and shall not undermine the goals and responsibility of the physical therapist.

(3) Each physical therapist assistant shall report all relevant patient responses to the supervising physical therapist or designee.

(f) Violations of any of the above provisions shall be evidence of conduct unbecoming a person certified as a physical therapist assistant and shall constitute grounds for revocation or suspension of registration. (Authorized by K.S.A. 1983 Supp. 65-2911; implementing K.S.A. 1983 Supp. 65-2906; effective May 1, 1984.)

Article 39.—CERTIFICATES

100-39-1. Lost or destroyed certificates; change of name; new certificates. (a) In the event a certificate of registration or certification is lost or destroyed, any registrant or certificant may request a duplicate certificate or certification. Each such request shall be in writing, shall include the number of the original certificate and shall be accompanied by a fee of \$15.00.

(b) In the event the name of a registrant is changed, the change of name shall be sent to the board as soon as possible. This notification shall be in writing and shall be accompanied by an attested document of the change of name and shall include the number of the original certificate. A fee of \$15.00 shall be charged for a new certificate. The original certificate shall be surrendered to the board. (Authorized by K.S.A. 1983 Supp. 65-2911; implementing K.S.A. 1983 Supp. 65-2908; effective Jan. 1, 1966; amended May 1, 1975; amended May 1, 1984.)

Article 41.—LIST OF REGISTERED PHYSICAL THERAPISTS

100-41-1. (Authorized by K.S.A. 65-2911; effective Jan. 1, 1966; amended May 1, 1975; amended May 1, 1979; revoked May 1, 1984.)

Article 42.—REVOCATION OR SUSPENSION OF CERTIFICATION (PHYSICAL THERAPISTS)

100-42-1. Petition; filing. Any petition for revocation or suspension of a certificate or certification shall be filed in the office of the secretary of the board. Such a petition may be filed by the attorney general, by the district or county attorney of the county in which the registrant or certificant resides or has practiced, or by a regularly employed attorney of the board. The board may, upon its own motion, or upon the sworn statement of any person, direct the filing of a petition or revocation. (Authorized by K.S.A. 1983 Supp. 65-2911; implementing K.S.A. 1983 Supp. 65-2912; effective Jan. 1, 1966; amended May 1, 1975; amended May 1, 1979; amended May 1, 1984.)

100-42-2. Complaint; institution of proceedings; hearings. (a) Whenever a complaint is properly filed stating, in detail, one or more grounds for revocation or suspension of a certificate, the complaint shall be considered first by members of the committee who shall act in an advisory capacity. The committee shall then make its recommendations to the board. The procedure to be followed by the board shall conform to the provisions of K.S.A. 65-2839 *et seq.* (Authorized by K.S.A. 1983 Supp. 65-2911; implementing K.S.A. 1983 Supp. 65-2912; effective Jan. 1, 1966; amended May 1, 1975; amended May 1, 1979; modified, L. 1983, ch. 355; amended May 1, 1984.)

Article 43.—PROFESSIONAL SIGNS AND LETTERHEADS

100-43-1. (Authorized by K.S.A. 65-2911; effective Jan. 1, 1966; revoked, L. 1983, ch. 355; revoked May 1, 1984.)

Article 45.—APPROVED SCHOOLS OF PHYSICAL THERAPY ASSISTANTS

100-45-1. (Authorized by K.S.A. 65-2911; effective May 1, 1975; revoked May 1, 1984.)

Article 46.—EXTENSION OF REGISTRATION; ASSISTANTS

100-46-1. Application. (a) At the time of application by a registered physical therapist for a renewal of registration, the physical therapist shall indicate, on forms provided by the board, the name, place of employment, and address of the employer, of each physical therapist assistant who is working under the direction of the physical therapist.

(c) At the time of application by a certified physical therapist assistant for a renewal of certification, the physical therapist assistant shall indicate the name of the physical therapist who is supervising the assistant, and shall state the assistant's place of employment and address of the employer. (Authorized by and implementing K.S.A. 1983 Supp. 65-2911; effective May 1, 1975; amended May 1, 1984.)

100-46-2. Physical therapist assistants; information to board. (a) Before a physical therapist allows a physical therapist assistant to work under his or her direction, the physical therapist shall inform the board of:

(1) the name of each physical therapist assistant who intends to work under the direction of that physical therapist;

(2) the physical therapist assistant's place of employment; and

(3) the address of that employer.

(b) Before a physical therapist assistant works under the direction of a physical therapist, the physical therapist assistant shall inform the board of:

(1) the name of the supervising physical therapist;

(2) the supervising physical therapist's place of employment; and

(3) the address of the employer. (Authorized by

(continued)

K.S.A. 1983 Supp. 65-2911; implementing K.S.A. 1983 Supp. 65-2906; effective May 1, 1975; amended May 1, 1984.)

100-46-3. Same; number. Each physical therapist shall not have more than three physical therapist assistants working under the direction of that physical therapist at any time, except with the written consent of the board. (Authorized by K.S.A. 1983 Supp. 65-2911; implementing K.S.A. 1983 Supp. 65-2906; effective May 1, 1975; amended May 1, 1984.)

100-46-4. (Authorized by K.S.A. 65-2906; effective May 1, 1978; amended May 1, 1979; revoked May 1, 1984.)

Article 47.—CONTINUING EDUCATION

100-47-1. Registration renewal; continuing education. (a) For each two year period, every registered physical therapist shall submit, with an application for renewal of registration, evidence of completing a minimum of six continuing education units. Evidence of that attainment shall be submitted to the board on January 1, 1983, and on January 1 of each odd numbered year thereafter.

(b) The board may grant an extension, not to exceed six months, to a physical therapist who, during the preceding 12 months period prior to renewal registration date, suffered an illness or accident making it impossible or extremely difficult for that physical therapist to reasonably obtain the required continuing education units.

(c) The board may grant an extension, not to exceed six months, to a physical therapist who, during the the 12 months period prior to renewal registration date, obtained his or her license. The board shall determine whether the period of time between the date of obtaining license and the date of renewal registration was not a sufficient time period within which to obtain the required education units.

(d) A CEU shall be equivalent to 10 contact hours approved by the state board of healing arts and may include any of the following activities to enhance the physical therapists skills or knowledge:

(1) Lectures. Lecture means an informative talk given by a qualified individual.

(2) Panels. Panel means the presentation of a number of views by several qualified individuals on a given subject with none of the views considered a final solution.

(3) Workshops. Workshop means a series of meetings designed for intensive study, work or discussion in a specific field of interest.

(4) Seminars. Seminar means a conference of more than a single session organized for the purpose of discussing a specific subject from various viewpoints and by various speakers.

(5) Symposium. Symposium means a conference of more than a single session organized for the purpose of discussing a specific subject from various viewpoints and by various speakers.

(6) Examination. Three CEUs may be given for passing the examination.

(7) Professional reading. (Authorized by K.S.A. 1983 Supp. 65-2911; implementing K.S.A. 1983 Supp. 65-2910; modified, L. 1978, ch. 463; amended May 1, 1980; amended May 1, 1984.)

Article 49.—PODIATRY

100-49-2. Licensure by examination. (a) Each applicant for licensure by examination shall submit the following materials not later than 30 days prior to the date of examination:

(1) A completed written application on a form prescribed by the board. The application shall include the full name and address of the applicant;

(2) A photograph of the applicant. The photograph shall measure three by four inches and shall be signed across the front by the applicant with the signature of the photographer, the address of the photographer, and the date when the photograph was taken on the back of the photograph. A statement that the photograph is a true picture of the applicant within 90 days prior to the date of application shall also be placed on the back of the photograph.

(3) An affidavit from an approved college of podiatry stating the dates of attendance at the college, and the date of graduation, over the seal of the college;

(4) A certified copy of the podiatry college diploma;

(5) A transcript from the podiatry school;

(6) A written oath of applicant that all statements are strictly true in every respect; and

(7) The appropriate fee.

(b) All examinations shall be given in the English language only.

(c) A second re-examination shall require the full payment of the examination fee. (Authorized by K.S.A. 65-2013; implementing K.S.A. 65-2004, K.S.A. 1983 Supp. 65-2003; effective May 1, 1980; amended May 1, 1984.)

100-49-3. Licensure by endorsement. (a) Each applicant for licensure by endorsement shall submit the following materials not later than 30 days preceding the June or the December meeting of the board.

(1) A completed written application, on a form prescribed by the board. The application shall include the full name and address of the applicant;

(2) A photograph of the applicant. The photograph shall measure three by four inches and shall be signed across the front by the applicant. The name of the photographer, the address of the photographer, the date when the photograph was taken and a statement that the photograph is a true picture of the applicant taken within 90 days of the application shall be placed on the back of the photograph;

(3) An affidavit from an approved college of podiatry stating the dates of attendance at the college, and the date of graduation, over the seal of the college;

(4) A certified copy of the podiatry college diploma;

(5) A transcript from the podiatry school;

(6) A written oath from the applicant that all statements are strictly true in every respect; and

(7) The appropriate fee.

(b) A certificate of endorsements from another state

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or country shall include grades in subjects required by K.S.A. 65-2004, as certified by a board of examiners of that state or country. (Authorized by K.S.A. 65-2013; implementing K.S.A. 65-2004, K.S.A. 1983 Supp. 65-2003; effective May 1, 1980; amended May 1, 1984.)

100-49-4. Fees. The following fees shall be collected by the board:

(a) License based on an examination given by the board	\$130.00
(b) License based on endorsement	\$130.00
(c) (1) Annual renewal of license	\$ 50.00
(2) Late renewal of a license	\$ 75.00
(3) Reinstatement of a license	\$125.00
(d) Temporary permit	\$ 30.00
(e) Temporary license	\$ 15.00
(f) Examination	\$ 50.00
(g) Certification fee	\$ 15.00
(h) Duplicate license	\$ 15.00

(Authorized by K.S.A. 65-2013; implementing K.S.A. 65-2012; effective May 1, 1980; amended May 1, 1981; amended May 1, 1983; amended May 1, 1984.)

ELIZABETH W. CARLSON
Executive Secretary

Doc. No. 001730

State of Kansas

PERMANENT ADMINISTRATIVE REGULATIONS

NOTICE

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1983 Supp. 77-415 *et seq.* *These regulations are scheduled to become effective May 1, 1984, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1.* Any such legislative action will be reported in the *Kansas Register*. The May 3, 1984 issue of the *Register* will contain a complete index to regulations effective May 1, and any legislative actions on them.

BEHAVIORAL SCIENCES REGULATORY BOARD

ADMINISTRATIVE REGULATIONS

Article 1.—CERTIFICATION OF PSYCHOLOGISTS

102-1-1. Definitions. (a) A "student, intern or resident" means:

- (1) A person who is actively enrolled in, or a graduate of, a program as defined in K.A.R. 102-1-12;
- (2) a person who is preparing for the profession under supervision;
- (3) a person who is in a training institution or facility recognized by the board;
- (4) a person to whom a fee is not paid directly; and
- (5) a person who is designated by a title which clearly indicates the person's training status.

(b) A "year of supervised experience" means a minimum of 1800 supervised clock hours pursuant to K.A.R. 102-1-5. The 1,800 hours shall commence as

soon as all requirements for the doctoral degree have been completed.

(c) "Full-time employment" means at least 2,000 hours during a 12 month period.

(d) In the case of academic employment, "year" means the period normally associated with full-time employment at the employing institution.

(e) "Part-time employment experience credit" means supervised work experience of at least six consecutive months which shall be credited on a prorated basis.

(f) A "client or patient" means a person who is a direct recipient of psychological services. Such services may be either therapeutic or diagnostic in nature.

(g) A "therapeutic relationship" means a relationship between a psychologist and client or patient which is initiated by mutual consent or pursuant to law. The assessment of a client, or expert consultation regarding a client, by a psychologist for a third party, for purposes of diagnosis and assessment alone shall not be considered a therapeutic relationship.

(h) "Active therapeutic treatment" means the use of psychotherapy or other psychological remedial measures that are applied to persons individually or in groups with the intent of assisting the person or persons in modifying attitudes and behavior which are intellectually, physically, socially, or emotionally maladaptive.

(i) "Termination of a therapeutic relationship or active therapeutic treatment" means termination by either the mutual consent of both parties, the completion of treatment, dismissal of the psychologist or the transfer of the client to another professional for active treatment with belief that continuation of treatment will occur.

(j) "Psychological assessment" means the use, in any manner, of established psychological tests, procedures, and techniques with the intent of diagnosing adjustment, functional, mental, vocational, or emotional problems or establishing treatment methods for persons having such problems.

(k) (1) A "psychologist supervisor," for training purposes or supervision of uncertified assistants, means an individual licensed, certified, or certifiable at the doctoral level to engage in the practice of psychology, and who has or had, in full or in part, legal, administrative or professional authority over and responsibility for the professional functioning of the applicant.

(2) Administrative supervisors from disciplines other than psychology shall be licensed, certified, or certifiable at the highest level within their discipline, shall have or shall have had, in part or in full, legal or administrative authority over and responsibility for the professional functioning of the applicant.

(l) "Consultant" means an individual who provides professional guidance, information, or advice, but who has no legal, administrative, or professional authority over or responsibility for the professional functioning of the applicant.

(m) A "non-resident psychologist" means a psychologist duly licensed by another state which has

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licensing standards which guarantee equivalence to those in the state of Kansas and with which the board has entered into a reciprocity agreement.

(n) A "pre-doctoral internship or residency" means an organized program of supervised practice of psychology which:

(1) Is at least one year of full-time or two consecutive years of half-time training;

(2) accepts as interns or residents only applicants enrolled in a doctoral program as defined in K.A.R. 102-1-12;

(3) is directed by an individual who is certified, licensed, or certifiable at the doctoral level to engage in the practice of psychology;

(4) provides training and close supervision in a wide range of professional activity. That professional activity shall include diagnosis, remediation techniques, inter-disciplinary relationships, consultation and experience with a population of clients or patients presenting a diverse set of problems and backgrounds;

(5) is taken after completion of graduate courses and practica in the area of emphasis or after completion of university pre-internship training requirements;

(6) provides the intern or resident with a minimum of one hour of supervision for every 10 hours of training experience;

(7) provides supervision by certified, licensed, or certifiable psychologists at least 75 percent of that supervised time;

(8) stands as a distinct and organized program clearly recognizable within an institution or agency, as well as in pertinent public, official documents issued by the institution or agency, as a training program for psychologists;

(9) identifies interns or residents as being in training and not as staff;

(10) has an identifiable licensed, certified or certifiable psychology training staff; and

(11) is an integrated, conceptually-organized entity, not an after-the-fact tabulation of experience.

(o) "Continuing education" means programs or activities which are designed to enhance the psychologist's level of knowledge, skill, and ability to practice psychology. Such programs shall have content clearly related to the enhancement of psychology practice, values, and knowledge.

(1) One continuing education unit shall be defined as 10 clock hours of continuing education activity.

(2) Continuing education credits shall not be used as a substitute for basic professional educational preparation as defined in K.A.R. 102-1-12. (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-5302, 74-5314, 74-5344; effective May 1, 1982; amended May 1, 1984.)

102-1-2. (Authorized by and implementing K.S.A. 74-7507; effective May 1, 1982; revoked May 1, 1984.)

102-1-3. Applications. (a) An applicant shall not be given a tentative judgment on the applicant's eligibility for certification until all credentials are received and procedures are completed.

(b) An applicant's application may, for lack of qualifications, be tabled for a period not to exceed one

year. Beyond one year, the application expires, and a new application and new application fee shall be required of all such applicants.

(c) Transcripts from outside the United States. All applicants who are graduates of colleges and universities from outside the United States shall submit their official transcripts, an officially translated English copy of those transcripts, supporting documents, and if deemed necessary, the dissertation itself. (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-5314, 74-5317; effective May 1, 1982; amended May 1, 1984.)

102-1-4. Examinations. (a) Applicants for certification by the board shall take an examination. The pass criterion score shall be 75 percent correct and the applicants shall be notified of the results in writing.

(b) The usual and customary examination shall be a written examination. A written examination may be waived and an oral examination procedure substituted when:

(1) A certificate has been revoked or suspended and re-certification is requested; or

(2) an applicant is unable to take the written examination due to a physical handicap or handicaps of a nature that precludes completion of, or that may severely and negatively affect the applicant's performance on, the written examination.

(c) For purposes of conducting oral examinations, the board may contract either collectively or individually with a panel of certified psychologists to conduct the oral examination and make recommendations to the board, based on the evaluation of the applicant's performance on the examination.

(d) Oral examinations shall include, but are not limited to, assessment of the following:

(1) Effectiveness and clarity of expression;

(2) the applicant's knowledge and skills in the area in which the applicant intends to offer psychological services;

(3) the applicant's knowledge and awareness of ethical issues and problems in the applicant's professional area of emphasis and for psychologists in general; and

(4) the applicant's knowledge of general psychology.

(e) All oral examinations shall be recorded verbatim.

(f) The decision as to whether an applicant passed or failed an examination shall be based on a review of the recommendation of the oral examining panel and a review of the verbatim recordings when necessary.

(g) Waiver of examination. Any applicant, other than an applicant for reinstatement of a revoked or suspended certificate, may be exempt from taking the written examination if the applicant:

(1) Successfully passed the written portion of an examination taken in another state at a level equal to or greater than the criterion pass score; or

(2) if the applicant has five years of post-doctoral experience that is satisfactory to the board. (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-5310, 74-5311, 74-7507; effective May 1, 1982; amended May 1, 1984.)

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102-1-5. Professional endorsements and supervision. (a) As part of the application process, each applicant shall submit the names of four persons who are licensed, certified or certifiable at the doctoral level, in the reference's state, to engage in the practice of psychology and who can attest to the applicant's previous supervised experience, previous and current professional work, and compliance with the ethical standards. The applicant shall submit the name of at least one psychologist who is able to attest to the applicant's post-doctoral experience. The board may request the submission of names of additional references if the board deems it necessary. The attesting persons shall use forms supplied by the board. Members of the board shall not serve as endorsers unless they supervised the applicant.

(b) The board shall recognize as supervised professional experience in psychology only professional practice in an organized public or private setting, institution or organization which provided the applicant an opportunity for contact with other disciplines, and an opportunity to utilize a variety of theories and to work with a broad range of populations and techniques. Pre-doctoral internships or residencies, assistantships, associateships, personal therapy, or involvement in practicums shall not constitute "professional experience."

(1) The applicant shall have been directly supervised by and under the guidance of a person who is licensed, certified, or certifiable at the doctoral level to engage in the practice of psychology and who has had two years experience beyond the supervisor's certification date or eligibility date in the emphasis area for which the supervision was given.

(2) The applicant's supervised experience in psychology shall have been consistent with the applicant's educational background and with the area of emphasis in which the applicant intends to offer services to the public. At least half of the applicant's supervised experience shall have been relevant to the applicant's emphasis area.

(3) The supervisor shall have provided a minimum of one hour of individual supervision for every forty hours of professional experience of the applicant. In the applied emphasis area of clinical, counseling, school, and industrial/organizational, one hour of supervision should have been provided for every 20 hours of direct patient or client contact provided by the applicant.

(4) The supervisor shall be available to the applicant at the points of decision-making regarding diagnosis and treatment of clients or patients. The supervisor's relationship with the applicant shall be clearly differentiated from that of consultant.

(5) The supervisor shall not have a familial relationship with the applicant.

(c) The supervisor shall submit information which will enable the board to evaluate the extent and quality of the candidate's supervised practice and to assign credit for that practice.

(d) (1) The supervised practice time during which the applicant has received an unsatisfactory rating from the supervisor shall not be credited toward the

required supervised practice hours as required by K.S.A. 74-5310.

(2) Professional experience gained before the completion of all academic requirements for the doctoral degree shall not fulfill requirements for certification as prescribed in K.S.A. 74-5310.

(3) Professional experiences which are part of the required preparation for the doctoral degree shall be applicable only to the "doctoral degree requirements" and shall not be simultaneously offered to satisfy the "experience" requirement.

(e) Professional experience required of the applicant between the time the applicant fulfilled all of the requirements for the applicant's terminal degree and the time of the actual conferral of the degree may be credited towards the experience requirements for licensing, if the date of completion of all degree requirements is verified in writing by a responsible academic or administrative official, and if other requirements necessary for professional experience are met. (Authorized by K.S.A. 74-5314; implementing K.S.A. 74-5314, 74-5317; effective May 1, 1982; amended May 1, 1984.)

102-1-6. Certification action by the board. (a) Each applicant shall be certified when the applicant has met all qualifications for certification.

(b) Certification of an applicant shall require a majority vote of the board.

(c) Any member of the board who has a conflict of interest shall disqualify himself or herself from voting. This disqualification shall not affect the existence of a quorum.

(d) Certification action by the board shall be reported in the board minutes with a listing of the relevant sections of the law under which the candidate qualified. If the board denies an application, the reasons for the denial shall be reported.

(e) Each denied applicant shall be informed in writing of the reasons for the applicant's denial and of the applicant's right to a hearing. Action of the board shall be considered completed when the notification has been received by the applicant. Any applicant may request a hearing or reconsideration of the application by submitting a written statement, detailing the basis for the request, with the executive secretary within 30 days of receipt of the notification. The applicant may submit additional material in the request for reconsideration. If a request for a hearing or reconsideration is not made within the 30 day period, the application shall expire. (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-5310; effective May 1, 1982; amended May 1, 1984.)

102-1-7. Certificates. (a) Those who meet standards for certification, as provided by the laws of the state of Kansas, shall receive a certificate appropriate for display and a wallet size card with the same information as on the certificate.

(b) An area of emphasis in psychology shall not be listed on certificates issued by the board.

(c) In the case of a revocation of certificate, the certificate holder shall be informed of the board's

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action by certified mail, and the certificate holder shall return the certificate and wallet size card to the board within 30 days. (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-5310, 74-5322, 74-5333; effective May 1, 1982; amended May 1, 1984.)

102-1-8. Renewal. (a) Certified psychologists shall renew their certification pursuant to K.S.A. 74-5319 by submitting a renewal form to the executive secretary together with the renewal fee as required by K.S.A. 74-5318.

(b) At the time of the renewal, each certified psychologist shall submit evidence of satisfactory completion of 10 continuing education units as defined in 102-1-15. (Authorized by and implementing K.S.A. 74-5314, 74-5318, 74-7507; effective May 1, 1982; amended May 1, 1984.)

102-1-9. (Authorized by and implementing K.S.A. 74-5315, 74-5316; effective May 1, 1982; revoked May 1, 1984.)

102-1-10. Wrongful actions and moral character. (a) If the board finds a certified psychologist guilty of a wrongful action or a lack of good moral character, the board may revoke or suspend the psychologist's certification.

(b) The following acts shall be evidence of wrongful actions or lack of good moral character:

(1) Knowingly engaging in fraudulent or misleading advertising;

(2) practicing psychology in an incompetent manner;

(3) misrepresenting professional competency by offering to perform services that are clearly unwarranted on the basis of education, training, or experience;

(4) performing professional services inconsistent with training, education, or experience;

(5) conviction of a crime resulting from or relating to the licensee's professional practice of psychology;

(6) reporting distorted, erroneous, or misleading psychological information;

(7) taking credit for work not personally performed;

(8) practicing of psychology while under the influence of alcoholic beverages or using drugs in an abusive manner;

(9) failing to obtain written, informed consent from a client or patient, or the client's or patient's legal representative or representatives, before electronically recording sessions with that client or patient, or before releasing information to a third party concerning the client or patient, except as required by law;

(10) making sexual advances or engaging in sexual activities with clients, patients, or students of that psychologist;

(11) failure to provide clients or patients with a description of what the client or patient may expect in the way of tests, consultation, reports, fees, billing, therapeutic regimen, or schedule;

(12) failing to provide clients or patients with a description of possible effects of proposed treatment when there are clear and established risks to the client or patient;

(13) failing to inform the client or patient of any

financial interests that might accrue to the certified psychologist for referral to any other service or for the use of any tests, books, or apparatus;

(14) refusing to cooperate in a timely manner with the board's investigation of complaints lodged against an applicant or a psychologist certified by the board. Persons taking longer than 30 days to provide requested information shall have the burden of demonstrating that they have acted in a timely manner;

(15) impersonating another person holding a certificate issued by this board;

(16) knowingly allowing another person to use one's certificate;

(17) failing to notify the board of having a license, certificate, permit or registration, granted by this or any other state for the practice of psychology or school psychology, that has been limited, restricted, suspended or revoked, or of having been subject to other disciplinary action by a licensing or certifying authority or professional association;

(18) failing to inform the client or patient that the client or patient is entitled to the same services from a public agency if the certified psychologist is employed by that public agency and also offers services privately;

(19) exercising undue influence on the client, patient, or student, including the promotion of the sales of services, goods, appliances, or drugs, in such manner as to exploit the patient, client or student for the financial gain or personal gratification of the practitioner or of a third party;

(20) directly or indirectly offering, giving, soliciting, receiving, or agreeing to receive any fee or other consideration to or from a third party for the referral of a client or patient or in connection with the performance of professional services;

(21) permitting any person to share in the fees for professional services, other than a partner, employee, an associate in a professional firm, or a consultant authorized to practice the same profession;

(22) making claims of professional superiority which cannot be substantiated by the certified psychologist;

(23) abandoning or neglecting a client or patient under and in need of immediate professional care, without making reasonable arrangements for the continuation of that care, or abandoning a group practice, hospital clinic or other health care facility without reasonable notice and under circumstances which seriously impair the delivery of professional care to clients or patients;

(24) failing to maintain a record for each client or patient which accurately reflects the client or patient contact with the practitioner. Unless otherwise provided by law, all client or patient records shall be retained for at least two years after the date of termination of the contact or contacts;

(25) failing to exercise appropriate supervision over persons with whom the psychologist has a supervisory relationship;

(26) failing to notify the board within a reasonable time that a practitioner or teacher of psychology is, in

(continued)

the judgment of the certified psychologist, practicing or teaching psychology in violation of the laws or regulations regulating psychology;

(27) guaranteeing that satisfaction or a cure will result from the performance of professional services;

(28) continuing or ordering tests, treatment, or use of treatment facilities not warranted by the condition of the client or patient; or

(29) claiming or using any secret or special method of treatment or diagnostic technique which the certified psychologist refuses to divulge to the board. (Authorized by and implementing K.S.A. 74-7507; effective May 1, 1982; amended May 1, 1984.)

102-1-11. Supervision of uncertified assistants. (a) To utilize uncertified assistants for psychological services, the certified psychologist shall:

(1) Provide direct and continuing administrative and professional supervision to the uncertified assistant;

(2) be vested with administrative control over the functioning of uncertified assistants to maintain ultimate responsibility for the welfare of every client or patient;

(3) have sufficient contact with all clients or patients in order to plan effective and appropriate service and define procedures. The certified psychologist shall also be available to the patient or client for emergency consultation and intervention;

(4) provide the uncertified assistant with only work assignments which are commensurate with the skills of that assistant;

(5) plan all procedures to be used by the uncertified assistant and inform the assistant of those plans;

(6) provide space for uncertified assistants in the same physical setting as themselves, unless otherwise approved and authorized by the board;

(7) make all public announcements of fees and services. The certified psychologist shall be solely responsible for all correspondence with other professionals;

(8) set and collect all fees;

(9) countersign all requests for payments for services performed by the uncertified assistant. By so doing a psychologist shall be deemed to have established a supervisory relationship pursuant to this section;

(10) have not more than three full-time uncertified assistants in the certified psychologist's employ, if the certified psychologist is in independent practice;

(11) establish and maintain a level of supervisory contact sufficient to insure the welfare of clients or patients seen by the uncertified assistant and provide the board with documentation attesting to that level of supervision for board review and approval;

(12) notify the board within 60 days of those individuals who are serving as uncertified assistants. This notification shall include the name, the education of, and duties assigned to each uncertified assistant; and

(13) be responsible for all psychological services performed by the uncertified assistant, and be solely responsible for interpretation of psychological assessments on all patients or clients.

(b) An ongoing record of supervision shall be maintained which details the type of activities in which the uncertified assistant is engaged, and the level of competence in each, which may be reviewed by the board. (Authorized by and implementing K.S.A. 74-5314, 74-5344; effective May 1, 1982; amended May 1, 1984.)

102-1-12. Educational requirements. In order for a doctor's degree to comply with the requirement that the person has received a doctor's degree pursuant to K.S.A. 74-5310(c), consideration shall be given to whether the program is approved by the American Psychological Association or, if the program is not so approved, whether the program meets the standards for approval of the American Psychological Association as of January 1, 1983, and: (a) Whether the training is in a doctoral program of studies offered by an institution of higher education which is regionally accredited by an accrediting agency that is substantially equivalent to those accrediting agencies which accredit the universities in Kansas;

(b) Whether the program, wherever it is administratively housed, is clearly identified and specified in pertinent institutional catalogs as having the intent to educate and train psychologists;

(c) Whether the program stands as a recognized, coherent organizational entity within the university;

(d) Whether there is clear authority and primary responsibility within the program for the core and emphasis areas of psychology;

(e) Whether the program, wherever it is administratively housed, is an organized sequence of study planned, by those responsible for the training program, to provide an integrated educational experience;

(f) Whether there is an identifiable full-time faculty, and a person responsible for the program, whether those individuals are licensed, certified, or certifiable at the doctoral level to engage in the practice of psychology and whether the student's major advisor is a member of the psychology faculty;

(g) Whether the program has an identifiable body of students who are matriculated in that program for a degree, with residency requirements substantially equivalent to those requirements at the state universities in Kansas;

(h) Whether the program includes appropriate practicum, internship, field or laboratory training;

(i) Whether the curriculum encompasses a minimum of three academic years of full-time graduate study, including at least one continuous academic year of full-time residency at the university granting the degree;

(j) Whether the program requires each student to demonstrate competency in some manner which indicates varying degrees of mastery in each of the following substantive content areas. The program shall require a minimum of three or more graduate semester hours or five or more graduate quarter hours in each of the following four core substantive areas:

(1) The biological bases of behavior, including such

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courses as physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology;

(2) The cognitive-affective bases of behavior, including such courses as learning, thinking, motivation, emotion;

(3) The social bases of behavior including such courses as social psychology, group processes, organizational and systems theory; and

(4) The individual differences, including such courses as personality theory, human development, abnormal psychology;

(k) Whether the training program requires at least 90 hours of formal graduate study in the psychology program in which the applicant shows satisfactory achievement as demonstrated in some manner which indicates varying degrees of mastery on the transcript. At least 60 of those hours shall be distributed among the four core areas as set forth in subsection (j) and in the following five areas:

- (1) scientific and professional ethics and standards;
- (2) research design and methodology;
- (3) statistics;
- (4) psychometrics;
- (5) history and systems.

(l) Whether at least 60 semester hours of the course work for the doctoral program are clearly designated on the university transcript as graduate level courses in the program, exclusive of practica, internship and dissertation credits. The number of university extension credits shall not exceed 10 semester hours. The 60 semester hour credits shall be taken during the period in which the applicant is matriculated in the doctoral program;

(m) Whether the course work includes the skill courses appropriate for the applicant's major or area of emphasis. These courses shall constitute at least 30 semester hours of the total 90 semester hours in the graduate program;

(n) Whether the program requires, before internship training, completion of that program's internship training prerequisites and requires, for an emphasis area, prior training and course work in that area. If the program has an applied emphasis including clinical psychology, counseling psychology, school psychology or industrial-organizational psychology, then the training shall also include a set of coordinated practica and internship training exercises which total at least two semesters in the practica setting in addition to the one year of internship. The supervised training in the application of skills related to areas of emphasis shall be performed in an organized setting necessary to qualify for professional experiences as required by K.A.R. 102-1-5;

(o) Whether the program includes principles of professional ethics in regard to both the use of assessment and intervention techniques and with regard to the confidentiality of interviews and records. The program shall also include ethical principles such as those pertaining to research with human subjects, the obligations to parents and the institutions;

(p) Whether the program advertises in official doc-

uments, including course catalogues and announcements of program standards and admission descriptions, requirements that are in part or in full based on objective, standardized achievement tests and measures which are substantially equivalent to those of the state universities of Kansas;

(q) Whether the program includes ongoing objective review and evaluation of student learning and progress and reports this in the form of grades on the official transcript;

(r) Whether the program includes an objective comprehensive examination in general psychology and the area of emphasis in psychology and whether the program requires that the applicant pass both examinations before the awarding of the doctoral degree;

(s) Whether each student is required to initiate, prepare, conduct, and report original research as part of the graduation requirements;

(t) Whether the institution offering the graduate program has available equipment and resources, including suitable scientific and practica facilities, and whether it maintains a library. The equipment, resources, and the library shall be adequate for the size of the student body and the scope of the program offered and shall be substantially equivalent to the state universities of Kansas; and

(u) Whether the doctoral program is housed in other than an academic setting. The board shall prepare and keep up to date a list of approved programs. No program shall be considered approved without the formal action of the board. (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-5310; effective May 1, 1982; amended May 1, 1984.)

102-1-13. Fees. Psychology certification fees shall be: (a) Application, 100 dollars;

(b) Renewal, 100 dollars;

(c) Examination, 82 dollars and 50 cents;

(d) Late renewal penalty, one dollar for each 30 days of delay beyond July 1;

(e) Temporary, 15 dollars; or

(f) Reinstatement, 100 dollars. (Authorized by and implementing K.S.A. 74-5310, 74-5311, 74-5316, 74-5319, 74-5320, 74-5339; effective May 1, 1982; amended May 1, 1984.)

102-1-14. Psychological group service. Agencies, associations, or other groups providing psychological services shall include the name or names of the certified psychologist or psychologists providing or supervising the services on psychological reports, insurance forms, or other official documents and advertisements. (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-5302; effective May 1, 1982; amended May 1, 1984.)

102-1-15. Continuing education. (a) Applicants for renewal of certification shall have earned 10 continuing education units in the two years preceding application for renewal. The required number of continuing education units shall be pro-rated for periods of renewal which are less than the full two years, using
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the ratio of 2.5 continuing education units for each six months since the date of certification or most recent renewal.

(b) One academic semester credit hour is equivalent to 1.5 continuing education units.

(c) Continuing education credits counting toward the required 10 units shall be distributed over the following categories of activities so that at least three categories are represented, and with a maximum of five units in any one category. The categories shall be:

(1) Activities which are sponsored, accredited or conducted by educational institutions, by professional associations, or by private institutions which are nationally or regionally accredited for training;

(2) activities conducted by agencies and groups which do not meet the requirements of national or regional accreditation, if the content is clearly related to the enhancement of psychology skills and knowledge;

(3) presentation of courses, workshops, or other formal training activities, when the content is clearly related to the enhancement of psychology skills and knowledge. Continuing education credit shall be allowed only for the initial presentation. A maximum of two continuing education units shall be allowed for providing supervision. A maximum of two units shall be allowed for receiving supervision;

(4) publications and professional presentations. One and one-half units may be claimed for each publication or book chapter authored by the applicant and one unit may be claimed for each scientific or professional paper presented; and

(5) non-supervised, self-programmed activities. Such activities include, but are not limited to, the following:

(A) Self-instruction. The maximum number of units allowed shall be two units;

(B) preparation by the applicant for a specialty board examination. The maximum number of units allowed shall be two units and shall be allowed only for the applicant's initial preparation for such an examination;

(C) participation in quality care, client or patient diagnosis review conferences, treatment utilization reviews, peer review, case consultation with another certified psychologist, or other quality assurance committees or activities. The maximum number of units allowed in this sub-category shall be one unit;

(D) participation in professional organizations, if the organization's goals are clearly related to the enhancement of psychology values, skills, and knowledge. Such participation may include, but is not limited to, holding office or serving on committees of the organization. The maximum continuing education credit allowed shall be one unit; and,

(E) receiving personal psychotherapy which is provided by a licensed or certified mental health provider. A maximum of one continuing education unit shall be allowed for personal therapy.

(d) If continuing education credits are claimed within paragraph (1) of this regulation, at least one-fifth shall have been earned in activities sponsored by

an agency or institution other than where the psychologist is employed.

(e) Each individual certified psychologist shall be responsible for maintaining personal continuing education records. The board may provide forms for the recording of continuing education activities. Personal records of participation in continuing education activities shall be submitted to the board at the time the 10 units are completed, or no later than 60 days prior to the date the current certification expires.

(f) In determining whether a claimed continuing education activity will be allowed, the board may require any psychologist to demonstrate that the content was clearly related to psychology, or to verify that psychologist's participation in any claimed (or reported) activity. Failure to comply with this requirement may result in the board's disallowing of the claimed credit.

(g) Applicants who submit continuing education documentation which fails to meet the required 10 units may request an extension from the board. The request shall include a plan for completion of the continuing education requirements. The board may grant an extension which shall not exceed six months.

(h) At least two and one-half units of the required 10 units shall be clearly related to the applicant's area of emphasis.

(i) The board may sign contractual agreements with sponsors of continuing education activities. (Authorized by and implementing K.S.A. 74-7507; effective May 1, 1984.)

MARY ANN GABEL
Executive Secretary

Doc. No. 001763

State of Kansas

PERMANENT ADMINISTRATIVE REGULATIONS

NOTICE

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1983 Supp. 77-415 *et seq.* *These regulations are scheduled to become effective May 1, 1984, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1.* Any such legislative action will be reported in the *Kansas Register*. The May 3, 1984 issue of the *Register* will contain a complete index to regulations effective May 1, and any legislative actions on them.

BOARD OF TECHNICAL PROFESSIONS ADMINISTRATIVE REGULATIONS

Article 1.—ORGANIZATION

66-1-1. (Authorized by K.S.A. 1977 Supp. 74-7013; effective May 1, 1978; revoked May 1, 1984.)

Article 2.—ARCHITECTS

66-2-1. (Authorized by K.S.A. 1977 Supp. 74-7013; effective May 1, 1978; revoked May 1, 1984.)

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66-2-2, 66-2-3. (Authorized by K.S.A. 74-7013; effective May 1, 1978; amended May 1, 1980; revoked May 1, 1984.)

66-2-4 to 66-2-6. (Authorized by K.S.A. 1977 Supp. 74-7013; effective May 1, 1978; revoked May 1, 1984.)

Article 3.—ENGINEERS

66-3-1 to 66-3-5. (Authorized by K.S.A. 1977 Supp. 74-7013; effective May 1, 1978; revoked May 1, 1984.)

Article 4.—LAND SURVEYORS

66-4-1 to 66-4-3. (Authorized by K.S.A. 1977 Supp. 74-7013; effective May 1, 1978; revoked May 1, 1984.)

Article 5.—LANDSCAPE ARCHITECTS

66-5-1, 66-5-2. (Authorized by K.S.A. 1977 Supp. 74-7013; effective May 1, 1978; revoked May 1, 1984.)

Article 6.—PROFESSIONAL PRACTICE

66-6-1. Seal. (a) Each registrant shall purchase a seal of the design approved by the board and shall forward a facsimile of the seal to the office of the board as proof of compliance with K.S.A. 74-7023.

(b) Failure of any registrant to comply with this requirement within 90 days from date of issuance of that registrant's license shall cause the license to be suspended until the time when this requirement is met.

(c) Final plans, specifications, plats, and reports prepared by each registered professional shall be stamped with the seal. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7023; effective May 1, 1978; amended May 1, 1984.)

66-6-2. (Authorized by K.S.A. 1977 Supp. 74-7013; effective May 1, 1978; revoked May 1, 1984.)

66-6-3. Preamble to rules of professional conduct. In order to establish and maintain a high standard of integrity, skills and practice in the technical professions, and to safeguard the life, health, property, and welfare of the public, the following rules of professional conduct shall be binding upon every person holding a certificate of registration in any of the technical professions and on all partnerships or corporations or other legal entities authorized to offer or perform professional services in the state of Kansas. Each professional shall be familiar with the provisions of K.A.R. 66-6-4. Such knowledge shall encompass the understanding that the practice of a technical profession is a privilege, as opposed to a right. The registered professional shall be forthright and candid in any statements or written response to the board or its representatives on matters pertaining to professional conduct. (Authorized by and implementing K.S.A. 74-7013; effective May 1, 1978; amended May 1, 1984.)

66-6-4. Rules of professional conduct. (a) Each professional shall at all times recognize the primary

obligation to protect the safety, health and welfare of the public in the performance of professional duties. If the professional's judgment is overruled under circumstances where the safety, health and welfare of the public are endangered, the employer shall be informed of the possible consequences and the professional shall notify any other proper authority of the situation, as may be appropriate.

(b) Each professional shall undertake to perform assignments only when qualified by education and experience in the specific technical field of the profession involved.

(c) Each professional may accept an assignment requiring education or experience outside of the professional's field of competence, but only to the extent that the services are restricted to those phases of the project in which the professional is qualified. All other phases of that project shall be performed by qualified associates, consultants, or employees.

(d) Each professional shall not affix a personal signature, or both to any plan or document dealing with subject matter which is outside of the professional's field of competence by virtue of education or experience, nor to any plan or document not prepared under that professional's direct supervision and control.

(e) If a question arises as to the competence of any professional to perform an assignment in a specific technical field which cannot be otherwise resolved to the board's satisfaction, the board, either upon request or by its own volition, may require the professional to submit to an appropriate examination, as determined by the board.

(f) Each professional shall be completely objective and truthful in all professional reports, statements or testimony and shall include all relevant and pertinent information in those reports, statements or testimony.

(g) Each professional, when serving as an expert or technical witness before any court, commission or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts at issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the professional's testimony.

(h) Each professional shall not issue statements, criticisms, or arguments on matters connected with public policy which are inspired or paid for by an interested party or parties, unless those comments are prefaced by explicit personal identification. The explicit personal identification shall include disclosure of the identities of the party or parties on whose behalf the professional is speaking and the existence of any pecuniary interest the professional may have in the instant matters.

(i) Each professional shall disclose all known or potential conflicts of interest to employers or clients by promptly informing them of any business association, interest, or any other circumstances which could influence that professional's judgment or the quality of the professional's services.

(j) Each professional shall not accept compensation, financial or otherwise, from more than one party for services on the same project or for services pertaining

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to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

(k) The professional shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products.

(l) Each professional shall not solicit or accept financial or other valuable consideration, directly or indirectly, from contractors, their agents, or other parties in connection with work for employers or clients for which the licensee is responsible.

(m) Each professional shall not solicit a contract from a governmental body on which a principal or officer of the professional's organization serves as a member, except upon public disclosure of all pertinent facts and circumstances and consent of the appropriate public authority.

(n) Each professional shall not offer to pay, either directly or indirectly, any commission, political contribution, gift or other consideration in order to secure work, exclusive of securing positions through employment agencies.

(o) Each professional shall accurately represent, to a prospective or existing client or employer, the professional's qualifications and the scope of the professional's responsibility in connection with work for which the professional is claiming credit.

(p) Each professional shall not knowingly associate with, or permit the use of a personal name or firm name in, a business venture by any person or firm which the professional knows, or has reason to believe:

(1) is engaging in business or professional practices of a fraudulent or dishonest nature; or

(2) is engaging in a violation of K.S.A. 74-7001 *et seq.* or the rules and regulations promulgated and adopted by the board.

(q) Any professional having knowledge of any alleged violation of any of these rules of professional conduct shall report that knowledge to the board and shall cooperate with the board in furnishing that information or any assistance that may be required.

(r) Each professional shall not assist the application for registration of a person known by the professional to be unqualified in respect to education, training, experience, or character.

(s) Conviction of a felony, or the revocation or suspension of a professional license by another jurisdiction, if for a cause which in the state of Kansas would constitute a violation of Kansas law or of these rules, shall be grounds for a charge of violation of these rules. (Authorized by and implementing K.S.A. 74-7013; effective May 1, 1978; amended May 1, 1984.)

66-6-5. (Authorized by K.S.A. 1977 Supp. 74-7013; modified by L. 1978, ch. 457; revoked May 1, 1984.)

66-6-6. Renewal of licenses and certificates of authorization. (a) Each individual licensed by the board whose last name begins with one of the letters A through L shall receive a notice of renewal in even numbered years. Each individual licensed by the board whose last name begins with one of the letters M through Z shall receive a notice of renewal in odd numbered years. The secretary of the board shall send

a written notice to each registered professional during the appropriate renewal year, and not later than the following dates:

- | | |
|--------------------------|-------------|
| (1) Architects | May 31 |
| (2) Engineers | March 31 |
| (3) Land Surveyors | February 28 |
| (4) Landscape Architects | November 30 |

(b) The secretary of the board shall send a written notice to each corporation holding a certificate of authorization to practice a technical profession not later than November 30 of even numbered years.

(c) The notice shall state the amount of the renewal fee fixed by the board, as provided by K.S.A. 74-7025, and the penalty provisions for delinquency. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7025; effective May 1, 1984.)

66-6-7. Penalty provisions for delinquency. If any individual or corporation fails to pay the renewal fee within 60 calendar days from the date of first written renewal notice sent by the secretary of the board, a penalty shall be assessed for that delinquency in accordance with K.S.A. 74-7025. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7025; effective May 1, 1984.)

66-6-8. Second renewal notice. Each individual or corporation who is delinquent for failure to pay fees within 60 days from the date of first written renewal notice shall be sent, not later than 75 calendar days from date of first written renewal notice, a second written renewal notice. The second written renewal notice shall state the renewal fee together with the penalty that is owed and shall further advise that if that fee and penalty is not paid within 150 calendar days from date of issuance of first written renewal notice, the individual's license or the corporation's authorization will be cancelled. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7025; effective May 1, 1984.)

66-6-9. Cancellation of license or certificate of authorization. If any individual or corporation fails to pay the renewal fee and penalty within 150 calendar days from the date of first written renewal notice, the individual's license or the corporation's authorization will be cancelled. A new certificate may be obtained in the manner prescribed for new applicants, unless it is reinstated by the board for good cause shown and upon payment of the penalty and all delinquent fees owed at the time of reinstatement. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7025; effective May 1, 1984.)

Article 7.—APPLICATIONS

66-7-1. Applications; transcript and references required. In addition to the appropriate completed application form, each applicant shall also supply: (a) an official transcript to verify any educational credit; and

(b) verification of any practical experience for which credit is claimed on reference forms approved by the board and forwarded to the board office by the

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person providing the reference. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7018; effective May 1, 1984.)

66-7-2. Application for certificate of authorization.

(a) A separate application shall be submitted for each profession in which a corporation wishes to become authorized.

(b) Each application submitted to the board by a foreign corporation for a certificate of authority to practice a technical profession shall be accompanied by a certificate of good standing, a copy of the articles of incorporation, and a copy of the most recent annual report, filed with the state of domicile of the corporation, as well as a copy of the certificate of authority to do business in the state of Kansas from the secretary of state of the state of Kansas.

(c) Each application submitted to the board by a domestic corporation for a certificate of authority to practice a technical profession shall be accompanied by a copy of the articles of incorporation and a copy of the most recent annual report filed with the secretary of state of the state of Kansas. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7036; effective May 1, 1984.)

Article 8.—EXAMINATIONS

66-8-1. Residence required for examination. An examination for an original registration and license to practice architecture, engineering or land surveying shall be given by the board only to actual residents of the state of Kansas. An examination for an original registration and license to practice landscape architecture may be given by the board to non-residents as well as residents. The Kansas board may proctor the examinations of candidates who have been admitted to examination by another state board. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7017; effective May 1, 1984.)

66-8-2. Architectural examination. Effective June, 1983, the board shall administer the architectural registration examination, prepared by the national council of architectural registration boards (NCARB). The examination shall be administered to each applicant eligible for examination in accordance with the requirements of the board, including training and education requirements. The exam shall be graded in accordance with the methods and procedures recommended by the NCARB. Each applicant who has passed a portion or portions of previous registration examinations shall be granted transfer credits in accordance with the rules recommended by the NCARB. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7017; effective May 1, 1984.)

66-8-3. Engineering examinations. The written examination required by K.S.A. 74-7017 shall be the national council of engineering examiners (NCEE) examination consisting of an engineering fundamentals section and a professional practice section. Examinations shall be held at a time and place to be determined by the board. Each applicant for professional registration shall be required to take and pass the section on engineering fundamentals, and shall meet

the professional engineering experience requirements under K.S.A. 74-7021, before being allowed to take the section on professional practice. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7017; effective May 1, 1984.)

66-8-4. Land surveyor examinations. The written examination required by K.S.A. 74-7017 shall include the national council of engineering examiners (NCEE) examination covering the fundamentals of land surveying and the national council of engineering examiners (NCEE) examination covering the principles and practices of land surveying and an examination covering land surveying law. The examinations shall be held at a time and place to be determined by the board. Each applicant for professional registration shall be required to take and pass all sections of the land surveying examination and meet the land surveying experience requirements under K.S.A. 74-7022. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7017; effective May 1, 1984.)

66-8-5. Landscape architectural examinations. The written examination required by K.S.A. 74-7017 shall be the national council of landscape architectural registration boards (CLARB) uniform national examination and the Kansas plant material identification examination. The examinations shall be held annually at a time and place to be determined by the board. Each applicant for professional registration shall be required to take and pass all sections of the landscape architecture examination and to meet the landscape architectural experience requirements under K.S.A. 74-7020. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7017; effective May 1, 1984.)

66-8-6. Repeat examinations. Any applicant for a professional registration who fails the written examination may take subsequent examinations or re-examinations, if a letter of intent to retake is filed with the board at least 60 days prior to the date of the examination to be taken. Each applicant shall be required to pay a fee at the time of submittal of the letter of intent. That fee shall be equal to the current charge for the examination or any portion of the examination which the applicant desires to retake. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7018; effective May 1, 1984.)

Article 9.—EDUCATION

66-9-1. Architectural curriculum accredited by the national accreditation board. "Architectural curriculum accredited by the national accreditation board" shall mean a curriculum accredited by the national architectural accreditation board (NAAB). (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7019; effective May 1, 1984.)

66-9-2. Approved landscape architectural curriculum. "An approved landscape architectural curriculum" shall mean any landscape architectural curriculum accredited by the landscape architectural accreditation board of the American society of land-

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scape architects or any four or five year non-accredited landscape architectural curriculum which has been reviewed and found to be acceptable by this board. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7020; effective May 1, 1984.)

66-9-3. Approved engineering curriculum. "An approved engineering curriculum" shall mean an engineering or engineering technology curriculum accredited by the accreditation board for engineering and technology (ABET) or any non-accredited four-year engineering or engineering technology curriculum which includes the requirement for completion of the same basic course work as does an accredited degree. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7021; effective May 1, 1984.)

66-9-4. Accredited engineering curriculum. "An accredited engineering curriculum" shall mean an engineering curriculum accredited by the accreditation board for engineering and technology (ABET). (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7022; effective May 1, 1984.)

Article 10.—EXPERIENCE

66-10-1. Architectural experience required of a graduate of an accredited architectural curriculum. Each applicant who is a graduate of an accredited architectural curriculum, as defined by K.A.R. 66-9-1, shall be required to provide a verified record of architectural experience of three years as specified by K.S.A. 74-7019(a)(1). At least one year of the required experience shall have been obtained after termination of academic training. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7019; effective May 1, 1984.)

66-10-2. Architectural experience required of an applicant who is not a graduate of an accredited architectural curriculum. Each individual applying for architectural license under K.S.A. 74-7019(a)(2) shall be required to verify a record of architectural experience of eight years. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7019; effective May 1, 1984.)

66-10-3. Proof of architectural experience satisfactory to the board. (a) The required work experience shall expose the applicant to all phases of work in design and construction, construction administration and office management. Each applicant shall provide a record of architectural experience compiled and evaluated by the national council of architectural registration boards (NCARB). (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7019; effective May 1, 1984.)

66-10-4. Experience in landscape architecture work of a grade and character satisfactory to the board. (a) The required work experience shall expose the applicant to all phases of work normally considered to be integral to the practice of landscape architecture.

(b)(1) Landscape architectural work shall be:

(A) work which falls within the definition of "the practice of landscape architecture" under K.S.A. 74-7003(g); and

(B) verified by the employer or former employer.

(2) In assigning credit for work experience, a master's degree in landscape architecture may equal one year of credit toward the experience requirement. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7020; effective May 1, 1984.)

66-10-5. Engineering experience required of a graduate of an approved engineering curriculum. Each graduate of an approved engineering curriculum, as defined by K.A.R. 66-9-3, shall be required to provide a verified record of engineering experience of: (a) four years, if a graduate of an accredited engineering curriculum;

(b) five years, if a graduate of a non-accredited engineering curriculum;

(c) eight years, if a graduate of an accredited four-year engineering technology curriculum; or

(d) nine years, if a graduate of a non-accredited four-year engineering technology curriculum. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7021; effective May 1, 1984.)

66-10-6. Engineering experience required of a graduate in a four-year curriculum other than engineering. Each graduate of a curriculum that is considered by the board to be a science which is related to engineering, including architecture, landscape architecture, land surveying, math, chemistry or physics, shall be required to provide a verified record of nine years of engineering experience. Each graduate of a four-year curriculum not considered to be a science which is related to engineering shall be required to verify a record of 12 years of engineering experience. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7021; effective May 1, 1984.)

66-10-7. Engineering experience required of a graduate of a two-year engineering technology curriculum. Each graduate of a two-year engineering technology curriculum shall be required to provide a verified record of 10 years of engineering experience. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7021; effective May 1, 1984.)

66-10-8. Engineering experience required of a non-graduate. Each individual who applies for an engineering license under K.S.A. 74-7021(a)(2) who has no acceptable educational credit shall be required to provide a verified record of 12 years of engineering experience. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7021; effective May 1, 1984.)

66-10-9. Experience in engineering work of a character which is satisfactory to the board. (a) The required work experience shall be verified and shall expose the applicant to all phases of work normally considered to be integral to the discipline of engineering in which the applicant has indicated he or she is qualified to practice.

(b)(1) Engineering work experience shall be:

(A) work which falls within the definition of "the practice of engineering" as defined by K.S.A. 74-7003(i);

(B) under the direct supervision of a licensed pro-

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fessional engineer for work performed after May 1, 1988; and

(C) verified by the employer or former employer and a licensed professional engineer.

(2) In assigning credit for work experience, the following guidelines shall be used:

(A) The education and experience evaluations by previous boards or other state boards may be accepted for work experience prior to the EIT examination. The applicant shall then show four years of acceptable experience after EIT certification.

(B) Engineering experience obtained concurrently with academic training may not be credited in full toward work experience requirements.

(C) When work experience is obtained through a co-op engineering program, approved by a school or university with an accredited engineering curriculum, credit shall be given for 50% of such verified experience. Credit for such work experience shall not exceed one year.

(D) A master's degree in engineering may receive one year of credit toward the experience requirement.

(c) If the applicant has only one engineering experience engagement which is verified by a licensed professional engineer, the applicant shall supply at least two additional references from licensed professional engineers who are familiar with the applicant's engineering experience. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7021; effective May 1, 1984.)

66-10-10. Surveying experience required of a graduate of an accredited engineering curriculum. Each graduate of an accredited engineering curriculum, as defined by K.A.R. 66-9-4, shall be required to provide a verified record of two years of surveying experience as specified by K.S.A. 74-7022(a). At least one year of experience shall have been in actual land surveying and the remainder shall have been in experience basic to the development of land surveyor abilities. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7022; effective May 1, 1984.)

66-10-11. Surveying experience required of an applicant who is not a graduate of an accredited engineering curriculum. Each individual applying for land surveyor license under K.S.A. 74-7022(c) shall be required to verify a record of surveying experience of six years. If the applicant can provide any acceptable educational credit, at least two of the six required years shall have been in actual land surveying and the remainder shall have been in experience basic to the development of land surveyor abilities. If the applicant can provide no acceptable educational credit, at least four years of experience shall have been obtained in actual land surveying and the remainder shall have been in experience basic to the development of land surveyor of abilities. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7022; effective May 1, 1984.)

66-10-12. Surveying experience of a character satisfactory to the board. (a) Land surveying work experience shall be:

(1) work which falls within the definition of "the practice of land surveying" as defined by K.S.A. 74-7003(k);

(2) under the direct supervision of a licensed land surveyor for work performed after May 1, 1988; and

(3) verified by the employer or former employer and either a licensed professional engineer, land surveyor or architect.

(b) In assigning credit for work experience, the following guidelines shall be used:

(1) Surveying experience normally identified with engineering projects, including design surveys for highways or bridges (except those that relate to right-of-way surveys), construction staking, curb and gutter and sanitary sewers, may not be considered land surveying functions, as defined by K.S.A. 74-7003(k). However, such experience may be considered by the board as basic to the development of the land surveyor.

(2) Surveying and related technical education courses, including math and drafting, may be granted partial experience credit. That credit may be evaluated by giving credit for 15 semester hour segments at 0.5 years basic surveying credit per segment.

(3) Teaching experience in land surveying courses in an accredited engineering curriculum may be considered as equal to one year of actual land surveying experience. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7022; effective May 1, 1984.)

Article 11.—EIT CERTIFICATION

66-11-1. Engineer-in-training defined. An "engineer-in-training" is an individual who has taken and passed the eight-hour written examination in the fundamentals of engineering and who has been issued an EIT certificate. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7021; effective May 1, 1984.)

66-11-2. Admittance requirements for fundamentals of engineering examination. Each individual who meets one or more of the following requirements shall be admitted to the fundamentals of engineering examination: (a) Any senior student in an accredited engineering curriculum who is in the last semester of that student's education;

(b) any graduate of an accredited engineering curriculum; or

(c) any applicant whose record verifies a combination of education and experience of a character satisfactory to the board. In evaluating an applicant's record, the board shall determine whether, based on the applicant's educational background the applicant would require no more than four years additional engineering experience for admittance to the principles and practice of engineering examination. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7021; effective May 1, 1984.)

66-11-3. Subsequent application for professional engineer. Any certified engineer-in-training may apply for a professional engineer's license when the engineer-in-training has acquired four or more years

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of experience in engineering work of a character which is satisfactory to the board, since obtaining EIT certification, if: (a) The engineer-in-training applies within 10 years from the date of engineer-in-training certification; or

(b) the engineer-in-training is certified by another state board, and possesses an unexpired certificate issued as a result of having passed an eight-hour examination in engineering fundamentals and applies within 10 years from the date of engineering-in-training certification by that other state board. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7021; effective May 1, 1984.)

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