

KANSAS REGISTER



State of Kansas

BILL GRAVES
Secretary of State

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**State of Kansas
State Employees Health Care Commission**

Notice of Meeting

The Kansas State Employees Health Care Commission will meet at 9 a.m. Thursday, November 29, in Room 514-S, State Capitol, Topeka.

Shelby Smith
Chairman

Doc. No. 009960

**State of Kansas
State Conservation Commission**

Notice to Contractors

Sealed bids for the construction of a 68,000 cubic yard detention dam, Site 205 in Lyon County, will be received by the Rock Creek Watershed District No. 84 at the Mid-Kansas Engineering Consultants office, 1609 S.W. 37th, Topeka 66611, (913) 266-8462, until 11 a.m. December 12. Bids will be opened at 2:30 p.m. December 12 at the Lyon County Extension office, 618 Commercial, Emporia 66801, (316) 342-4950. Bids may be hand delivered prior to the 2:30 p.m. bid opening. A copy of the invitation for bids and the plans and specifications can be obtained from the Mid-Kansas Engineering Consultants office.

Kenneth F. Kern
Executive Director

Doc. No. 009973

**State of Kansas
Information Network of Kansas**

Notice of Meeting

The Information Network of Kansas board will meet from 10 a.m. to 3 p.m. Thursday, November 29, in the Kansas Inc. conference room, Suite 113, 400 S.W. 8th, Topeka. The meeting is open to the public.

Charles R. Warren
President, Kansas Inc.

Doc. No. 009983

**State of Kansas
State Conservation Commission**

Request for Comments

The Equus Beds Water Quality Association is developing a non-point source pollution management plan for the Equus Beds aquifer. The management plan seeks to identify, assess and prioritize the non-point source pollution issues effecting the Equus Beds aquifer.

Public comments concerning the draft management plan may be sent or hand delivered to the Reno County Conservation District, 322 N. Poplar, South Hutchinson 67505, until December 5.

Copies of the draft plan may be obtained from or reviewed at the Equus Beds Groundwater Management District office, 313 Spruce, Halstead 67056-1925. For further information, contact Michael T. Dealy, (316) 835-2224.

Kenneth F. Kern
Executive Director

Doc. No. 009972

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Register Office:
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State of Kansas

Kansas Sentencing Commission

Notice of Hearings

The Kansas Sentencing Commission will be conducting public hearings Monday, November 26. The hearing schedule is as follows:

- Fatzer Courtroom, 3rd Floor
Kansas Judicial Center
301 W. 10th, Topeka
9:30 to 11:30 a.m.
- Board Room, General Education Building
Johnson County Community College
Overland Park
2 to 4 p.m.

Ben Coates
Executive Director

Doc. No. 009986

State of Kansas

Attorney General

Opinion No. 90-124

State Departments; Public Officers and Employees—Kansas Tort Claims Act—Definitions; Municipality; Separate Legal Entity Created by Interlocal Agreement.

Cities and Municipalities—Interlocal Cooperation; General—Separate Legal Entity; Status Under the Kansas Tort Claims Act. Joe L. Norton, Counsel, Kansas Municipal Gas Agency, Wichita, November 8, 1990.

It is our opinion that the Kansas Municipal Gas Agency, created pursuant to K.S.A. 12-2901 *et seq.*, falls within the definition of a municipality under the Kansas tort claims act. Cited herein: K.S.A. 12-885; 12-2901; K.S.A. 1989 Supp. 12-2904; 12-2904a; K.S.A. 75-6101; 75-6102, as amended by L. 1990, ch. 329, § 2; 75-6103. TMN

Opinion No. 90-125

State Boards, Commissions and Authorities—Department of Commerce; Community Strategic Planning Grant Commission—Agreement with Fort Hays State University, Kansas State University, and the University of Kansas; L. 1990, ch. 298, § 6. Robert S. Montgomery, Director of Division of Administration, Kansas Department of Commerce, Topeka, November 8, 1990.

The Secretary of Commerce has the authority under the community strategic planning assistance act to enter into an agreement with Fort Hays State University, Kansas State University and the University of Kansas to provide services to city-county economic development organizations which have been awarded a planning grant or an action grant. The Secretary of Commerce may not enter into an agreement for the providing of such services with any entities other than Fort Hays State University, Kansas State University and the University of Kansas. The agreement may not include services provided to a city-

county economic development organization prior to award of a planning grant or an action grant to such organization. Cited herein: L. 1990, ch. 298, § 6; L. 1990, ch. 298, § 7. RDS

Opinion No. 90-126

Automobiles and Other Vehicles—Uniform Act Regulating Traffic; Powers of State and Local Authorities—Official Traffic Control Devices; Placement. William I. Heydman, Edwards County Attorney, Kinsley, November 8, 1990.

A township is not a "local authority" within the context of the uniform act regulating traffic and therefore may not lawfully erect a purported traffic control device. A warning sign erected by a township in view of any highway which purports to be or is an imitation of or resembles an official traffic control device is a public nuisance within the meaning of K.S.A. 8-1512. A county may retroactively adopt the placement of a township-erected warning sign as a traffic control device. Cited herein: K.S.A. 8-1424; 8-1432; 8-1442; 8-1447; 8-1512; 8-2001; 8-2002; 68-184. CN

Opinion No. 90-127

Taxation—Mortgage Registration and Intangibles; Mortgage Registration—Fee; Exemptions. Steven L. Opat, Geary County Counselor, Junction City, November 8, 1990.

Mortgage registration fees may be collected only once on a single indebtedness. Thus, a mortgage tendered for filing which includes principal indebtedness covered by a previously filed mortgage upon which mortgage registration fees were paid is not subject to K.S.A. 79-3102 except to the extent the "new" mortgage covers indebtedness in excess of that secured by the original mortgage. Cited herein: K.S.A. 79-3102, as amended by L. 1990, ch. 351, § 3. JLM

Opinion No. 90-128

Criminal Procedure—Procedure After Arrest—Provisions of Diversion Agreement; Diversion Fee When County Has Created a Property Crime Compensation Board. R. Douglas Sebelius, Norton County Attorney, Norton, November 8, 1990.

K.S.A. 1989 Supp. 22-2909, as amended by L. 1990, ch. 321, § 15, permits a county or district attorney, in a county that has created a local fund under the property crime restitution and compensation act, to require payment of an additional diversion fee not to exceed \$100. This specifically authorized and additional diversion fee does not replace or negate other permissibly included diversion fees or terms authorized by the general terms of K.S.A. 1989 Supp. 22-2909, as amended. Cited herein: K.S.A. 22-2906; 22-2907; K.S.A. 1989 Supp. 22-2909, as amended by L. 1990, ch. 321, § 15. TMN

Robert T. Stephan
Attorney General

Doc. No. 009985

State of Kansas

Kansas Planning Council on Developmental Disabilities Services

Notice of Meeting

The Kansas Planning Council on Developmental Disabilities Services will meet at 9 a.m. Thursday, November 29, at the Versailles Room B, Holiday Inn West Holidome, 605 Fairlawn, Topeka.

John F. Kelly
Executive Director

Doc. No. 009971

State of Kansas

Social and Rehabilitation Services

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9 a.m. Thursday, December 27, in the SRS executive conference room, sixth floor, Docking State Office Building, 915 Harrison, Topeka, to consider the adoption of proposed changes in existing rules and regulations on a temporary and permanent basis.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the Acting Secretary of Social and Rehabilitation Services, Room 603-N, Docking State Office Building, 915 Harrison, Topeka 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

The temporary and permanent regulations are proposed for adoption. K.A.R. 30-4-101 is scheduled to become effective December 28 as a temporary regulation and April 1, 1991, as a permanent regulation. The changes in Article 6 are scheduled to become effective January 2, 1991. A summary of proposed regulations and their economic impact follows.

The phrase "Federal Mandate" following an item indicates that the change is required by federal policy. Optional changes in regulations related to federal programs are subject to approval by the U.S. Department of Health and Human Services.

Article 4.—PUBLIC ASSISTANCE PROGRAM

30-4-101. Standards for persons in own home, other family home, specialized living, commercial board and room, or commercial room-only living arrangements. This regulation is being amended to readopt on a temporary and a permanent basis the provision which reduced

the standards in the ADC program by \$9 per person. This reduction continues to be necessary due to budgetary shortfalls.

Economic Impact: Estimated cost savings of \$8,775,000 (\$3,773,250 state general funds).

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

30-6-77. Poverty level pregnant women and young children; determined eligibles. This regulation is being amended to require that eligibility for a pregnant woman be continuous throughout her pregnancy and the two calendar months following the month the pregnancy terminates without regard to any changes in family income. (Federal Mandate.)

Economic Impact: Estimated increased expenditures of \$409,743 (\$169,019 state general funds).

30-6-86. Poverty level medicare beneficiaries; determined eligibles. This regulation is being amended to disregard the amount of an annual social security cost-of-living adjustment in determining eligibility under these provisions in the first quarter of the year for which the adjustment is provided. (Federal Mandate.)

Economic Impact: None.

30-6-103. Determined eligibles; protected income levels. This regulation is being amended to further increase the standard for determining eligibility for qualified medicare beneficiaries (QMB) under the provisions of K.A.R. 30-6-86 from 95 percent to 100 percent of the official federal poverty income guidelines. (Federal Mandate.)

Economic Impact: Estimated increased expenditures of \$562,680 (\$241,952 state general funds).

30-6-106. General rules for consideration of resources, including real property, personal property, and income. This regulation is being amended to require that the property allowance which can be provided to a community spouse be based off of the value of the property owned by both spouses at the beginning of the first period of continuous institutionalization. Previously that allowance was based on property owned as of the first month of the current institutional stay. (Federal Mandate.)

30-6-113. Income exempt as applicable income. This regulation is being amended to exempt for SSI the amount of a veteran's administration (VA) pension received by a recipient in a nursing facility if the recipient has no surviving dependents. (Federal Mandate.)

Economic Impact: Estimated increased expenditures of \$6,591,816 (\$2,719,241 state general funds).

A copy of the regulations and their economic impact statement may be obtained from the Office of Policy, Planning and Management Analysis, Room 606-N, Docking State Office Building, Topeka 66612, (913) 296-3969.

Dennis R. Taylor
Acting Secretary of Social and
Rehabilitation Services

Doc. No. 009970

State of Kansas
Social and Rehabilitation Services

Request for Comments

Rehabilitation Services invites public comment and participation in planning and developing services for Kansans with disabilities. Regional forums will be conducted to obtain public comments regarding the scope of agency services, eligibility for vocational rehabilitation services, methods of administration, development and utilization of rehabilitation facilities, and development and utilization of centers for independent living.

Information received through the forums will be used to guide preparation of program and budget priorities for rehabilitation services and to contribute to development of state plans submitted to the Rehabilitation Services Administration, U.S. Department of Education.

Interested individuals are invited to attend the forums to share their comments and suggestions. Forums will be conducted according to the following schedule:

- Hutchinson, November 28, 7 to 9 p.m.
Recital Hall, Fine Arts Center, Hutchinson
Community College, 600 E. 11th
Contact: Bob Marker, (316) 663-8590
- Wichita, November 29, 7 to 9 p.m.
Conference Center, Room A, St. Joseph Hospital,
3600 E. Harry
Contact: Becky Gish, (316) 651-5130
- Chanute, December 5, 7 to 9 p.m.
Chanute SRS Office, 1500 W. 7th
Contact: Ed. Viers, (316) 431-7100
- Kansas City, December 6, 7 to 9 p.m.
West Wyandotte Branch Library, 1737 N. 82nd
Contact: Sharon Nigro, (913) 371-6700

For purposes of scheduling, presenters should notify the contact person of their intention to present a statement. Presenters should provide written copies of their comments at the forums. To permit participation by as many individuals as possible, presenters should limit their comments to five minutes. The forum will include an opportunity for feedback on comments presented, as well as general discussion.

Interested persons not able to attend the forums may submit written comments to Gabriel R. Faimon, Commissioner, Rehabilitation Services, 1st Floor, Biddle Building, 300 S.W. Oakley, Topeka 66606. Written comments should be received by Rehabilitation Services no later than 5 p.m. November 26.

To request copies of this announcement in braille, large print or audio tape, please call (913) 296-3911 voice or (913) 296-7029 TDD.

Dennis R. Taylor
Acting Secretary of Social and
Rehabilitation Services

Doc. No. 009980

State of Kansas
Department of Transportation

Notice of Hearings

The Governor's Railroad Working Group will conduct a series of public hearings across the state to better inform the public about proposed abandonment of rail lines in Kansas. The hearings will provide the public with an opportunity to provide feedback to the Governor's Railroad Working Group on the impact and economic analysis from local businesses and individuals concerning the effect of rail line loss.

Twelve hearings will be held in communities with close proximity to the lines proposed for abandonment. All statements, written and oral, will be recorded at the hearings.

Representatives of the Governor's Railroad Working Group will be present at the hearing to discuss the proposal, answer questions and moderate the hearing. After the hearings, materials may be sent to John Scheirman, Kansas Department of Transportation, Bureau of Rail Affairs, Topeka 66603. The Governor's Railroad Working Group will use the public input as evidence of public need for rail service if and when abandonment applications are filed with the Interstate Commerce Commission.

The dates, times and locations of the hearings include:

- November 15 at 10 a.m. at City Hall, 417 Broadway, Larned.
- November 15 at 3 p.m. at City Hall, 217 E. Avenue South, Lyons.
- November 16 at 10 a.m. at the Community Center, 203 W. Main (basement of 1st State Bank), Osborne.
- November 27 at 10 a.m. at City Hall, 7th and Walnut, Coffeyville.
- November 27 at 3 p.m. at the Neosho County Community College, Stolz Hall, Lecture Room, Chanute.
- November 28 at 10 a.m. at City Hall, 4th and Walnut, Ottawa.
- November 28 at 2 p.m. at City Hall, 313 W. Main, Council Grove.
- November 29 at 1 p.m. at the American Legion, 705 Commercial, Atchison.

Horace B. Edwards
Secretary of Transportation

Doc. No. 009934

State of Kansas

Kansas Insurance Department

Notice of Hearing

A formal hearing will be conducted at 2:30 p.m. Monday, December 10, in the offices of the Kansas Commissioner of Insurance, 420 S.W. 9th, Topeka, to determine whether the application for the proposed acquisition of control of West General Insurance Company, Inc., Topeka, by Supermarket Insurance Agency, Inc., Shawnee Mission, should be approved by the Commissioner of Insurance in accordance with the provisions of K.S.A. 40-3301 *et seq.*

All interested parties may attend and will be given the opportunity to hear the details of the proposed acquisition, to ask any questions relative to the acquisition, and to present either oral or written testimony in favor of or in opposition to the transaction.

Fletcher Bell
Commissioner of Insurance

Doc. No. 009984

State of Kansas

Department of Transportation

Notice to Contractors

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, until 10 a.m. C.S.T. December 20, 1990, and then publicly opened:

District One—Northeast

Douglas—23 U-1117-01—31st Street from Iowa west to Kasold in Lawrence, 0.8 mile, grading and surfacing. (Federal Funds)

Johnson—35-46 K-1774-03—I-35, from U.S. 69 north-east to the I-35 and I-635 exit, 0.8 mile at I-35 and 75th Street, 4.2 miles, seeding. (Federal Funds)

Johnson—46 C-2692-01—County road, 3.3 miles west of K-7 on 135th Street, then east, 0.2 mile, grading, surfacing and bridge. (Federal Funds)

Johnson—46 U-1203-01—Somerset and Lee Boulevard in Leawood and Prairie Village, 0.3 mile, grading and surfacing. (Federal Funds)

Wyandotte—35-105 K-4454-01—I-35 at Mission Road in Kansas City, replace sign truss. (State Funds)

Wyandotte—635-105 K-3448-02—I-635, Gibbs Road bridge 33 over I-635, 1.4 miles north of I-35; bridge repair. (State Funds)

Wyandotte—14-105 C-2220-01—Polfer Road; 123rd Street east to 115th Street, 1.0 mile, grading and surfacing. (State Funds)

District Two—Northcentral

Clay—24-14 M-1617-01—U.S. 24, 5 miles west of Clay Center, stockpile bituminous mix. (State Funds)

Cloud—9-15 K-4174-01—K-9, from the junction of K-28 east to the Cloud/Washington county line (excluding city connecting link), 15.2 miles, recycling. (State Funds)

Cloud—9-15 M-1616-01—K-9, 5 miles southwest of Concordia, stockpile bituminous mix. (State Funds)

Cloud/Clay—106 K-4389-01—U.S. 24, from the junction of U.S. 81 in Cloud County east to the west city limits of Clay Center in Clay County and K-189 from the north city limits of Miltonvale north to the junction of U.S. 24, 29.0 miles, recycling. (State Funds)

Ellsworth/Lincoln/Russell—106 K-4393-01—K-232, from the north city limits of Wilson in Ellsworth County north through Lincoln County to the junction of K-181 in Russell County; and K-181, from the junction of K-232 in Russell County east to the junction of K-18 in Lincoln County, 20.4 miles, conventional seal. (State Funds)

Jewell—45 K-1804-02—Lovewell State Park, 5.2 miles, overlay. (State Funds)

Lincoln—181-53 K-4465-01—K-18 north to the Lincoln/Mitchell county line, 13.7 miles, overlay. (State Funds)

Mitchell—62 K-1315-04—Glen Elder State Park, 6.0 miles, overlay. (State Funds)

Mitchell—24-62 K-4198-01—U.S. 24, from Glen Elder southeast to 3.6 miles east of FAS 1941, 4.6 miles, shoulders. (State Funds)

Mitchell—24-62 M-1628-01—U.S. 24, 0.5 mile south of the junction on K-128, stockpile bituminous mix. (State Funds)

Mitchell/Cloud—106 K-4390-01—U.S. 24, from Glen Elder in Mitchell County east to the junction of K-14 and from the Mitchell/Cloud county line east to the junction of U.S. 81 in Cloud County, 27.3 miles, recycling. (State Funds)

Republic—36-79 K-4180-01—U.S. 36, from the west city limits of Scandia east to the east city limits of Belleville, 8.9 miles, recycling. (State Funds)

Republic—36-79 M-1615-01—U.S. 36, 3.5 miles west of the junction of U.S. 36 and U.S. 81, stockpile bituminous mix. (State Funds)

Republic/Washington—148-106 K-4391-01—K-148, from the junction of U.S. 81 in Republic County east to the junction of K-15 and K-9 in Washington County, 33.7 miles, overlay. (State Funds)

District Three—Northwest

Ellis—183-26 K-4125-01—U.S. 183, from the north city limits of Hays north to the Ellis/Rooks county line, 16.5 miles, recycling. (State Funds)

Ellis—183-26 M-1624-01—U.S. 183, 1 mile north of I-70, stockpile bituminous mix. (State Funds)

Osborne—181-71 K-4123-01—K-181, from the Mitchell/Osborne county line west and north to north of the south city limits of Downs, 13.8 miles, recycling. (State Funds)

Phillips—183-74 M-1622-01—KDOT at Phillipsburg, stockpile bituminous mix. (State Funds)

Phillips/Smith—36-106 K-4397-01—U.S. 36, from the east city limits of Phillipsburg in Phillips County east to the junction of K-8 in Smith County, 20.6 miles, recycling. (State Funds)

Rooks—82 K-1659-02—Webster State Park, 5.1 miles, bituminous seal. (State Funds)

Rooks—18-82, K-4109-01—K-18, from the Graham-Rooks county line east to the junction of U.S. 183, 21.0 miles, overlay. (State Funds)

Rooks—18-82 M-1621-01—K-18, from the west edge of Plainville, stockpile bituminous mix. (State Funds)

Russell—84 K-2834-01—Wilson State Park, 8.2 miles, overlay. (State Funds)

Smith—8-92 K-4107-01—K-8, from the junction of U.S. 36 north to the Kansas/Nebraska state line, 16.0 miles, recycling. (State Funds)

Smith—36-92 M-1623-01—U.S. 36, 0.5 mile east of Athol, stockpile bituminous mix. (State Funds)

District Four—Southeast

Cherokee—69A-11 K-3261-01—U.S. 69 Alternate, from the north city limits of Baxter Springs, northeast to the junction of K-66, 3.9 miles, recycling. (State Funds)

Cherokee—166-11 K-1703-01—U.S. 166, from the east city limits of Baxter Springs, east to the U.S. 166 and K-26 junction, 4.7 miles, sealing. (State Funds)

Crawford—19 K-1426-03—Crawford State Park, overlay. (State Funds)

Elk—25 C-2762-01—County road, 8.0 miles west and 3.3 miles north of Howard, then north, 0.2 mile, grading and bridge. (Federal Funds)

Neosho/Allen—K-4401-01—U.S. 59, from the west junction of K-39 in Neosho County east and north to the junction of U.S. 54 in Allen County; K-201, from the Spur to Stark; K-202, from the Spur to Savonburg; and K-203, from the Spur to Elsmore, 23.4 miles, overlay. (State Funds)

Montgomery—63 K-1427-03—Elk City State Park, overlay. (State Funds)

Montgomery—63 U-0744-01—5th Street, Buckeye to Union in Coffeyville, 1.3 miles, grading and surfacing. (Federal Funds)

Montgomery/Labette—K-4402-01—U.S. 160, from north junction of U.S. 169 in Montgomery County east to the west city limits of Parsons in Labette County; K-133, from the junction of U.S. 160 north to the south city limits of Dennis, 13.6 miles, overlay. (State Funds)

Woodson—54-104 K-4165-01—U.S. 54, from the east city limits of Yates Center east to the Woodson/Allen county line, 11.8 miles, recycling. (State Funds)

District Five—Southcentral

Cowley—77-18 K-3161-01—Intersection of U.S. 77 and U.S. 166 in Arkansas City, intersection improvement. (Federal Funds)

District Six—Southwest

Clark—34-13 K-4261-01—K-34, Bluff Creek bridge 30, 7.8 miles north of U.S. 160, bridge overlay. (State Funds)

Clark—160-13 K-4102-01—U.S. 160, from the east city limits of Ashland east to the Clark/Comanche county line, 11.9 miles, overlay. (State Funds)

Clark—283-13 K-4105-01—U.S. 283, from the north junction of U.S. 160 north to the junction of U.S. 54, 11.5 miles, recycling. (State Funds)

Clark—183-13 M-1604-01—U.S. 183, KDOT mix strip north of Sitka, stockpile bituminous mix. (State Funds)

Clark—283-13 M-1603-01—U.S. 283, north of the junction of U.S. 283 and U.S. 160, stockpile bituminous mix. (State Funds)

Gray—50-35 K-3209-01—U.S. 50, from the Finney-Gray county line east to the west city limits of Cimarron, 18.1 miles, slurry seal. (State Funds)

Hamilton—27-38 K-4260-01—K-27, Little Bear Creek bridge, 43, 0.7 mile north of the Stanton/Hamilton county line, bridge overlay. (State Funds)

Haskell/Gray—144-106 K-4411-01—K-144, from the junction of U.S. 83 and 160 in Haskell County east to the junction of U.S. 56 in Gray County, 16.8 miles, recycling. (State Funds)

Meade—54-60 K-4097-01—U.S. 54, from the west city limits of Meade east to the end of the 4-lane, 1.9 miles, recycling. (State Funds)

Meade—54-60 M-1608-01—U.S. 54, KDOT mix strip west of Meade, stockpile bituminous mix. (State Funds)

Morton—27-65 K-4094-01—K-27, from the north city limits of Elkhart north 13.1 miles, recycling. (State Funds)

Morton—56-65 M-1609-01—U.S. 56, at the junction of U.S. 56 and K-51, stockpile bituminous mix. (State Funds)

Seward/Meade—160-106 K-4412-01—U.S. 160, from the south junction of U.S. 83 in Seward County east to the junction of U.S. 54 in Meade County, 16.7 miles, recycling. (State Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the 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 because of race, age, religion, color, sex, handicap, or national origin in the award of contracts.

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid-approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the projects may be examined at the office of the respective county clerk or at the K.D.O.T. district office responsible for the work.

Horace B. Edwards
Secretary of Transportation

Doc. No. 009978

State of Kansas

Department of Administration

Division of Purchases

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. C.S.T. on the date indicated and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

Monday, December 3, 1990

27398A

University of Kansas—Room preparation and janitorial services, Hutchinson

27728

University of Kansas Medical Center—Clinical analyzer reagents and supplies (Kodak)

86189

Kansas State University—Television system

Tuesday, December 4, 1990

A-6184

Pittsburg State University—Whitesitt Hall renovation

A-6575

University of Kansas—Robinson Gym, pool filtration

27518

Statewide—Canned goods

27675

University of Kansas Medical Center—Floor care products

86131

University of Kansas Medical Center—Pathlab peripherals

Wednesday, December 5, 1990

28155

University of Kansas—Floor care products

Thursday, December 6, 1990

A-6442

Topeka State Hospital—Fire alarm upgrade

A-6443

Topeka State Hospital—Campus lighting upgrade

A-6456

Youth Center at Atchison—Intercom systems

A-6458

Youth Center at Atchison—Interior lighting and fire alarm upgrade

A-6463

Youth Center at Topeka—Campus lighting upgrade

27713

Wichita State University—Grass seed

27870C

Statewide—Carbonless paper

28040

Wichita State University—Herbicides and insecticides

86130

University of Kansas—X-window terminals

86174

Department of Corrections—Photo identification system, El Dorado

86177

Lansing Correctional Facility—Boots

Friday, December 7, 1990

27640

Department of Revenue—Certificates of title

86185

Lansing Correctional Facility—Bus

Tuesday, December 11, 1990

27854

Statewide—Orthotic supplies

85960

University of Kansas Medical Center—Magnetic resonance imaging system

Wednesday, December 12, 1990

27917

Kansas State University—Thermal point-of-sale ticket stock

Nicholas B. Roach
Director of Purchases

Doc. No. 009979

State of Kansas

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office.

Complete listings of state agencies, boards and commissions are included in the Kansas Directory. County officers are listed in the Directory of County Officers. Both directories are published by the Secretary of State's office.

The following appointments were filed November 13-16:

Credit Union Council

Michael A. Patrick, 8025 Park, Lenexa 66215. Subject to Senate confirmation. Term expires October 31, 1993. Reappointment.

Kansas Committee for the Humanities

Barbara A. Becker, 530 Prairie Road, El Dorado 67042. Term expires April 30, 1993. Reappointment.

State Board of Indigents' Defense Services

Chris Kollman, 26 Hillcrest Drive, Stockton 67669. Term expires October 31, 1993. Succeeds Jack Shriver, resigned.

Kansas Public Employees Retirement System
Board of Trustees

Jack H. Brier, 1801 Oakely, Topeka 66604. Subject to Senate confirmation. Term expires April 30, 1992. Succeeds Don Barry, resigned.

Kansas Water Authority

Myron Van Gundy, Route 2, Box 110, Reading 66868. Term expires August 31, 1992. Succeeds Russell Crites, deceased.

Bill Graves
Secretary of State

(Published in the *Kansas Register*, November 22, 1990.)

Statutory Notice of Bond Sale
Johnson County, Kansas
\$5,100,000
Internal Improvement Bonds, Series 1991
(general obligations payable from
unlimited ad valorem taxes)

2004	100,000
2005	100,000
2006	100,000
2007	100,000
2008	100,000
2009	100,000
2010	80,000

Sale Period

Bids, submitted in a sealed envelope, marked "Bid" and addressed to the undersigned finance director of Johnson County, Kansas, at the Johnson County Courthouse, Room 208, Cherry Street at Park, Olathe, will be accepted until 10 a.m. central time on Thursday, December 6, 1990, for the purchase of \$5,100,000 aggregate principal amount of Internal Improvement Bonds, Series 1991, of the county. Such bids will be publicly opened and acted upon by the Board of County Commissioners of Johnson County, Kansas, immediately thereafter. No oral or auction bids will be considered.

Bidders may deliver a bid in person to the Johnson County Courthouse or they may telephone or telefax it to the county prior to the said time and date. Bidders who transmit their bid by telephone or telefax must undertake the following: (a) send a blank copy of the official proposal form for the bonds in time to be received by the county not less than two business days prior to the date of sale; (b) the blank proposal must provide the name and telephone number of the authorized representative of the lead manager of each account signed by such representative and must list the members of the account on the back thereof. On the day of the sale, at least 15 minutes prior to the time of sale, the authorized representative of the account may transmit to the finance director, by telephone or telefax, the bid for the bonds. The signed proposal will be completed by the finance director with such information. Telephone bids must be made to the following telephone number: (913) 791-5554. Telefax transmissions must be sent to: (913) 791-5284. The county will not accept responsibility for inaccurate bids submitted through the telephone or telefax, including garbled transmissions or the inability of a bidder to access the telephone number prior to the indicated sale time.

Bond Details

The bonds will be dated January 1, 1991, will be issued in the aggregate principal amount of \$5,100,000, will consist of fully registered bonds in denominations of \$5,000 or any integral multiple thereof and will become due serially on September 1 in each of the years as follows:

Maturity	Principal
September 1	Amount
1991	\$ 560,000
1992	560,000
1993	560,000
1994	560,000
1995	315,000
1996	315,000
1997	315,000
1998	315,000
1999	315,000
2000	305,000
2001	100,000
2002	100,000
2003	100,000

The bonds will bear interest from their date at rates to be determined when the bonds are sold as herein provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 1991.

The bonds will be delivered to the successful purchaser properly prepared, executed and registered without cost within 45 days after the date of their sale at such bank or trust company in the continental United States as may be specified by the successful bidder and is acceptable to the county.

Good Faith Deposit

A good faith deposit in the form of a certified or cashier's check in the amount of 2 percent of the total par value of the bonds must accompany each bid.

Costs

The county will pay the cost of printing the bonds and the expense of all legal services, including the opinion of Burke, Williams, Sorensen & Gaar, bond counsel, approving the legality of the bonds and the exclusion of the interest thereon (with specified minor exceptions) from federal and state gross income taxes.

Assessed Valuation and Indebtedness

The assessed valuation of the taxable tangible property within the county as of December 31, 1989, is \$2,886,165,454.

The total general obligation bonded indebtedness of the county as of December 1, 1990, including the bonds, is \$142,163,700.

Additional Information

A complete notice of bond sale, preliminary official statement and bid form approved by the county will be mailed to all interested parties. Additional information regarding the bonds may be obtained from the financial advisor, Springsted Incorporated, at (612) 223-3000, or the county's finance director at (913) 791-5534.

Johnson County, Kansas
 Ronald F. Cousino
 Finance Director
 Johnson County Courthouse
 Olathe, KS 66061

Dec. No. 009977

(Published in the *Kansas Register*, November 22, 1990.)

Notice of Bond Sale
\$1,800,000
Unified School District 244
Coffey County, Kansas
General Obligation Bonds
Series 1990

Sealed Bids

Sealed bids for the purchase of \$1,800,000 principal amount of General Obligation Bonds, Series 1990, of Unified School District 244, Coffey County, Kansas, hereinafter described, will be received by the undersigned, district clerk of Unified School District 244 on behalf of the governing body of the district at the administrative offices, 200 S. 6th, Burlington, until 7:30 p.m. central time on Monday, December 10, 1990. All bids will be publicly opened and read at said time and place and will be acted upon by the district immediately thereafter. No oral or auction bids will be considered.

Bond Details

The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated December 1, 1990, and will become due serially on November 1 in the years as follows:

Year	Principal Amount
1991	\$570,000
1992	595,000
1993	635,000

The bonds will bear interest at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning on May 1, 1991.

Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar). The principal of the bonds will be payable at maturity or upon earlier redemption to the registered owners upon presentation and surrender of the bonds at the office of the paying agent. Interest on the bonds will be paid by check or draft mailed by the paying agent to the persons in whose names the bonds are registered on the registration books maintained by the bond registrar at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date.

The district will pay for the fees of the bond registrar for registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondholders.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of $\frac{1}{8}$ or $\frac{1}{20}$ of 1 percent. No interest rate shall exceed the index of treasury bonds published by the weekly *MuniWeek*, f/k/a *Credit Markets*,

in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 2 percent. No supplemental interest payments will be authorized. No bid of less than the principal amount of the bonds and accrued interest will be considered. Each bid shall specify the total interest cost to the district during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the district on the basis of such bid. Each bid shall also specify the average annual net interest rate to the district on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the initial reoffering prices).

Basis of Award

The award of the bonds will be made on the basis of the lowest net interest cost to the district, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the district. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the district shall determine which bid, if any, shall be accepted, and its determination shall be final.

Authorization, Purpose and Security for the Bonds

The bonds are being authorized and issued to permanently finance the acquisition, construction, furnishing and equipping of an outdoor swimming pool, bathhouse and pump building and other recreational improvements to be used by the district's patrons and general public. The bonds will be general obligations of the district payable as to both principal and interest in part from ad valorem taxes which may be levied, without limitation as to rate or amount on all the taxable tangible property, real and personal, within the territorial limits of the district.

Internal Revenue Code of 1986

The Internal Revenue Code of 1986 imposes requirements on the district which must be met subsequent to the issuance of the bonds by the district and, as a result, the district will and does hereby covenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the bonds. The district's failure to comply with such requirements could adversely affect the tax-exempt status of the bonds. Purchasers of the bonds should be aware that should the bonds lose their status as tax-exempt obligations as a result of the district's failure to comply with such requirements, the bonds are neither callable nor will the rate of interest on the bonds be adjusted to reflect such circumstances.

The code includes interest on tax-exempt obligations, such as the bonds, in the adjusted net book income of certain corporations for taxable years beginning after December 31, 1986, and includes, through 1989, in the calculation of alternative minimum taxable income one-half of the excess of a corporation's adjusted net book income over its alternative minimum taxable income (determined without regard to this adjustment and prior to reduction

for certain net operating losses). After 1989, the use of "book income" will be replaced by "adjusted current earnings," with certain other adjustments. Furthermore, Section 59A of the code, as added by the Superfund Amendments and Reauthorization Act of 1986, provides for a new environmental tax generally based on corporate alternative minimum taxable income. The amount of the tax is equal to 0.12 percent of the excess of alternative minimum taxable income, without regard to net operating losses and the deduction for this tax, over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax. The environmental tax, which is effective for taxable years beginning after December 31, 1986, may subject certain bondowners to additional taxation for interest earned on the bonds.

The code also requires property and casualty insurance companies, for taxable years beginning on or after January 1, 1987, to reduce the amount of their deductible underwriting losses by a percentage of the amount of tax-exempt interest received or accrued on obligations acquired after August 7, 1986.

With the exception of certain "qualified tax-exempt obligations," the code provides that banks and thrift institutions may not deduct any portion of the interest cost of purchasing or carrying tax-exempt obligations such as the bonds if such interest cost is incurred in taxable years ending after December 31, 1986, with respect to obligations acquired after August 7, 1986. The district does intend to designate the bonds as "qualified tax-exempt obligations" under Section 265 of the code.

Legal Opinion

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the district, printed on the bonds and delivered to the successful bidder when the bonds are delivered. Said opinion will also state that in the opinion of bond counsel, assuming continued compliance by the district with the provisions of the resolution authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is excludable from federal income taxation. Interest on the bonds will also be excludable from the computation of Kansas adjusted gross income for taxable years commencing after December 31, 1987.

Delivery and Payment

The district will pay for printing the bonds and will deliver the bonds, without cost to the successful bidder, properly prepared, executed and registered, on or about December 28, 1990, at such bank or trust company in the state of Kansas or greater metropolitan area of Kansas City, Missouri. Delivery elsewhere will be at the expense of the successful bidder. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity and a certificate regarding the completeness and accuracy of the official statement. Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the district. The denominations of the bonds and the names, addresses and Social Security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the district and bond registrar

not later than 4 p.m. central time on December 19, 1990. In the absence of such information, the district will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the district by 4 p.m. central time on December 19, 1990, a certificate acceptable to the district's bond counsel to the effect that: (i) the successful bidder has made a bona fide public offering of the bonds at the initial reoffering prices, and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial reoffering prices. Such certificate shall state that: (1) it is made on the best knowledge, information and belief of the successful bidder, and (2) 10 percent or more in par amount of the bonds of each maturity was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" of the bonds).

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$36,000, payable to the order of the district to secure the district from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if the bid is not accepted. If a bid is accepted, said check shall be held by the district until the bidder shall have complied with all of the terms and conditions of this notice, at which time said check shall be returned to the successful bidder or deducted from the purchase price at the option of the district. If a bid is accepted but the district shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check shall be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check shall be forfeited to the district with the district reserving the right to pursue any consequential damages arising from such default.

CUSIP Numbers

CUSIP identification numbers will be printed on the bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of this notice. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the district.

Bid Forms

All bids must be made on forms which may be procured from the district clerk. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The district reserves the right to waive irregularities and to reject any or all bids.

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned district clerk and marked "Proposal for the Purchase of General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at 200 S. 6th, Burlington, KS 66839, and must be received by the undersigned prior to 7:30 p.m. central time on Monday, December 10, 1990.

(continued)

Date and Delivery of Preliminary and Final Official Statement

The district has authorized the preparation and disbursement of a preliminary official statement containing information relating to the bonds. The preliminary official statement comprises the final official statement required by Rule 15c2-12 of the Securities and Exchange Commission.

The preliminary official statement, when amended to include the interest rates specified by the underwriter and the price or yield at which the underwriter will reoffer the bonds to the public, together with any other information required by law, will constitute a "final official statement" with respect to the bonds as that term is defined in Rule 15c2-12. No more than seven business days after the date of the sale, the district will provide without cost to the purchaser such reasonable number of printed copies of the final official statement as such underwriter may request. Up to 200 copies of the official statement will be furnished without cost to the underwriter and further copies, if desired, will be made available at the underwriter's expense. If the sale of the bonds are awarded to syndicates, the district will designate the senior managing underwriter of the syndicates as its agent for purposes of distributing copies of the final official statement to each participating underwriter. Any underwriter executing and delivering a bid form with respect to the bonds agrees thereby that if its bid is accepted it shall accept such designation and shall enter into a contractual relationship with all participating underwriters for the purpose of assuring the receipt and distribution by each such participating underwriter of the final official statement.

The district will deliver to the underwriters on the date of delivery of the bonds a certificate executed by the president and the district clerk to the effect that the final official statement, as of the date of delivery of the bonds, does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements made, in the light of the circumstances in which they are made, not misleading.

Copies of the district's preliminary official statement relating to the bonds may be obtained from the district clerk or the district's financial advisor, Ranson Capitol Corporation, Suite 450, 120 S. Market, Wichita, KS 67202 (800-345-3363). Upon request, a reasonable number of copies of the official statement will be made available to the successful bidder without charge. Additional copies may be obtained at the expense of such bidder.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the district for the year 1990 is \$509,910,074. The total general obligation bonded indebtedness of the district as of the date of the bonds, including the bonds, is \$1,800,000.

Dated November 12, 1990.

Unified School District 244
Coffey County, Kansas
Carol Lewis, Clerk of the Board
200 S. 6th
Burlington, KS 66839
(316) 364-8478

Doc. No. 009966

(Published in the *Kansas Register*, November 22, 1990.)

Notice of Defeasance and Redemption of Bonds of the City of Edwardsville, Kansas

Notice is hereby given that, pursuant to Section 18 of Ordinance No. 328, passed by the governing body of the city of Edwardsville, Kansas, on January 11, 1977, under which the city's \$1,000,000 Industrial Revenue Bonds, Series January 1, 1977 (Amdevco Packaging/Films, Inc. project) were issued, the city, at the direction of Amdevco Packaging/Films, Inc., has defeased the bonds by depositing cash with Commercial National Bank, Kansas City, Kansas, as escrow agent, in an amount sufficient to pay the principal of, redemption premium, if any, and interest on the bonds at maturity or on the redemption date, as herein specified.

Pursuant to Section 4(B) of the ordinance, the city intends to redeem and pay, and will redeem and pay, on January 1, 1991 (the redemption date), the bonds maturing January 1, 1992, at a redemption price of 100 percent of the principal amount of said bonds outstanding, together with a premium of 3 percent thereof, plus the accrued interest thereon from the last interest payment date to the redemption date.

The bonds to be redeemed on the redemption date are described as follows:

Numbers	Interest Rate	Maturity Date
176 200	8.75%	January 1, 1992

On January 1, 1991, the above-described bonds will become due and payable and are required to be presented for redemption and payment on and after the redemption date at Commercial National Bank, 601 Minnesota Ave., Kansas City, KS 66101, Attention: Corporate Trust Division, (913) 371-0035. Payment of the redemption price and accrued interest to the redemption date will be made only upon presentation and surrender of the bonds at the address noted above.

Interest shall cease to accrue on said bonds from and after the redemption date, January 1, 1991.

Dated November 15, 1990.

Commercial National Bank
as Fiscal Agent for the
City of Edwardsville, Kansas

Doc. No. 009974

State of Kansas

Department of Health
and Environment

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 11 a.m. Thursday, January 3, in Room 108 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of rules and regulations of the Kansas Department of Health and Environment. The regulations are proposed for adoption on a permanent basis. A summary of proposed regulations and their economic impact follows:

K.A.R. 28-53-1. Definitions. This regulation defines terms relative to the Charitable Health Care Program, which is intended to allow certain health care providers who volunteer their services to the medically indigent to be considered as employees of the state of Kansas, thereby placing them under the Kansas Tort Claims Act.

K.A.R. 28-53-2. Agreement. This regulation describes the process by which a provider agreement is established between the Kansas Department of Health and Environment and a charitable provider.

K.A.R. 28-53-3. Eligibility Criteria for Medically Indigent. This regulation establishes the criteria by which a person is determined to be medically indigent and eligible for charitable health care services.

K.A.R. 28-53-4. Records and Reports. This regulation describes the process for periodic reporting to the Kansas Department of Health and Environment of services provided under this program.

The eligibility criteria for prospective recipients of charitable care is established at or below 200 percent of poverty, and the service delivery site must be an indigent health care clinic, a federally qualified health center or a local health department. The focus of care by the charitable health provider is primary care. Studies indicate that clinics of this type are sued much less frequently than standard medical clinics. To the best of the department's knowledge, there have been no claims for malpractice against an indigent clinic, federally qualified health center or public health department or their employees in the state of Kansas. The economic impact analysis of these rules and regulations continues to be minimal.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the Kansas Department of Health and Environment, Office of Local and Rural Health Systems, Attn: Jane Faubion, Landon State Office Building, 900 S.W. Jackson, Topeka 66612-1290. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Stanley C. Grant
Secretary of Health
and Environment

Doc. No. 009967

State of Kansas

Department of Health
and Environment

Notice Concerning Kansas
Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 28-16-63 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below. The tentative determinations for permit content are based on preliminary limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Name and Address of Applicant	Waterway	Type of Discharge
Atchison-Topeka-Santa Fe Railway Co.-Topeka Car Shop P.O. Box 1738 Attn: S.D. Moore Topeka, KS 66601 Shawnee County, Kansas	Kansas River	Process wastewater
Kansas Permit No. I-KS72-P001		Fed. Permit No. KS-0001694
Description of Facility: Railcar repair shop and switching facility. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28 (b-f).		

Name and Address of Applicant	Waterway	Type of Discharge
Board of Public Utilities McPherson Well #2. P.O. Box 1008 McPherson, KS 67460 McPherson County, Kansas	Little Arkansas River via Dry Turkey Creek via Bull Creek via concrete storm sewer	Contaminated groundwater
Kansas Permit No. I-LA11-P007		Federal Permit No. KS-0086916
Description of Facility: Public water supply well discharging contaminated groundwater. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28 (b-f)		

Name and Address of Applicant	Waterway	Type of Discharge
Board of Public Utilities McPherson Well #5 P.O. Box 1008 McPherson, KS 67460 McPherson County, Kansas	Little Arkansas River via Dry Turkey Creek via Bull Creek via concrete storm sewer	Contaminated groundwater
Kansas Permit No. I-LA11-P008		Fed. Permit No. KS-0086924
Description of Facility: Public water supply well discharging contaminated groundwater. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28 (b-f)		

Name and Address of Applicant	Waterway	Type of Discharge
Bromley Quarry & Asphalt, Inc. P.O. Box 670 Atchison, KS 66002 Atchison County, Kansas	Missouri River via Independence Creek via Deer Creek, Missouri River Basin	Wash water and stormwater settling pond discharge
Kansas Permit No. I-M001-P003		Fed. Permit No. KS-0079332
Description of Facility: This facility is engaged in a limestone quarry operation with some washing. Any discharge is from a settling pond that receives wash water and stormwater runoff. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28 (b-f).		

(continued)

Name and Address of Applicant	Waterway	Type of Discharge
Chanute Diesel Power Plant #3 P.O. Box 907 Chanute, KS 66720 Neosho County, Kansas	Neosho River via Turkey Creek via unnamed tributary	Non-contact cooling water
Kansas Permit No. I-NE11-C001 Fed. Permit No. KS-0082597		
Description of Facility: Non-contact cooling water from cooling tower blowdown. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28 (b-f).		

Name and Address of Applicant	Waterway	Type of Discharge
Fina Oil and Chemical Co. #2 P.O. Box 2159 Dallas, TX 75221 Sedgwick County, Kansas	Arkansas River via concrete storm gasoline sewer	Air-stripped contaminated groundwater
Kansas Permit No. I-AR94-P028 Fed. Permit No. KS-0086681		
Description of Facility: This is a gasoline service station which is air stripping gasoline contaminated groundwater. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).		

Name and Address of Applicant	Waterway	Type of Discharge
City of Fort Scott 1 E. 3rd Fort Scott, KS 66701 Bourbon County, Kansas	Marmaton River	Secondary wastewater treatment facility
Kansas Permit No. M-MC11-I001 Fed. Permit No. KS-0052116		
Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are water quality limited.		

Name and Address of Applicant	Waterway	Type of Discharge
Nelson Quarries, Inc. Sharpe Quarry (New Strawn) Box 124 LaHarpe, KS 66751 Coffey County, Kansas	Neosho River via Long Creek via unnamed tributary, Neosho River Basin	Quarry pit dewatering and uncontaminated stormwater runoff
Kansas Permit No. I-NE51-P001 Fed. Permit No. KS-0086096		
Description of Facility: This facility is engaged in the quarrying and crushing processing of limestone rock with no washing. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).		

Name and Address of Applicant	Waterway	Type of Discharge
Nelson Quarries, Inc. Waverly Quarry Box 124 LaHarpe, KS 66751 Coffey County, Kansas	Marais des Cygnes River via Rock Creek via unnamed tributary, Marais des Cygnes River Basin	Quarry pit dewatering and uncontaminated stormwater runoff
Kansas Permit No. I-MC47-P002 Fed. Permit No. KS-0086100		
Description of Facility: This facility is engaged in the quarrying and processing of limestone rock with no washing. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).		

Name and Address of Applicant	Waterway	Type of Discharge
Sunflower Manufacturing Company, Inc. 1 Sunflower Drive Beloit, KS 67420 Mitchell County, Kansas	Solomon River via Plum Creek via drainage ditch	Process water
Kansas Permit No. I-S005-P002 Fed. Permit No. KS-0087025		
Description of Facility: Wastewater from the filtering system of a painting operation is discharged to a drainage ditch.		

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments received prior to December 21 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-90-242/251) and name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61. Media coordination (newspapers, radio) for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Division of Environment offices from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Stanley C. Grant
Secretary of Health
and Environment

Doc. No. 009976

State of Kansas

Board of Agriculture Division of Weights and Measures

Temporary Administrative Regulations

Article 26.—FEES

99-26-1. Fees. (a) Except as provided in paragraph (b) of this regulation, fees shall be charged for requested services rendered by the state sealer or the state sealer's authorized representative in conjunction with the testing and proving of weights, measures and other devices at the rate of \$30.00 per hour or fraction thereof.

(b) Fees shall be charged for the testing and proving of a grain hopper scale and any weights, measures and other devices which are used in conjunction with it at the rate of \$50.00 per hour or fraction thereof. (Authorized by K.S.A. 83-207; implementing K.S.A. 1989 Supp. 83-214 as amended by L. 1990, Ch. 364, Sec. 6; effective, T-83-25, Sept. 1, 1982; effective May 1, 1983; amended, T-99-11-14-90, Nov. 14, 1990.)

Gary Hall
Acting Secretary of Agriculture

Doc. No. 009968

State of Kansas

Board of Nursing

Temporary Administrative
RegulationsArticle 11.—ADVANCED REGISTERED
NURSE PRACTITIONERS

60-11-103. Qualifications of advanced registered nurse practitioners. (a) To be certified as an advanced registered nurse practitioner in the category of nurse clinician or nurse practitioner, nurse anesthetist, or nurse midwife, each applicant shall:

(1) have graduated from a formal, post-basic nursing education program located or offered in Kansas that has been approved by the board and that prepares the nurse to function in the expanded role for which application is made;

(2) have graduated from a formal, post-basic nursing education program which is not located or offered in Kansas but which is determined by the board to meet the standards for program approval established by K.A.R. 60-11-108;

(3) have graduated from a formal, post-basic nursing education program which is no longer in existence but which is determined by the board to meet standards at least as stringent as required for program approval by the board as of the time of graduation; or

(4) hold a current certificate of authority to practice as an advanced registered nurse practitioner in the category for which application is made, issued by another board of nursing which requires completion of a program meeting standards equal to or greater than those established by K.A.R. 60-11-108.

(b) 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, and:

(1) Meet the requirement of paragraph (a) (1), (a) (2), (a) (3), or (a) (4); or

(2) have completed, prior to June 1, 1990, a formal educational program of post-basic study and clinical experience which can be demonstrated by the applicant to have sufficiently prepared the applicant for practice in the category of advanced practice for which application is made. The applicant must show that the program is consistent with the public health and safety and that it prepared individuals to perform acts generally recognized by the nursing profession as capable of being performed by persons with post-basic education in nursing. (Authorized by and implementing K.S.A. 1989 Supp. 65-1130; effective May 1, 1984; amended, T-85-16, June 5, 1984; amended May 1, 1985; amended, T-60-11-14-90, Nov. 14, 1990.)

Patsy L. Johnson
Executive Administrator

Doc. No. 009969

State of Kansas

Board of Accountancy

Permanent Administrative
Regulations

Article 5.—CODE OF PROFESSIONAL CONDUCT

74-5-202. Auditing standards. (a) A certified public accountant or a licensed municipal public accountant shall not permit his or her name to be associated with financial statements in such a way as to imply that the accountant is acting as an independent certified public accountant or licensed municipal public accountant with respect to the financial statements unless the accountant has complied with the applicable, generally accepted auditing standards.

(b) Statements on auditing standards issued by the American institute of certified public accountants, in Volumes A and B, dated June 1, 1990, and the minimum standard audit program of the Kansas state municipal accounting board, shall be considered to be interpretations of the generally accepted auditing standards. Any accountant who does not conform to those standards shall provide justification for such a departure. (Authorized by and implementing K.S.A. 1989 Supp. 1-202(c)(1); K.S.A. 75-1119(a); effective Jan. 1, 1966; amended Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1978; amended, E-82-27, Dec. 22, 1981; amended May 1, 1982; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended May 22, 1989; amended Jan. 7, 1991.)

74-5-203. Accounting principles. (a) A certified public accountant or a licensed municipal public accountant shall not express an opinion that financial statements are presented in conformity with generally accepted accounting principles if the financial statements contain any departure from those accounting principles that has a material effect on the financial statements taken as a whole. However, any certified public accountant or licensed municipal public accountant may express such an opinion if the accountant can demonstrate that, due to unusual circumstances, the financial statements would otherwise have been misleading. In those cases, the accountant's report shall describe the departure, the approximate effects, if practicable, and the reasons why compliance with the principle would result in a misleading statement.

(b) For purposes of this rule, "generally accepted accounting principles" are considered to be pronouncements issued by the financial accounting standards board in its general and industry standards publications, dated June 1, 1990. (Authorized by and implementing K.S.A. 1989 Supp. 1-202 (c)(1); K.S.A. 75-1119(a); effective Jan. 1, 1966; amended Jan. 1, 1974; amended May 1, 1978; amended, E-82-7, Dec. 22, 1981; amended May 1, 1982; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended May 22, 1989; amended Jan. 7, 1991.)

Glenda Sherman
Executive Secretary

Doc. No. 009964

State of Kansas

Department of Administration

Permanent Administrative
Regulations

Article 5.—COMPENSATION

1-5-30. Benefits for employees activated to military duty. (a) Each employee who is ordered to report for active military service upon the activation of the National Guard and reserve units by presidential order, or who volunteers for such active duty, shall be eligible for the benefits defined below.

(1) Such an employee may request advance payment of any wages, compensatory time, and annual leave credits that will be accrued prior to the effective date of the military leave without pay.

(2) Upon returning to work for the State of Kansas, the employee may request advance payment of the first month's net salary.

(3) Within 30 days of returning to work for the State of Kansas, the employee may request restoration of annual leave credits received in cash at the time of activation if the employee reimburses the State of Kansas for the amount paid for annual leave credits.

(b) A death benefit shall be payable when an employee described in subsection (a) dies while on active military duty. The death benefit shall be in an amount equal to the annual salary the employee would have received at the time of death if the employee had not commenced active duty. The employing state agency at the time the employee entered active duty shall pay the death benefit. The death benefit shall be paid to the employee's beneficiary or beneficiaries, as designated on forms approved by the director of personnel services. If no beneficiary has been designated, it shall be paid to the estate of the employee. The provisions of this subsection shall be applicable to all state employees who:

(1) immediately prior to entering active duty, were eligible for the insured death benefit provided under Article 49 of Chapter 74 of the Kansas Statutes Annotated and funded by the employing agency; and

(2) would not, at the time of death, be eligible for the death benefit described under paragraph (1).

(c) This regulation does not apply to federal active duty for training as stipulated in K.A.R. 1-9-7b. (Authorized by K.S.A. 75-3747, 75-5514; implementing K.S.A. 75-3746, 75-5515; effective, T-1-9-10-90, Sept. 10, 1990; effective Jan. 7, 1991.)

Article 18.—MAXIMUM ALLOWANCE FOR
MILEAGE FOR USE OF A PRIVATELY
OWNED CONVEYANCE FOR PUBLIC PURPOSES

1-18-1a. Mileage rates. (a) Subject to the provisions of subsection (d), each employee who has been authorized to use a privately-owned conveyance to engage in official business for an agency shall be entitled to reimbursement for use of that conveyance at the following rates:

(1) 11¢ per mile for the use of a privately-owned motorcycle;

(2) 26¢ per mile for the use of a privately-owned automobile;

(3) 37¢ per mile for the use of a privately-owned airplane; or

(4) 37¢ per mile for the use of a specially equipped van for the physically handicapped.

(b) In addition to the mileage allowance authorized under subsection (a) of this regulation, the employee may be reimbursed for:

(1) parking fees when on an official trip;

(2) toll road and toll bridge costs; and

(3) airplane landing and tie-down fees.

(c) When an employee travels by privately-owned airplane, reimbursement may be made for one round trip in a privately-owned automobile or taxi fare charged in travel:

(1) between the official station or domicile and the airport in the city in which the official station or domicile is located; and

(2) between the airport in the destination city and the place of official business.

(d) Exceptions to the mileage rates prescribed in subsection (a) shall be as follows:

(1) When a mode of transportation is available and is less costly than transportation by privately-owned conveyance, mileage payments for use of a privately-owned conveyance shall be limited to the cost of that other mode of transportation.

(2) An agency may pay a specified mileage rate that is lower than prescribed by subsection (a) when an employee's travel is not required by the agency and the employee is informed of the specified rate in advance of the travel. (Authorized by and implementing K.S.A. 75-3203, K.S.A. 75-3203a; effective May 1, 1979; amended, E-80-10, July 11, 1979; amended May 1, 1980; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, T-83-19, July 1, 1982; amended May 1, 1983; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended, T-85-46, Dec. 19, 1984; amended, T-86-7, April 1, 1985; amended May 1, 1985; amended, T-86-7, May 1, 1985; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended, T-89-1, Jan. 7, 1988; amended Oct. 1, 1988; amended, T-1-2-28-90, March 1, 1990; amended April 23, 1990; amended, T-1-11-14-90, Nov. 14, 1990; amended Jan. 7, 1991.)

Shelby Smith
Secretary of Administration

Doc. No. 009963

State of Kansas

Social and Rehabilitation Services

Permanent Administrative
Regulations

Article 4.—PUBLIC ASSISTANCE PROGRAM

30-4-63. KanWork program requirements. Each assigned recipient, unless exempted, shall be required to participate in one or more components of the KanWork program. Any exempt recipient may volunteer for participation in the KanWork program. The geographic areas in the state and the public assistance programs in which the KanWork requirements are to be enforced shall be

designated by the secretary. The administration of the KanWork program shall be within the limits of appropriations. (a) Exemptions. The persons listed below shall be exempt from the KanWork requirements:

(1) Any person who is ill, when determined on the basis of medical evidence or another sound basis that the illness or injury is serious enough to temporarily prevent entry into employment or training;

(2) any person who is incapacitated, when verified that a physical or mental impairment, determined by a physician or a licensed or certified psychologist, by itself or in conjunction with age, prevents the individual from engaging in employment or training. When an individual claims exempt status due to incapacity, but medical verification is needed to establish the incapacity, the individual shall be regarded as temporarily exempt for a period not to exceed 30 days while the individual's status is being verified. If verification is not provided because of a legitimate delay in obtaining an examination by or a consultation with a medical practitioner, the temporary exemption period shall be extended for a period not to exceed 15 days. For GA, a statement from a vocational rehabilitation counselor may be used to determine incapacity;

(3) any person who is 60 years of age or older;

(4) any person who is needed in the home because another member of the household requires the individual's presence due to illness or incapacity and no other appropriate member of the household is available to provide the needed care;

(5) any parent or other relative who is personally providing care for a child under age three, except that a custodial parent shall not be exempt from the educational component if the parent is under age 20, does not possess a high school diploma or its equivalent, and is not otherwise exempt. Only one person or other relative in a case may be exempt for providing care for a child under age three. This exemption cannot be claimed if the other parent or caretaker relative in the home or the stepparent in the plan is exempt from the work program requirements for another reason and is available and capable of providing child care;

(6) any person who is employed full-time, unless the employment was obtained during current participation in the program. Employment is considered to be full-time when the person is employed 30 or more hours a week and is earning at least the federal minimum wage;

(7) any child who is under age 16 or who attends full-time an elementary, secondary, vocational or technical school. This exemption shall not apply to a child age 16 or older who:

(A) Is a custodial parent who does not possess a high school diploma or its equivalent; or

(B) attends full-time an elementary, secondary, vocational or technical school as a required KanWork activity;

(8) any woman who is three or more months pregnant;

(9) any person who resides in an area of the state where the work program is available, but in a location which is so remote that effective participation is precluded. The individual shall be considered remote if a round trip of more than two hours by reasonably available public or private transportation, exclusive of time necessary to transport children to and from a child care facility, would

be required for a normal work or training day. However, if normal round trip commuting time in the area is more than two hours, then the round trip commuting time shall not exceed the generally accepted community standards;

(10) any parent or other caretaker of a child when another adult relative in the plan is participating in the KanWork program and the youngest child in the plan is under the age of three. If all children in the plan are age three or older, both parents shall be required to participate in the KanWork program; and

(11) any person who is a full-time volunteer serving under the Volunteers In Service To America (VISTA) program.

(b) Participation requirements. Each assigned recipient shall enter into a written agreement with the agency for the purpose of participating in one or more components of an agency-approved, work-related program directed toward a plan of self-sufficiency. The components of the KanWork program may include, but are not limited to, the following:

(1) Job search. Each assigned recipient shall participate in job search activities which may include agency-approved job clubs, supervised and unsupervised job search activities, job referral and placement services, and employment counseling.

(2) Community work experience program (CWEP). Each assigned recipient shall participate in CWEP activities which may include the opportunity to regain work skills, learn new skills, test interest and skills on the job, gain a work history, and obtain a work reference.

(3) Education and training. Each assigned recipient shall participate in education and training activities which are aimed at facilitating a recipient's movement toward self-sufficiency and employment retention. Education and training activities include such elements as vocational training, adult basic education, literacy training, general educational development, and post-secondary education and training.

(4) Work supplementation. Each assigned recipient shall participate in a work supplementation program in which an employer receives a wage subsidy from money diverted from public assistance grants for employing program participants.

(c) Support services. Support services shall be provided to participants. Support services shall include, but are not limited to:

(1) Transportation expenses, as outlined in K.A.R. 30-4-120(a)(1);

(2) day care expenses, as outlined in K.A.R. 30-4-120(a)(2); and

(3) education and training expenses, as outlined in K.A.R. 30-4-120(a)(3);

(d) Transitional services. Transitional services shall be provided to each participant and members of the participant's assistance family group who lose eligibility for public assistance due to the participant's employment. Transitional services shall include, but are not limited to, child care and transportation, as outlined in K.A.R. 30-4-120(a)(4), and medical assistance, as outlined in K.A.R. 30-6-65(n).

(e) Penalty. When a person who is required to participate in the KanWork program fails without good cause

(continued)

to participate in the program or refuses without good cause to accept employment, or terminates employment or reduces earnings without good cause, the individual shall be ineligible for assistance. In ADC-UP and GA, the spouse of the individual or the other parent in the household shall also be ineligible unless the spouse or the other parent is a KanWork participant. In GA, a potential employment penalty, as set forth in K.A.R. 30-4-58(d), shall be considered in combination with any other KanWork penalty. The period of ineligibility shall be as follows:

(1) For the first such failure or refusal, until the failure or refusal ceases;

(2) for the second such failure or refusal, until the failure or refusal ceases, or three months, whichever is longer; and

(3) for any subsequent failure or refusal, until the failure or refusal ceases, or six months, whichever is longer.

(f) Good cause. The individual shall be determined to have good cause for failing to participate in the program, refusing to accept employment, terminating employment, or reducing earnings if the individual has presented verification that one of the criteria listed below has been met:

(1) The person is exempt from participation in the program;

(2) there was no bona fide offer of employment or training;

(3) the person was incapable of performing the work or training;

(4) the work or training was so dangerous or hazardous according to OSHA standards as to make the refusal or termination a reasonable one;

(5) the payment offered was less than the applicable minimum wage;

(6) child care or day care for any incapacitated individual living in the same home is necessary for an individual to participate or continue participation in the program or accept employment and such care is not available and the agency fails to provide such care;

(7) the employment would result in the family of the participant experiencing a net loss of cash income;

(8) the assignment for training was not within the scope of the agency-approved plan;

(9) the total daily commuting time to and from home to the work or training site to which the individual is assigned exceeds two hours, not including the transporting of a child to and from a child care facility. If a longer commuting distance is generally accepted in the community, the round trip commuting time shall not exceed the generally accepted community standards; or

(10) the person is the parent or other relative personally providing care for a child under age six and the employment requires the person to work more than 20 hours per week. The effective date of this regulation shall be January 2, 1991. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152, Sec. 1, K.S.A. 1989 Supp. 39-7,103; effective, T-30-7-29-88, July 29, 1988; effective Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-3-29-90, April 1, 1990; revoked, T-30-7-2-90, July 2, 1990; amended, T-30-7-2-90, July 2, 1990; revoked, T-30-

8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended Jan. 7, 1991.)

30-4-64. Work program requirements. Each assigned recipient, unless exempted, shall be required to participate in one or more components of the work program. Any exempt recipient may volunteer for participation in the program. The geographic areas in the state and the public assistance programs in which the work requirements are to be enforced shall be designated by the secretary. The administration of the work programs shall be within the limits of appropriations. (a) Exemptions. The persons listed below shall be exempt from the work requirements:

(1) Any person who is ill, when determined on the basis of medical evidence or another sound basis that the illness or injury is serious enough to temporarily prevent entry into employment or training;

(2) any person who is incapacitated, when verified that a physical or mental impairment, determined by a physician or a licensed or certified psychologist, by itself or in conjunction with age, prevents the individual from engaging in employment or training. When an individual claims exempt status due to incapacity, but medical verification is needed to establish the incapacity, the individual shall be regarded as temporarily exempt for a period not to exceed 30 days while the individual's status is being verified. If verification is not provided because of a legitimate delay in obtaining an examination by or a consultation with a medical practitioner, the temporary exemption period shall be extended for a period not to exceed 15 days. For GA, a statement from a vocational rehabilitation counselor may be used to determine incapacity;

(3) any person who is 60 years of age or older;

(4) any person who is needed in the home because another member of the household requires the individual's presence due to illness or incapacity and no other appropriate member of the household is available to provide the needed care;

(5) any parent or other relative who is personally providing care for a child under age three, except that a custodial parent shall not be exempt from the educational component if the parent is under age 20, does not possess a high school diploma or its equivalent, and is not otherwise exempt. Only one person or other relative in a case may be exempt for providing care for a child under age three. This exemption cannot be claimed if the other parent or caretaker relative in the home or the stepparent in the plan is exempt from the work program requirements for another reason and is available and capable of providing child care;

(6) any person who is employed full-time, unless the employment was obtained during current participation in the program. Employment is considered to be full-time when the person is employed 30 or more hours a week and is earning at least the federal minimum wage;

(7) any child who is under age 16 or who attends full-time an elementary, secondary, vocational or technical school. This exemption shall not apply to a child age 16 or older who:

(A) Is a custodial parent who does not possess a high school diploma or its equivalent; or

(B) attends full-time an elementary, secondary, vocational or technical school as a required work program activity;

(8) any woman who is three or more months pregnant;

(9) any person who resides in an area of the state where the work program is available, but in a location which is so remote that effective participation is precluded. The individual shall be considered remote if a round trip of more than two hours by reasonably available public or private transportation, exclusive of time necessary to transport children to and from a child care facility, would be required for a normal work or training day. However, if normal round trip commuting time in the area is more than two hours, then the round trip commuting time shall not exceed the generally accepted community standards;

(10) any parent or other caretaker of a child when another adult relative in the plan is participating in the work program and the youngest child in the plan is under the age of three. If all children in the plan are age three or older, both parents shall be required to participate in the work program; and

(11) any person who is a full-time volunteer serving under the Volunteers In Service To America (VISTA) program.

(b) Participation requirements. Each assigned recipient shall participate in one or more components of an agency-approved, work-related program directed toward a plan of self-sufficiency. The components of the work program may include, but are not limited to, the following:

(1) Job search. Each assigned recipient shall participate in job search activities which may include agency-approved job clubs, supervised and unsupervised job search activities, job referral and placement services, and employment counseling.

(2) Community work experience program (CWEP). Each assigned recipient shall participate in CWEP activities which may include the opportunity to regain work skills, learn new skills, test interest and skills on the job, gain a work history, and obtain a work reference.

(3) Education and training. Each assigned recipient shall participate in education and training activities which are aimed at facilitating a recipient's movement toward self-sufficiency and employment retention. Education and training activities include such elements as vocational training, adult basic education, literacy training, general educational development, and post-secondary education and training.

(c) Support services. Support services shall be provided to participants. Support services shall include, but are not limited to:

(1) Transportation expenses, as outlined in K.A.R. 30-4-120(a)(1);

(2) day care expenses, as outlined in K.A.R. 30-4-120(a)(2); and

(3) education and training expenses, as outlined in K.A.R. 30-4-120(a)(3).

(d) Transitional services. Transitional services shall be provided to each participant and to members of the participant's assistance family group who lose eligibility for ADC or APW due to the participant's employment. Transitional services shall include, but are not limited to, child care, as outlined in K.A.R. 30-4-120(a)(4), and medical assistance, as outlined in K.A.R. 30-6-65(n).

(e) Penalty. When a person who is required to participate in the work program fails without good cause to participate in the program, refuses without good cause to accept employment, or terminates employment or reduces earnings without good cause, the individual shall be ineligible for assistance. In ADC-UP and GA, the spouse of the individual or the other parent in the household shall also be ineligible unless the spouse or the other parent is a work program participant. In GA, a potential employment penalty, as set forth in K.A.R. 30-4-58(d), shall be considered in combination with any work program penalty. The period of ineligibility shall be as follows:

(1) For the first such failure or refusal, until the failure or refusal ceases;

(2) for the second such failure or refusal, until the failure or refusal ceases, or three months, whichever is longer; and

(3) for any subsequent failure or refusal, until the failure or refusal ceases, or six months, whichever is longer.

(f) Good cause. The good cause criteria set forth in K.A.R. 30-4-63(f) shall be used in determining good cause for the work program requirements. The effective date of this regulation shall be January 2, 1991. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152, Sec. 1, K.S.A. 1989 Supp. 39-7,103; effective Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-3-29-90, April 1, 1990; revoked, T-30-7-2-90, July 2, 1990; amended, T-30-7-2-90, July 2, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended Jan. 7, 1991.)

30-4-120. Special allowances and requirements for applicants and recipients of ADC, ADC-FC, APW, GAU and GA-FC. (a) Special allowances. Special allowances shall be issued to otherwise eligible recipients under the conditions as specified. The allowances shall include, but are not limited to, the following:

(1) Transportation. In accordance with an agency-approved plan, an allowance for work-related transportation expenses shall be issued for each person who is assigned to participate in a KanWork or work program activity.

(2) Day care. An allowance for work-related day care expenses shall be issued in accordance with an agency-approved plan.

(3) Education and training. If there is an agency-approved plan, the education and training costs shall be allowed for the participant. Such costs shall include, but are not limited to, tuition, books and fees.

(4) Transition services. Transitional expenses shall be allowed for any recipient who loses eligibility as outlined in K.A.R. 30-4-63(d) and 30-4-64(d). Such expenses may include, but are not limited to, child care and transportation. Extended medical assistance shall be provided as outlined in K.A.R. 30-6-65(p).

(b) Special requirements. The following special requirements shall be added to the basic and shelter standards as outlined in K.A.R. 30-4-100 to compute the budgetary requirements for applicants and recipients under the conditions as specified.

(1) Moving expense. The cost of moving to a new location to take employment, in an amount not to exceed \$100.00, shall be allowed if other funds are not available

(continued)

to meet the costs and the recipient has employment which meets at least 75% of the family's basic and shelter standards. Moving costs shall include transportation costs of moving household goods for the individual and family to the job location.

(2) Temporary out-of-home care for children. The cost of temporary out-of-home care may be allowed if:

(A) The child is temporarily absent from the home due to the illness of another member of the household, or the incarceration of the caretaker relative;

(B) the temporary absence is only for a portion of a calendar month; and

(C) there is an approved service plan. The amount to be allowed shall be the foster care standard.

(3) Clothing for persons entering care facilities, not applicable to ADC-FC or GA-FC foster family care. The cost of an initial clothing supply, in an amount not to exceed \$150.00, shall be allowed if the applicant or recipient is being placed in a care facility on a permanent basis and the person requires an initial clothing supply.

(4) Travel and subsistence to and from child care facilities. If there is an approved service plan, the costs of travel and subsistence shall be allowed for the applicant or recipient and the person providing the transportation for a preplacement visit, admission or home visit, or for the relatives who are required to visit a child. The transportation shall not be related to discharge from a state institution.

(5) Home visits from a child care facility. The costs of a visit to a relative's home or foster family home on a planned trial basis shall be allowed based on an approved service plan. The amount and the length of the visit allowed shall be established in the social service plan.

(6) Special requirements related to ADC-FC and GA-FC. Certain special requirements for various costs for children in ADC-FC and GA-FC shall be allowed based on an approved service plan.

(7) Conservator or personal representative expense. The fee of the legally appointed conservator for conservatorship or the personal representative fee for service shall be allowed if:

(A) The conservator or personal representative charges for those services; and

(B) the conservator or personal representative is not the spouse, parent, or child of the incapacitated person. The amount allowed by the court, or the charge made by the conservator or personal representative, to a maximum of 5% of the person's cash payment or \$8.00, whichever is greater, shall be allowed. The effective date of this regulation shall be January 2, 1991. (Authorized by K.S.A. 39-708c, as amended by L. 1990, Chapter 152, Sec. 1; implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152, Sec. 1, K.S.A. 1989 Supp. 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended, T-84-8, March 29, 1983; amended, T-84-25, Sept. 19, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-33, Dec. 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended May 1, 1988; amended, T-30-7-29-88, July 29, 1988; amended Sept. 26, 1988; amended Oct. 1, 1989; amended, T-30-3-29-90, April 1, 1990; amended, T-30-7-2-90, Aug. 1, 1990; revoked, T-

30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended Jan. 7, 1991.)

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

30-5-58. Definitions. (a) The following words and terms, when used in this part, shall have the following meanings, unless the context clearly indicates otherwise:

(1) "Accept medicare assignment" means accept the medicare allowed payment rate as payment in full for services provided to a recipient.

(2) "Accrual basis accounting" means reporting revenue in the period when it is earned, regardless of when it is collected, and reporting expenses in the period in which they are incurred, regardless of when they are paid.

(3) "Acquisition cost" means the allowable reimbursement price determined by the Kansas department of social and rehabilitation services for each covered drug, supply or device in accordance with federal regulations.

(4) "Activities of daily living" means basic activities necessary for daily self care.

(5) "Admission" means the condition of entry into a hospital for the purpose of receiving inpatient medical treatment.

(6) "Ambulance" means a state-licensed vehicle equipped for emergency transportation of injured or sick recipients to facilities where medical services are rendered.

(7) "Arm's length transaction" means a transaction between unrelated parties.

(8) "Border cities" mean those communities outside of the state of Kansas but within a 50-mile range of the state border.

(9) "Case conference" means a scheduled face-to-face meeting involving two or more persons to discuss problems associated with the treatment of the facility's patient or patients. Persons involved in the case conference may include treatment staff, collaterals or other department representatives of the client or clients.

(10) "Capitation reimbursement" means a reimbursement methodology establishing payment rates, per program recipient or eligible individual, for a designated group of services.

(11) "Change of ownership" means:

(A) A change that involves an arm's length transaction between unrelated parties; and

(B) (i) The dissolution or creation of a partnership when no member of the dissolved partnership or the new partnership retains ownership interest from the previous ownership affiliation;

(ii) a transfer of title and property to another party if the transfer is an arm's length transaction, and if the property is owned by a sole proprietor;

(iii) the change or creation of a new lessee, acting as a provider of pharmacy services; or

(iv) the consolidation of two or more corporations that creates a new corporate entity. However, the transfer of participating provider corporate stock shall not in itself constitute a change of ownership. Similarly, a merger of one or more corporations with a participating provider

corporation surviving shall not constitute a change of ownership.

(12) "Common control" means that an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization or facility.

(13) "Common ownership" means that an individual or individuals possess significant ownership or equity in the provider and the facility or organization serving the provider.

(14) "Comparable outpatient service" means a service that is provided in a hospital that is comparable to a service provided in a physician's office or ambulatory surgical center.

(15) "Comparison per diem rate" means the per diem rate as adjusted by deducting the teaching cost for approved intern, resident and nursing programs divided by the total hospital inpatient days in the hospital fiscal year ending in 1981.

(16) "Concurrent care" means services rendered simultaneously by two or more eligible providers.

(17) "Consultation" means an evaluation which requires another examination by a provider of the same profession, a study of records, and a discussion of the case with the physician primarily responsible for the patient's care.

(18) "Contract loss" means the excess of contract cost over contract income.

(19) "Cost finding" means the process of recasting the date derived from the accounts ordinarily kept by a provider to ascertain costs of the various types of services rendered.

(20) "Cost outlier" means a general hospital inpatient stay with an estimated cost which exceeds the cost outlier limit established for the respective diagnosis related group.

(21) "Cost outlier limit" means the maximum cost of a general hospital inpatient stay established according to a methodology specified by the secretary for each diagnosis related group.

(22) "Cost-related reimbursement" means reimbursement based on analysis and consideration of the historical operating costs required to provide specified services.

(23) "Covered service" means a medical service for which reimbursement will be made by the medicaid/medikan program. The department may limit coverage on the basis of prior authorization.

(24) "Day outlier" means a general hospital inpatient length of stay which exceeds the day outlier limit established for the respective diagnosis related group.

(25) "Day outlier limit" means the maximum general hospital inpatient length of stay established according to a methodology specified by the secretary for each diagnosis related group.

(26) "Diagnosis related group (DRG)" means the classification system which arranges medical diagnoses into mutually exclusive groups.

(27) "Diagnosis related group (DRG) adjustment percent" means a percentage assigned by the secretary to a diagnosis related group for purposes of computing reimbursement.

(28) "Diagnosis related group (DRG) daily rate" means the dollar amount assigned by the secretary to a diagnosis

related group for purposes of computing reimbursement when a rate per day is required.

(29) "Diagnosis related group (DRG) reimbursement system" means a reimbursement system in the Kansas medicaid/medikan program for general hospital inpatient services which uses diagnosis related groups for determining reimbursement on a prospective basis.

(30) "Diagnosis related group (DRG) weight" means the numeric value assigned to a diagnosis related group for purposes of computing reimbursement.

(31) "Discharge" means the condition of release from a hospital. A discharge shall occur when the recipient leaves the hospital or dies. A transfer to another unit within a hospital, except to a swing bed, and a transfer to another general or special hospital shall not be a discharge.

(32) "Discharging hospital" means, in instances of the transfer of a recipient, the hospital which discharges the recipient admitted from the last transferring hospital.

(33) "Disproportionate share hospital" means a hospital that has:

(A) A medicaid/medikan inpatient utilization rate of at least one standard deviation above the mean medicaid/medikan inpatient utilization rate for hospitals within the state borders of Kansas which are receiving medicaid/medikan payments or a hospital with a low-income utilization rate exceeding 25%; and

(B) at least two obstetricians with staff privileges at the hospital who have agreed to provide obstetric services to medicaid/medikan eligible individuals. In a hospital located in a rural area, the obstetrician may be any physician with staff privileges at the hospital to perform non-emergency obstetric procedures. The only exceptions to this shall be:

(i) A hospital with inpatients who are predominantly under 18 years of age; or

(ii) a hospital which did not offer non-emergency obstetric services as of December 21, 1987.

(34) "Drug, supply or device" means:

(A) Articles recognized in the official United States pharmacopoeia, or other such official compendiums of the United States, or official national formulary, or any sup-
plement of any of them;

(B) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in human beings;

(C) articles intended to affect the structure or any function of the bodies of human beings; and

(D) articles intended for use as components of any articles specified in clause (A), (B) or (C) of this paragraph.

(35) "Durable medical equipment (DME)" means equipment which will:

(A) Withstand repeated use;

(B) not generally be useful to a person in the absence of an illness or injury;

(C) be primarily and customarily used to serve a medical purpose;

(D) be appropriate for use in the home; and

(E) be rented or purchased as determined by designees of the secretary.

(36) "Election period" means the period of time for the receipt of hospice care, beginning with the first day of

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hospice care as provided in the election statement and continuing through any subsequent days excluding any days of hospice care earlier than the date the election statement is signed.

(37) "Election statement" means the revokable statement signed by a recipient which is filed with a particular hospice and which consists of:

(A) Identification of the hospice selected to provide care;

(B) acknowledgement that the recipient has been given a full explanation of hospice care;

(C) acknowledgement by the recipient that other medicaid services are waived;

(D) effective date of the election period; and

(E) the recipient's signature or the signature of the recipient's legal representative.

(38) "Emergency services" means those services provided after the sudden onset of a medical condition manifested by symptoms of sufficient severity, including severe pain, that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

(39) "Estimated cost" means the cost of general hospital inpatient services provided to a recipient which are computed using a methodology set out in the Kansas medicaid state plan.

(40) "Formulary" means a listing of drugs, supplies or devices.

(41) "Free-standing inpatient psychiatric facility" means an inpatient psychiatric facility licensed to provide services only to the mentally ill.

(42) "General hospital" means an establishment with an organized medical staff of physicians, with permanent facilities that include inpatient beds, with medical services, including physician services and continuous registered professional nursing services for not less than 24 hours of every day, and which provides diagnosis and treatment for nonrelated patients who have a variety of medical conditions.

(43) "General hospital group" means the category to which a general hospital is assigned for purposes of computing reimbursement.

(44) "General hospital inpatient beds" mean the number of beds as reported by the general hospital on the hospital and hospital health care complex cost report form excluding those beds designated as skilled nursing facility or intermediate care facility beds. For hospitals not filing the hospital and hospital health care complex cost report form, the number of beds shall be obtained from the provider application for participation in the Kansas medicaid/medikan program form.

(45) "Group reimbursement rate" means the dollar value assigned by the secretary to each general hospital group for a diagnosis related group weight of one.

(46) "Health maintenance organization" means an organization of providers of designated medical services which makes available and provides these medical services to eligible enrolled individuals for a fixed periodic payment which is determined in advance. Referral to outside specialists is limited.

(47) "Historical cost" means actual allowable costs incurred for a specified period of time.

(48) "Home health aide service" means the direct care provided by a person with minimum training, and who is under the supervision of a registered nurse employed by a home health agency, to recipients who are unable to care for themselves or who need assistance in accomplishing the activities of daily living.

(49) "Hospice" means a public agency or private organization, or a subdivision of either, that primarily engages in providing care to terminally ill individuals, which meets the medicare conditions of participation for hospices, and which has enrolled to provide hospice services pursuant to K.A.R. 30-5-59.

(50) "Hospital located in a rural area" means a facility located in an area outside of a metropolitan statistical area as defined by the executive office of management and budget under the health care financing administration.

(51) "Independent laboratory" means a laboratory that performs laboratory tests that are ordered by a physician, and that is in a location other than the physician's office or a hospital.

(52) "Ineligible provider" means a provider who is not enrolled in the medicaid/medikan program because of reasons set forth in K.A.R. 30-5-60, or because of commission of civil or criminal fraud in another state or another program.

(53) "Interest expense" means the cost incurred for the use of borrowed funds on a loan made for a purpose related to patient care.

(54) "Kan Be Healthy program participant" means an individual under the age of 21 who is eligible for medicaid, and who has undergone a Kan Be Healthy medical screening in accordance with a specified screening schedule in order to ascertain physical and mental defects and to provide treatment which corrects or ameliorates defects and chronic conditions found.

(55) "Kan Be Healthy dental-only participant" means an individual under the age of 21 who is eligible for medicaid, and who has undergone only a Kan Be Healthy dental screening in accordance with a specified screening schedule in order to ascertain dental defects and to provide treatment which corrects or ameliorates dental defects and chronic dental conditions found.

(56) "Kan Be Healthy vision-only participant" means an individual under the age of 21 who is eligible for medicaid, and who has undergone only a Kan Be Healthy vision screening in accordance with a specified screening schedule in order to ascertain vision defects and to provide treatment which corrects or ameliorates vision defects and chronic vision conditions found.

(57) "Length of stay as an inpatient in a general hospital" means the number of days an individual remains for treatment as an inpatient in a general hospital from and including the day of admission, to and excluding the day of discharge.

(58) "Lock-in" means the restriction of a recipient's access to medical services because of abuse through limitation of the use of the medical identification card to designated medical providers.

(59) "Low-income utilization rate for hospitals" means the rate which is defined in accordance with the omnibus budget reconciliation act, public law 100-203, Section

4112, effective July 1, 1988, which is adopted by reference.

(60) "Managerial capacity" means an individual, including a general manager, business manager, administrator, or director, who exercises operational or managerial control over the provider, or who directly or indirectly conducts the day to day operations of the provider.

(61) "Maternity center" means a facility licensed as a maternity hospital which provides delivery services for normal uncomplicated pregnancies.

(62) "Medicaid/medikan hospital inpatient utilization rate" means the total number of medicaid/medikan paid inpatient days in a cost reporting period, divided by the total number of the hospital's inpatient days in the same period.

(63) "Medical necessity" means a medically necessary item or service prescribed or provided by a physician or other medical practitioner for a specific medical condition and for the purpose of achieving a specific result. Medical staff designated by the secretary have final authority for the determination of medical necessity.

(64) "Medical necessity in psychiatric situations" means that there is medical documentation which indicates that the person could be harmful to himself or herself or others if not under psychiatric treatment, or the person is disoriented in time, place or person.

(65) "Medical supplies" means supplies not generally useful to a person in the absence of illness or injury which are prescribed by a physician and used in the home and certain institutional settings.

(66) "Metropolitan statistical area (MSA)" means a geographic area designated as such by the United States executive office of management and budget as set out in the Federal Register, Vol. 53, No. 244, December 20, 1988, which is adopted by reference.

(67) "Necessary interest" means interest expense incurred on a loan made to satisfy a financial need of the facility. Loans which result in excess funds or investments shall not be considered necessary.

(68) "Net cost" means the cost of approved educational activities less any reimbursements from grants, tuition, and specific donations.

(69) "Non-covered services" mean services for which medicaid/medikan will not provide reimbursement, including services that have been denied due to the lack of medical necessity.

(70) "Occupational therapy" means the provision of treatment by an occupational therapist registered with the American occupational therapy association. The treatment shall be:

- (A) Rehabilitative and restorative in nature;
- (B) provided following physical debilitation due to acute physical trauma or physical illness; and
- (C) prescribed by the attending physician.

(70) "Orthotics and prosthetics" mean devices which are:

- (A) Reasonable and necessary for treatment of an illness or injury;
- (B) prescribed by a physician;
- (C) necessary to replace or improve functioning of a body part; and
- (D) provided by a trained orthotist or prosthetist.

(72) "Out-of-state provider" means any provider that is

physically located more than 50 miles beyond the border of Kansas, except those providing services to children who are wards of the secretary. Nursing facilities, intermediate care facilities, community mental health centers, partial hospitalization service providers, and alcohol and drug program providers shall be considered out-of-state providers if they are physically located beyond the border of Kansas.

(73) "Outpatient treatment" means services provided by the outpatient department of a hospital, a facility that is not under the administration of the hospital, or a physician's office.

(74) "Over-the-counter" means any item available for purchase without a prescription order.

(75) "Owner" means a sole proprietor, member of a partnership or a corporate stockholder with 5% or more interest in the corporation. The term "owner" shall not include minor stockholders in publicly-held corporations.

(76) "Partial hospitalization program" means an ambulatory treatment program that includes the major diagnostic, medical, psychiatric, psychosocial, and daily living skills treatment modalities based upon a treatment plan.

(77) "Participating provider" means any individual or entity that has in effect an agreement with the Kansas department of social and rehabilitation services to furnish medicaid services.

(78) "Pharmacy" means the premises, laboratory, area or other place:

(A) Where drugs are offered for sale, the profession of pharmacy is practiced and prescriptions are compounded and dispensed;

(B) which has displayed upon it or within it the words "pharmacist," "pharmaceutical chemist," "pharmacy," "apothecary," "drugstore," "druggist," "drugs," "drug sundries," or any combinations of these words or words of similar import; and

(C) where the characteristic symbols of pharmacy or the characteristic prescription sign "Rx" is exhibited. The term "premises" as used in this subsection refers only to the portion of any building or structure leased, used, or controlled by the registrant in the conduct of the business registered by the board at the address for which the registration was issued.

(79) "Pharmacist" means any person duly licensed or registered to practice pharmacy by the state board of pharmacy or by the regulatory authority of the state in which the person is engaged in the practice of pharmacy.

(80) "Physical therapy" means treatment which:

(A) Is provided by a physical therapist registered in the jurisdiction where the service is provided or by the Kansas board of healing arts;

(B) is rehabilitative and restorative in nature;

(C) is provided following physical debilitation due to acute physical trauma or physical illness; and

(D) is prescribed by the attending physician.

(81) "Physician extender" means a person registered as a physician's assistant or licensed advanced registered nurse practitioner in the jurisdiction where the service is provided and who is working under supervision as required by law or administrative regulation.

(82) "Plan of care" means a document which states the need for care, the estimated length of program, the pre-

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scribed treatment, modalities, and methodology to be used, and the expected results.

(83) "Practitioner" means any person licensed to practice medicine and surgery, dentistry or podiatry, or any other person licensed, registered or otherwise authorized by law to administer, prescribe and use prescription-only drugs in the course of professional practice.

(84) "Prescribed" means the issuance of a prescription order by a practitioner.

(85) "Prescription" means, according to the context, either a prescription order or a prescription medication.

(86) "Prescription medication" means any drug, supply or device, including label and container according to context, which is dispensed pursuant to a prescription order.

(87) "Prescription-only" means an item available for purchase only with a prescription order.

(88) "Primary care network" means a service delivery control system in which physicians, in independent or group practices, local health departments, or clinics act as primary care providers and are responsible for initiating or approving specified medical services for participating recipients.

(89) "Primary diagnosis" means the most significant diagnosis related to the services rendered.

(90) "Prior authorization" means the approval of a request to provide a specific service before the provision of the service.

(91) "Professional fee" means the reimbursement rate assigned to each individual pharmacy provider for provision of pharmacy services.

(92) "Program" means the Kansas medicaid/medikan program.

(93) "Proper interest" means interest incurred at a rate not in excess of what a prudent borrower would have had to pay under market conditions existing at the time the loan was made.

(94) "Prospective, reasonable cost-related reimbursement" means present and future reimbursement, based on analysis and consideration of the historical cost that is related to patient care, in the operation of facilities and programs.

(95) "Qualified medicare beneficiary (QMB)" means an individual who is entitled to medicare hospital insurance benefits under part A of medicare, whose income does not exceed a specified percent of the official poverty level as defined by the United States executive office of management and budget, and whose resources do not exceed twice the supplemental security income resource limit.

(96) "Readmission" means the subsequent admission of a recipient as an inpatient into a hospital within 30 days of discharge as an inpatient from the same or another DRG hospital.

(97) "Related parties" means that one party of a transaction has the ability to significantly influence another party in the transaction to the extent that either of their own separate interests may not be fully pursued. Related parties include those related by family, by business or financial association, or by common ownership or control.

(98) "Related to the community mental health center" means that the agency or facility furnishing services to the community mental health center is directly associated or affiliated with the community mental health center by formal agreement, or that it governs the community men-

tal health center, or is governed by the community mental health center.

(99) "Residence for the payment of hospice services" means a hospice recipient's home or the nursing facility in which a hospice recipient is residing.

(100) "Revocation statement" means the statement signed by the recipient which revokes the election of hospice service.

(101) "Special hospital" means an establishment with an organized medical staff of physicians, with permanent facilities that include inpatient beds, with medical services, including physician services and continuous registered professional nursing services for not less than 24 hours of every day, and which provides diagnosis and treatment for nonrelated patients who have specified medical conditions.

(102) "Speech therapy" means treatment provided by a speech pathologist who has a certificate of clinical competence from the American speech and hearing association. The treatment shall be rehabilitative and restorative in nature, shall be provided following physical debilitation due to acute physical trauma or physical illness, and shall be prescribed by the attending physician.

(103) "Standard diagnosis related group (DRG) amount" means the amount computed by multiplying the group reimbursement rate for the general hospital by the diagnosis related group weight.

(104) "Stay as an inpatient in a general hospital" means the period of time spent in a general hospital from admission to discharge.

(105) "Swing bed" means a hospital bed that can be used interchangeably as either a hospital, skilled nursing facility, or intermediate care facility bed, with reimbursement based on the specific type of care provided.

(106) "Targeted case management services" means those services to assist medicaid recipients in gaining access to medically necessary care, and which are provided by a case manager with credentials specified by the department of social and rehabilitation services.

(107) "Technology dependent child" means a Kan Be Healthy program participant who would require institutionalization without the provision of home care services because of dependency upon prolonged intravenous drugs, nourishment through parenteral nutrition, or mechanical ventilators.

(108) "Terminally ill" means the medical condition of an individual whose life expectancy is six months or less as determined by a physician.

(109) "Timely filing" means the receipt by the Kansas department of social and rehabilitation services or its fiscal agent of a claim for payment from a provider for services provided to a medicaid program recipient which is no later than six months after the date the claimed services were provided.

(110) "Transfer" means the movement of an individual receiving general hospital inpatient services from one hospital to another hospital for additional related inpatient care after admission to the previous hospital or hospitals.

(111) "Transferring hospital" means the hospital which transfers a recipient to another hospital. There may be more than one transferring hospital for the same recipient until discharge.

(112) "Uncollectable overpayment to an out-of-business provider" means:

(A) Any amount which is due from a provider of medical services who has ceased all practice or operations for any medical services as an individual, a partnership or a corporate identity, and who has no assets capable of being applied to any extent toward a medicaid overpayment; or

(B) any amount due which is less than its collection and processing costs.

(113) "Urgent" means situations which require immediate admission, but not through the emergency room.

(b) The effective date of this regulation shall be January 2, 1991. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152, Sec. 1; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1988; amended, T-30-7-29-88, July 29, 1988; amended Sept. 26, 1988; amended Jan. 2, 1989; amended July 1, 1989; amended, T-30-12-28-89, Jan. 1, 1990; amended Jan. 2, 1990; amended, T-30-2-28-90, Feb. 28, 1990; amended Aug. 1, 1990; amended Jan. 7, 1991.)

30-5-59. Provider participation requirements. The following shall be prerequisites for participation in and payment from the medicaid/medikan program. Nursing facility and intermediate care facility providers shall be excluded from these prerequisites. Providers of services to foster care recipients or adoption support recipients may be excluded from these prerequisites at the discretion of the secretary. (a) Enrollment. Each participating provider shall:

(1) Submit an application for participation in the medicaid/medikan program on forms as prescribed by the secretary of the Kansas department of social and rehabilitation services;

(2) obtain and maintain professional or department-specified credentials as determined by the secretary in the jurisdiction where the service is provided and for the time period when the service is provided, and if applicable, be certified, licensed or registered by the appropriate professional credentialing authority;

(3) notify the Kansas department of social and rehabilitation services if any of the original information provided on the application changes during the term of participation in the medicaid/medikan program;

(4) after completing the necessary application forms and receiving notice of approval to participate from the department, enter into and keep a provider agreement with the Kansas department of social and rehabilitation services;

(5) notify the Kansas department of social and rehabilitation services when a change of provider ownership occurs; submit new ownership information on forms for application for participation in the medicaid/medikan program, and receive approval from the department for participation as a new provider before reimbursement for services rendered to medicaid/medikan program recipients is made;

(6) locate a provider service representative and an outlet accessible to the general public in Kansas if applying to be an out-of-state durable medical equipment or medical supply provider; and

(7) be located in Kansas or a border city if applying to be a pharmacy unless the pharmacy is providing services to children in the custody of the secretary of the Kansas department of social and rehabilitation services or to program recipients in emergency situations.

(b) Denial of application. If an application for participation in the medicaid/medikan program is denied, the applicant shall be notified in writing by the department.

(c) Continuing participation. Each participating provider shall:

(1) Comply with applicable state and federal laws, regulations or other program requirements;

(2) comply with the terms of the provider agreement;

(3) submit accurate claims or cost reports;

(4) submit claims only for covered services provided to recipients;

(5) engage in ethical and professional conduct;

(6) provide goods, services or supplies which meet professionally recognized standards of quality;

(7) submit a new application for participation in the medicaid/medikan program if a claim has been submitted for payment and if at least 18 months have elapsed since a previous claim for payment was submitted; and

(8) refund any overpayment to the program within a period of time specified by the secretary or lose eligibility to participate.

(d) Recordkeeping. Each participating provider shall:

(1) Maintain and furnish within the time frame specified in a request any information for five years from the date of service that the Kansas department of social and rehabilitation services, its designee or any other governmental agency acting in its official capacity may request to assure proper payment by the medicaid/medikan program, to substantiate claims for medicaid/medikan program payments, and to complete determinations of medicaid/medikan program overpayments. This information shall include:

(A) Fiscal, medical and other recordkeeping systems;

(B) matters of the provider's ownership, organization and operation, including documentation as to whether transactions occurred between related parties;

(C) documentation of asset acquisition, lease, sale or other action;

(D) franchise or management arrangements;

(E) matters pertaining to costs of operation;

(F) amounts of income received, by source and purpose; and

(G) a statement of changes in financial position.

(2) Use standardized definitions, accounting, statistics and reporting practices which are widely accepted in the provider's field.

(3) Permit the Kansas department of social and rehabilitation services, its designee, or any other governmental agency acting in its official capacity to examine any records and documents that are necessary to ascertain information pertinent to the determination of the proper amount of a payment due from the medicaid/medikan program.

(e) Payment. Each participating provider shall:

(1) Accept as payment in full, subject to audit when applicable, the amount paid by the medicaid/medikan program for covered services;

(2) not assign medicaid/medikan program claims or

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grant a power of attorney over or otherwise transfer right to payment for such claims except as set forth in 42 CFR 447.10, revised October 1, 1988, which is adopted by reference;

(3) not charge medicaid/medikan program recipients for services denied for payment by the medicaid/medikan program because the provider has failed to meet a program requirement including prior authorization;

(4) not charge medicaid/medikan program recipients for noncovered services unless the recipient has been informed of the noncoverage prior to the rendering of the service;

(5) not charge medicaid/medikan program recipients for services covered by the program with the exceptions of claims liable to spenddown or copayment;

(6) submit claims for payment on claim forms approved and prescribed by the secretary; and

(7) be subject to the payment limitations pursuant to K.A.R. 30-5-70.

(f) Provider participation in the medicaid/medikan program may be disallowed for any of the reasons set forth in K.A.R. 30-5-60. The effective date of this regulation shall be January 2, 1991. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152, Sec. 1; effective May 1, 1981; amended May 1, 1985; amended May 1, 1986; amended May 1, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended, T-30-12-28-89, Jan. 1, 1990; amended, T-30-2-28-90, Feb. 28, 1990; amended Aug. 1, 1990; amended Jan. 7, 1991.)

30-5-101. Scope of chiropractic services. One chiropractic history and one physical per calendar year shall be covered for medicaid recipients. The effective date of this regulation shall be January 2, 1991. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152, Sec. 1; effective May 1, 1981; amended May 1, 1983; amended, T-84-11, July 1, 1983; amended May 1, 1984; amended, T-85-9, April 11, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended May 1, 1987; amended Jan. 2, 1989; amended, T-30-12-28-89, Jan. 1, 1990; amended Jan. 7, 1991.)

30-5-103. Scope of podiatric services. Podiatric services shall be covered for medicaid recipients. (a) Covered services shall be diagnosis and the manual, medical, surgical or pharmaceutical treatment of those parts of the body below the ankle. Diagnosis and treatment of tendons and muscles of the lower leg as they relate to conditions of the foot shall also be covered.

(b) Office visits shall be limited to two per calendar year per medicaid recipient not participating in the "Kan Be Healthy" program.

(c) Nursing facility visits shall be limited to two per calendar year per medicaid recipient.

(d) Routine foot care shall not be covered. The effective date of this regulation shall be January 2, 1991. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152, Sec. 1; effective May 1, 1981; amended May 1, 1985; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Jan. 2, 1989; amended, T-30-12-28-89, Jan. 1, 1990; amended Jan. 7, 1991.)

30-5-104. Scope of psychological services. Psychological services shall be covered for medicaid recipients when provided by clinical psychologists who are licensed by the behavioral sciences regulatory board. (a) Psychotherapy services shall be limited to 40 hours per calendar year for Kan Be Healthy program participants.

(b) Psychotherapy services shall be limited to 32 hours per calendar year for those not participating in the Kan Be Healthy program.

(c) Psychotherapy shall be covered with prior authorization when provided concurrently by the same provider with both partial hospitalization and case management.

(d) Special psychological services for Kan Be Healthy program participants shall be rendered pursuant to a plan approved by the Kansas department of social and rehabilitation services. The plan shall require prior authorization, and shall not exceed a two-year period. Quarterly progress reports shall be submitted to the department upon request.

(e) Inpatient hospital visits shall be limited to those visits ordered by the recipient's physician, and shall not exceed those allowable days for which the hospital is paid or would be paid if there were no spenddown requirements.

(f) Visits to nursing facilities by the psychologist as part of the plan of care shall be ordered by the recipient's physician. Visits to intermediate care facilities for mental retardation shall be limited to psychological testing and evaluation. Visits to nursing facilities for mental health shall be limited to program consultation.

(g) Four hours of psychological testing and evaluation shall be allowed every two consecutive calendar years for medicaid program recipients regardless of provider except that Kan Be Healthy program participants shall be allowed six hours. The effective date of this regulation shall be January 2, 1991. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152, Sec. 1; effective May 1, 1981; amended May 1, 1982; modified, L. 1983, ch. 361, May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Jan. 2, 1989; amended Aug. 1, 1990; amended Jan. 7, 1991.)

30-5-111. This rule and regulation shall expire on January 2, 1991. (Authorized by and implementing K.S.A. 1985 Supp. 39-777, 39-778; effective, T-84-25, Oct. 1, 1983; effective May 1, 1984; amended May 1, 1986; amended, T-30-12-28-89, Jan. 1, 1990; amended, T-30-2-28-90, Feb. 28, 1990; revoked Jan. 7, 1991.)

30-5-116. Scope of rehabilitation services. Rehabilitation services shall be covered for medicaid and medikan recipients when provided by a rehabilitation service provider enrolled pursuant to K.A.R. 30-5-59. Services may include: (a) Inpatient substance abuse treatment rendered by a facility licensed by the alcohol and drug abuse commission within the Kansas department of social and rehabilitation services and approved by the division of medical programs. Inpatient substance abuse treatment shall be limited to three treatment admissions per lifetime of a recipient, regardless of the type of provider;

(b) behavior management services;

(1) Family mental health treatment rendered by a prov-

ider recommended by the youth services commission within the Kansas department of social and rehabilitation services and prior authorized;

(2) group mental health treatment rendered by a provider recommended by the youth services commission within the Kansas department of social and rehabilitation services and prior authorized; and

(3) in-home, family-based mental health services rendered by a provider approved by the division of medical programs within the department and prior authorized; and

(d) psychological services, audiological services, Kan Be Healthy screenings, physical therapy, speech pathology or occupational therapy services provided when medically necessary to recipients for purposes of screening and evaluation, for providing services pursuant to an individualized educational plan or individualized family service plan, and when rendered by providers employed by or under contract with enrolled local education agencies which have been approved by the division of medical programs. The effective date of this regulation shall be January 2, 1991. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152, Sec. 1; effective July 1, 1989; amended, T-30-12-28-89, Jan. 1, 1990; amended, T-30-2-28-90, Feb. 28, 1990; amended Aug. 1, 1990; amended Jan. 7, 1991.)

30-5-116a. Reimbursement for rehabilitation services. (a) Reimbursement for substance abuse treatment shall be based upon a negotiated rate pursuant to a contract between the Kansas department of social and rehabilitation services and a provider; and

(b) reasonable fees as related to customary charges shall be paid for other rehabilitation services, except no fee shall be paid in excess of the range maximum. The range of charges shall provide the base for computations. The effective date of this regulation shall be January 2, 1991. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152, Sec. 1; effective July 1, 1989; amended Jan. 7, 1991.)

30-5-162. Scope of psychological services for medikan program recipients. The scope of psychological services for adult medikan program recipients shall be identical to the psychological services pursuant to K.A.R. 30-5-104 covered for adult medicaid program recipients with the following exceptions:

(a) Outpatient psychotherapy shall be limited to 24 hours per calendar year per medikan recipient when provided by a psychologist, physician, community mental health center, or any combination of these providers;

(b) psychological testing and evaluation shall be limited to four hours in any three consecutive calendar years for medikan recipients; and

(c) targeted case management and partial hospitalization services shall be limited to amounts specified by the secretary of the department for medikan recipients. The effective date of this regulation shall be January 2, 1991. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152, Sec. 1; effective, T-84-8, April 1, 1983; effective May 1, 1984; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended, T-87-20, Sept. 1, 1986; amended May 1, 1987; amended May 1, 1988; revoked, T-30-12-28-89, Jan. 1, 1990; effective, T-30-2-28-90, Feb. 28, 1990; amended Jan. 7, 1991.)

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

30-6-65. Automatic eligibles. To be automatically eligible for medical assistance, each person shall meet the general eligibility requirements of K.A.R. 30-6-56, 30-6-63 and 30-6-106(c)(2) and shall be: (a) Legally entitled to and receiving SSI benefits and in compliance with the general eligibility requirements of residence;

(b) legally entitled to and receiving state supplemental payments from Kansas related to SSI;

(c) determined by SSA to retain recipient status, although not currently receiving an SSI benefit;

(d) receiving public assistance, excepting emergency assistance, pursuant to article 4 of this chapter. Such recipients shall meet the general eligibility requirement of K.A.R. 30-6-55(d);

(e) not receiving public assistance for one of the following reasons:

(1) The person is eligible for less than \$10.00 of public assistance;

(2) the amount of recovery of an overpayment is greater than the budget deficit; or

(3) the person is eligible using prospective budgeting, but ineligible due to retrospective accounting of income;

(f) included in the assistance plan of a family which was receiving ADC, ADC-FC, or APW in at least three of the six months immediately preceding the month in which the family became ineligible for ADC, ADC-FC, or APW as a result, in whole or in part, of collection or increased collection of support. Such recipients shall meet the general eligibility requirement of K.A.R. 30-6-55(d). Automatic eligibility for the medical assistance program shall continue for the four months immediately subsequent to the last month in which the family was eligible and legally entitled to receive ADC, ADC-FC, or APW as long as the family remains ineligible for ADC, ADC-FC, or APW due to such collection or increased collection of support;

(g) mandated to receive inpatient treatment for tuberculosis;

(h) one who is not a public assistance recipient but is receiving maintenance payments from youth services;

(i) a non-ADC eligible child who is under 18 years of age and who meets the ADC income and resource requirements pursuant to article 4 of this chapter;

(j) a child born to a mother eligible for and receiving medicaid at the time of birth for a period of up to one year. The child shall remain eligible so long as such mother remains eligible for medicaid and the child remains in the same household with the mother;

(k) a child receiving foster care payments under title IV-E, regardless of the state making payment;

(l) a child for whom an adoption assistance agreement under title IV-E is in effect, even if assistance payments are not being made or the adoption assistance agreement was entered into with another state. Automatic eligibility begins when the child is placed for adoption even if an interlocutory decree of adoption or a judicial decree of adoption has not been issued;

(m) a child for whom a non-title IV-E adoption assistance agreement is in effect between the state and the

(continued)

adoptive parents and who cannot be placed without medical assistance because the child has special needs for medical or rehabilitative care; or

(n) included in the assistance plan of a family who:

(1) Has received ADC or APW in three of the six months immediately preceding the first month of transitional medical services;

(2) has lost eligibility for ADC or APW beginning in or after the month of April, 1990 due solely to increased earned income or hours of employment of the caretaker relative or due solely to termination of the earned income disregards as provided in K.A.R. 30-4-111(b)(2); and

(3) has not been rendered ineligible for assistance as a result of a fraud determination at any time during the six months immediately preceding the first month of transitional medical services.

(A) Assistance under this provision shall be initially provided for a period not to exceed six months if there continues to be a child in the family and if the individual continues to be a resident of the state and provides ongoing status reports as may be required by the secretary.

(B) Assistance shall be provided for an additional six-month period of time if there continues to be a child in the family and if the individual continues to be a resident of the state, provides ongoing status reports as may be required by the secretary and continues employment. Assistance shall be terminated when the person's gross earned income, less the cost of child care, exceeds 185% of the official federal poverty income guidelines. Persons who are not otherwise eligible for medicaid without a spenddown and who have gross earned income, less the cost of child care, that exceeds 100% of the official federal poverty income guidelines shall be responsible for contributing to the payment of the cost for medical coverage. The effective date of this regulation shall be January 2, 1991. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152, Sec. 1, K.S.A. 1989 Supp. 39-709, 39-7,103; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended, T-85-34, Dec. 19, 1984; amended May 1, 1985; amended, T-86-19, July 1, 1985; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-87-29, Nov. 1, 1986; amended, T-87-44, Jan. 1, 1987; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended, T-88-14, July 1, 1987; amended May 1, 1988; amended, T-30-7-29-88, July 29, 1988; amended Sept. 26, 1988; amended Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-12-28-89, Jan. 1, 1990; amended, T-30-2-28-90, Feb. 28, 1990; amended, T-30-3-29-90, April 1, 1990; amended, T-30-7-2-90, Aug. 1, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended Jan. 7, 1991.)

30-6-73. Deprivation in ADC. Each child, to be eligible for ADC, shall be deprived of parental support or care by reasons of the death, continued absence from the home, physical or mental incapacity, or unemployment of a parent. (a) Continued absence from the home. Continued absence from the home of either or both natural or adoptive parents shall be a basis for eligibility if the

parent is physically absent from the home and the absence interrupts or terminates the parent's functioning as a provider of maintenance, physical care, or guidance for the child. Absence of a parent based solely on active military service shall not constitute deprivation under this provision.

(b) Physical or mental incapacity of a parent.

(1) Physical or mental incapacity of a parent shall be a basis for eligibility when either parent is physically or mentally incapacitated, the incapacity is expected to last at least 30 days and when the incapacity:

(A) Limits the parent's ability to support and care for the child. "Limits" means that, as a result of the incapacity, the parent is capable of only earning an applicable income which is less than public assistance payment standards;

(B) reduces substantially the parent's ability to support or care for the child. "Substantial" means a 30% reduction of gross earned income or adjusted gross income for the self-employed; or

(C) eliminates the parent's ability to support or care for the child.

(2) To be considered physically or mentally incapacitated under the above provision, a parent shall be:

(A) eligible for OASDI or SSI benefits based on disability or incapacity; or

(B) established as incapacitated by a psychologist, optometrist or a person licensed by the board of healing arts within the scope of that person's professional competence, or by a written team diagnostic evaluation from the veteran's administration, vocational rehabilitation, a mental health clinic or related types of agencies.

(c) Unemployment. The unemployment of the parent determined to be the principal wage earner shall be a basis for eligibility when the parent has been unemployed for at least 30 days before medical assistance is authorized and the child is not otherwise deprived of support because of death, absence, or incapacity of a parent. The principal wage earner shall be the parent who earned the greater amount of income in the 24-month period immediately preceding the month of application. To be considered unemployed under this provision, a parent shall:

(1) Not have been fully employed for at least 30 days before medical assistance is authorized. A "fully employed" person is one who works 100 hours or more a month. If the parent's work is intermittent and is in excess of 100 hours for only a temporary period, or if the parent has worked less than 100 hours in each of the two prior months and is expected to be under the 100-hour standard during the next month, then the parent shall not be considered fully employed;

(2) not without good cause, within the last 30 days, have refused a bona fide offer of employment or training for employment;

(3) have had six or more quarters of work in a 13-calendar quarter period ending within one year before the application for medical assistance, or have received unemployment compensation under the state unemployment compensation law or under the United States law, or have qualified for unemployment compensation under the unemployment compensation law of the state within one year before the application for medical assistance. An individual shall be deemed qualified under the state's

unemployment compensation law if the individual would have been eligible to receive the benefits upon filing an application, or if the individual had performed work not covered by the law which, if it had been covered, would (together with any covered work the individual performed) have made the individual eligible to receive the benefits upon filing an application. A quarter of work shall be a period of three consecutive calendar months ending March 31, June 30, September 30, or December 31 in which the parent:

- (A) earned not less than \$50.00;
- (B) participated in the KanWork or work program as an ADC recipient;
- (C) attended full-time an elementary or secondary school, or a vocational or technical course which is designed to prepare the parent for gainful employment; or
- (D) participated in an education or training program established under the Job Training Partnership Act. No more than four quarters of work as defined in subparagraphs (C) and (D) may be considered;

(4) have applied for, and if eligible have not refused, unemployment compensation benefits; and

(5) be registered for employment with the division of employment, state department of human resources, job services center. This policy shall not apply to a parent who, if the parent were receiving ADC, would be exempt from participation in the KanWork program. The effective date of this regulation shall be January 2, 1991. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152, Sec. 1; effective May 1, 1981; amended, E-82-19, Oct. 29, 1981; amended May 1, 1982; amended, T-83-38, Nov. 23, 1982; amended May 1, 1983; amended May 1, 1986; amended July 1, 1989; amended Oct. 1, 1989; amended Feb. 1, 1990; amended Jan. 7, 1991.)

30-6-103. Determined eligibles; protected income levels. (a) Independent living and home- and community-based services arrangements.

(1) The protected income level for persons in independent living arrangements and in the home- and community-based services program shall be based on the total number of persons in the assistance plan and any other persons in the family group whose income is being considered.

(2) The protected income levels for independent living may also be used when an applicant or recipient:

(A) Enters a medicaid-approved facility, except that this provision shall not apply in situations where only one spouse of a married couple enters an institutional living arrangement; or

(B) is absent from the home for medical care for a period not to exceed two months to allow for maintaining the applicant's or recipient's independent living arrangements.

(3) Except as provided in paragraph (4), (5) and (6) below, the following table shall be used to determine the protected income level for persons in independent living.

PERSONS IN INDEPENDENT LIVING
(Per Month)

1	2	3
\$407.00	\$460.00	\$465.00

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.

(4) In determining eligibility for pregnant women and for infants under the provisions of K.A.R. 30-6-77(a) and (b), 150% of the official federal poverty income guidelines shall serve as the protected income level.

(5) In determining eligibility for other young children under the provisions of K.A.R. 30-6-77(c), 133% of the official federal poverty income guidelines shall serve as the protected income level.

(6) In determining eligibility for medicare beneficiaries under the provisions of K.A.R. 30-6-86, 95% of the official federal poverty income guidelines shall serve as the protected income level.

(7) In determining eligibility for working disabled individuals under the provisions of K.A.R. 30-6-87, 200% of the official federal poverty income guidelines shall serve as the protected income level.

(b) Institutional living arrangements. For persons residing in institutional settings, the protected income level shall be \$30.00 except as noted in paragraph (2) of subsection (a).

(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 established by the secretary. The effective date of this regulation shall be January 2, 1991. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152, Sec. 1, K.S.A. 1989 Supp. 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, Dec. 21, 1983; amended May 1, 1984; amended, T-85-34, Dec. 19, 1984; amended May 1, 1985; amended, T-86-19, July 1, 1985; amended, T-86-42, Jan 1, 1986; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-88-2, Feb. 1, 1987; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended Jan. 2, 1989; amended July 1, 1989; amended Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-12-28-89, Jan. 1, 1990; amended, T-30-3-29-90, April 1, 1990; revoked, T-30-7-2-90, July 2, 1990; amended, T-30-7-2-90, July 2, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended Jan. 7, 1991.)

30-6-106. General rules for consideration of resources, including real property, personal property, and income. (a) Legal title shall determine ownership for assistance purposes. In the absence of legal title, possession shall determine ownership.

(b) Resources, to be real, shall be of a nature that the value can be defined and measured. The objective measures set forth in paragraphs (1) and (2) below shall establish the resources' value.

(1) Real property. The value of real property shall be initially determined by the latest uniform statewide ap-

(continued)

praisal value of the property which shall be adjusted to reflect current market value. If the property has not been appraised or if the market value as determined above is not satisfactory to the applicant or recipient or the agency, an estimate or appraisal of its value shall be obtained from a disinterested real estate broker. The cost of obtaining an estimate or appraisal shall be borne by the agency.

(2) Personal property. The market value of personal property shall be initially determined using a reputable trade publication. If a publication is not available, or if there is a difference of opinion regarding the value of the property between the agency and the individual, an estimate from a reputable dealer shall be used. The cost of obtaining an estimate or appraisal shall be borne by the agency.

(c) (1) Resources shall be considered available both when actually available and when the applicant or recipient has the legal ability to make them available. A resource shall be considered unavailable when there is a legal impediment that precludes the disposal of the resource. The applicant or recipient shall pursue reasonable steps to overcome the legal impediment unless it is determined that the cost of pursuing legal action would be more than the applicant or recipient would gain or the likelihood of succeeding in the legal action would be unfavorable to the applicant or recipient.

(2) For the purpose of this subsection, a revocable or irrevocable trust shall be considered available to the applicant or recipient up to the maximum value of the funds which may be made available under the terms of the trust on behalf of the applicant or recipient if:

(A) The trust is established by the applicant, the recipient, the applicant or recipient's spouse, or the applicant or recipient's guardian or legal representative who is acting on the applicant or recipient's behalf;

(B) that applicant or recipient is a beneficiary; and

(C) the trustees are permitted to exercise any discretion with respect to distribution to the applicant or recipient.

This provision shall not be applicable if the applicant or recipient is a mentally retarded individual who is residing in an intermediate care facility for the mentally retarded provided the trust was established prior to April 7, 1986 and is solely for the benefit of that applicant or recipient.

(3) For SSI, real property shall be considered unavailable for so long as it cannot be sold because:

(A) The property is jointly owned and its sale would cause undue hardship due to the loss of housing for the other owner or owners; or

(B) the owner's reasonable efforts to sell the property have been unsuccessful.

(d) The resource value of property shall be that of the applicant's or recipient's equity in the property. Unless otherwise established, the proportionate share of jointly-owned real property and the full value of jointly-owned personal property shall be considered available to the applicant or recipient. Resources held jointly with a non-legally responsible person may be excluded from consideration if the applicant or recipient can demonstrate that the applicant or recipient has no ownership interest in the resource, has not contributed to the resource, and that any access to the resource by the applicant or recipient is limited to those duties performed while the

applicant or recipient is acting as an agent for the other person.

(e) Nonexempt resources of all persons in the assistance plan and the nonexempt resources of persons who have been excluded from the assistance plan pursuant to K.A.R. 30-6-74(b) and 30-6-79(c) shall be considered.

(f) (1) The combined resources of husband and wife, if they are living together, shall be considered in determining eligibility of either or both for the medical assistance program, unless otherwise prohibited by law.

(2) A husband and wife shall be considered to be living together if they are regularly residing in the same household. Temporary absences of either the husband or the wife for education or training, working, securing medical treatment or visiting shall not be considered to interrupt the couple's living together.

(3) A husband and wife shall not be considered as living together when they are physically separated and not maintaining a common life, or when one or both enter into an institutional living arrangement, including either a medicaid-approved or non-approved medical facility or a home- and community-based services care arrangement. If only one spouse enters an institutional living arrangement, the provisions of subsection (m) below apply. If both spouses enter an institutional living arrangement, the combined resources of the husband and wife shall be considered available to both for the month in which the institutional arrangement begins.

(g) The resources of an ineligible parent shall be considered in determining the eligibility of a minor child for the medical assistance program if the parent and child are living together.

(h) When any individual in the household, who does not have the responsibility to support a person in the plan, voluntarily and regularly contributes cash to the recipient toward household expenses, including maintenance costs, the amount of the contribution to be counted shall be the net income realized by the household.

(i) Despite subsections (e), (f), and (g) above, the resources of an SSI beneficiary shall not be considered in the determination of eligibility for medical assistance of any other person.

(j) The conversion of real and personal property from one form to another shall not be considered as income to the applicant or recipient except for the proceeds from a contract for the sale of property.

(k) Income shall not be considered both as income and as property in the same month.

(l) Despite subsection (e) above, the resources of a child whose needs are met through foster care payments shall not be considered.

(m) When one spouse enters an institutional living arrangement and the other spouse remains in the community, and an application for medical assistance is made on behalf of the institutionalized spouse, the following provisions apply:

(1) The separate income of each spouse shall not be considered available to the other beginning in the month the institutional arrangement begins. Unless otherwise established, $\frac{1}{2}$ of the income which is paid in the names of both spouses shall be considered available to each. Income which is paid in the name of either spouse, or in the name of both spouses and the name of another

person or persons, shall be considered available to each spouse in proportion to the spouse's interest, unless otherwise established.

(2) A monthly income allowance for the community spouse shall be deducted from the income of the institutionalized spouse in determining eligibility. The income allowance for the community spouse, when added to the income already available to that spouse, shall not exceed 122% of the official federal poverty income guideline for two persons plus the amount of any excess shelter allowance. The excess shelter allowance is defined as the amount by which the community spouse's expenses for rent or mortgage payments, taxes and insurance for the community spouse's principal residence plus the \$175.00 food stamp standard utility allowance exceeds 30% of the 122% federal poverty income guideline amount referred to above. The maximum income allowance which can be provided under this provision shall be \$1,662.00. The \$1,662.00 limitation shall be increased annually to reflect the percentage increase in the consumer price index for all urban consumers. If a greater income allowance is provided under a court order of support or through the fair hearing process, that amount shall be used in place of the above limits.

(3) A monthly income allowance for each dependent family member shall also be deducted from the income of the institutionalized spouse in determining eligibility. A dependent family member is defined as a minor or dependent child, dependent parent or dependent sibling of either spouse who lives with the community spouse. The allowance for each member shall be equal to $\frac{1}{3}$ of the 122% of the official federal poverty income guideline for two persons. An allowance shall not be provided if the family member's gross income is in excess of the 122% federal poverty income guideline for two persons.

(4) If the spouse is institutionalized on or after September 30, 1989, the real and personal property of both spouses shall be considered in determining the eligibility of the institutionalized spouse in the month of application based on the amount of property in excess of the community spouse property allowance as set forth in paragraph (m) (6) below. Following the month in which the institutionalized spouse is determined eligible, the property of each spouse shall not be considered available to the other.

(5) If the spouse was institutionalized before September 30, 1989, the real and personal property of each spouse shall be considered available to the other in the month in which the institutional arrangement began. Thereafter, the property of each spouse shall not be considered available to the other.

(6) The institutionalized spouse may make available to the community spouse a property allowance which, when added to the property already available to the community spouse, would not exceed \$13,296.00. This allowance may be increased by no more than $\frac{1}{2}$ of the total value of the property owned by both spouses in the first month of the current institutional stay, not to exceed \$66,480.00. Both the \$13,296.00 and \$66,480.00 limitations shall be increased annually to reflect the percentage increase in the consumer price index for all urban consumers. If a greater property allowance is provided for under a court order

of support or through the fair hearing process, that amount shall be used in place of the above limits.

(7) The amount of property received by the community spouse as a result of the property allowance determined in paragraph (m) (6) shall not be considered in determining the eligibility of the institutionalized spouse except as provided in paragraph (m)(4) above. If the institutionalized spouse will be eligible based upon transferring sufficient property to the community spouse to equal the amount of the property allowance, the institutionalized spouse shall be given up to 90 days from the date of application to transfer the property. Additional time may be allowed for good cause. Pending disposition of the property, the institutionalized spouse shall be deemed to be temporarily eligible during this time period if all other eligibility factors are met. The effective date of this regulation shall be January 2, 1991. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152, Sec. 1, K.S.A. 1989 Supp. 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-87-20, Sept. 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Jan. 1, 1988; amended May 1, 1988; amended, T-89-13, April 26, 1988; amended, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended Jan. 2, 1990; amended April 1, 1990; amended, T-30-10-1-90, Oct. 1, 1990; revoked, T-_____; amended Jan. 7, 1991.)

Article 7.—COMPLAINTS, APPEALS AND FAIR HEARINGS

30-7-68. Request for fair hearing. (a) Unless preempted by federal law, a request for fair hearing shall be in writing and received by the agency within 30 days from the date of the order or notice of action. Pursuant to K.S.A. 77-531, an additional three days shall be allowed if the notice or order is mailed.

(b) A request for fair hearing involving food stamps shall be received by the agency within 90 days from the date of the notice of action. Pursuant to K.S.A. 77-531, an additional three days shall be allowed if the notice or order is mailed.

(c) The freedom to request a fair hearing shall not be limited or interfered with by the agency. The effective date of this regulation shall be January 2, 1991. (Authorized by K.S.A. 75-3304; implementing K.S.A. 75-3306; effective July 1, 1989; amended Oct. 1, 1989; amended Jan. 2, 1990; amended Jan. 7, 1991.)

Dennis R. Taylor
Acting Secretary of Social
and Rehabilitation Services

Doc. No. 009965

State of Kansas

**Office of Judicial Administration
Court of Appeals Docket**

(Note: Dates and times of arguments are subject to change.)

Kansas Court of Appeals
Court of Appeals Courtroom, 2nd Floor, Kansas Judicial Center
Topeka, Kansas

Before Davis, P.J.; Lewis, J.; and Floyd H. Coffman,
District Judge Retired, assigned.

Tuesday, December 4, 1990

10:00 a.m.

Case No.	Case Name	Attorneys	County
65,350	In the Matter of the Marriage of Karin Gertrud Shipley and Donald Leroy Shipley.	R. Edgar Johnson Susan C. Jacobson	Geary
10:30 a.m.			
64,711	State of Kansas, Appellee, v. Allen Ray Unselt, Appellant.	County Attorney Attorney General Rick Kittel	Saline
64,290	State of Kansas, Appellee, v. Larry R. Mumpower and Gloria Moege, Appellant.	Jeff Elder Attorney General Reid Nelson	Pottawatomie
1:30 p.m.			
64,193 64,705 64,909	In the Interests of C.Z., C.Z., A.Z., and M.Z., minors.	Tom Drees Stan Basgall Robert E. Diehl William Jeter Donald Hoffman	Ellis
65,136	In the Matter of the Estate of Chester D. Crawshaw, deceased.	Richard D. Ewy William W. Jeter Daniel K. Diederich Paul S. Gregory	Osborne
2:30 p.m.			
65,062	Dale Wayne Potts, <i>et al.</i> , Appellees, v. Dawn Robertson, <i>et al.</i> , Appellants.	Jon R. Viets Thomas Wilson Dale L. Pohl Randy M. Barker Tom Crossan	Montgomery
64,872	Tri-Company Construction, Inc. and Robert L. Cherry, Appellants, v. Farmers & Merchants State Bank, Appellee.	Jeffrey L. Willis James T. McIntyre James J. McGannon	Sedgwick

Wednesday, December 5, 1990

9:30 a.m.

Case No.	Case Name	Attorneys	County
64,444	State of Kansas, Appellee, v. Miguel A. Basurto, Appellant.	Debra Byrd Wagner Attorney General Jack Focht	Sedgwick
65,018	Annabelle Boge D'Agostino, Executrix, Appellee, v. Rose Mitchell, <i>et al.</i> , Appellants.	Michael L. Jones Robert W. Kaplan	Sedgwick

10:30 a.m.

64,421	In re A.P.W.	Bruce L. Stewart Jon S. Womack	Sedgwick
64,856	Mid American Credit Union, Appellant, v. Board of County Commissioners of Sedgwick County, <i>et al.</i> , Appellees.	Kenneth H. Jack Brian Cox Clark V. Owens	Sedgwick

Summary Calendar—No Oral Argument

65,266	Evelyn Gutierrez, Appellant, v. Wesley Towers and CIGNA Insurance Co., Appellees.	Phillip Leon Patricia Rose	Reno
64,762	State of Kansas, Appellee, v. Vincent R. Jarmon, Appellant.	Debra Byrd Wagner Attorney General Jessica R. Kunen	Sedgwick
65,034	State of Kansas, Appellee, v. Douglas B. Meggison, Appellant.	Gene M. Olander Attorney General Lisa Nathanson	Shawnee
65,104	Ignacio Gonzales, Appellee, v. MBPXL-Excel Corp., Appellant.	Steven L. Foulston Kenneth M. Stevens Frederick L. Haag	Sedgwick

Kansas Court of Appeals
Harold R. Fatzer Courtroom, 3rd Floor, Kansas Judicial Center
Topeka, Kansas

Before Elliott, P.J.; Larson, J.; and David S. Knudson,
District Judge, assigned.

Tuesday, December 4, 1990

9:30 a.m.

Case No.	Case Name	Attorneys	County
65,027	Berky Resources Corp., <i>et al.</i> , v. Mid Gulf, Inc., Appellant, and Geary Ludwig, <i>et al.</i> , Appellees.	John C. Tillotson Randall J. Forbes	Leavenworth

(continued)

64,203 64,670	In re B.L.K., a minor.	Darrell D. Meyer Joe E. Lee Lucille Marino Attorney General	Lyon
10:30 a.m.			
64,463	State of Kansas, Appellee, v. Benny J. Freeman, Appellant.	Deborah Vermillion Attorney General Rebecca E. Holihan	Johnson
64,681 SC	State of Kansas, Appellee, v. Thomas F. Hughes, Appellant.	County Attorney Attorney General Rick Kittel	Labette
1:30 p.m.			
64,954	Annie Boyd, Appellant, v. Don Rousselo, <i>et al.</i> , Appellees.	Michael R. McIntosh Matthew D. Keenan Edward C. Fensholt	Wyandotte
64,893	Robert William Shumaker, Appellee, v. Farm Bureau Mutual Insurance Co., Appellant.	Marlin Johanning Sloan R. Wilson Paul Hasty, Jr.	Atchison
2:30 p.m.			
65,005	City of Overland Park, Appellee, v. Steven R. Meeves, Appellant.	Steven A. Jensen Gary R. Mathews	Johnson
64,961	Doris and Rex Parcell, Appellees, v. Terry Clark, <i>et al.</i> , Appellants.	Elizabeth A. Carson Theodore J. Lickteig	Johnson
Wednesday, December 5, 1990			
9:30 a.m.			
Case No.	Case Name	Attorneys	County
64,950	Josephine B. Snyder, <i>et al.</i> , Appellants, v. Texaco Pipeline, Inc., Appellee.	J.R. Russell Joe L. Norton	Wyandotte
64,852	Carolee Sauder Leek, Trustee, Appellee, v. The Alliance Fund, Inc., Appellant.	Gregory M. Dennis Scott I. Asner	Johnson
10:30 a.m.			
65,397	Edward L. Murray, Appellee, v. City of Overland Park Police Dept., Appellant.	Michael Merriam Michael R. Santos	Johnson
64,575	State of Kansas, Appellee, v. Steven A. Koob, Appellant.	Debra Byrd Wagner Attorney General Roger L. Falk	Sedgwick

Summary Calendar—No Oral Argument

65,355	State of Kansas, Appellee,	Debra Vermillion Attorney General	Johnson
	v. Charles C. Todd, Jr., Appellant.	Neil B. Foth	
64,832	In the Matter of the Marriage of Pamela Anne Zamora and Gabriel Zamora.	Nancy A. Roe John H. Fields	Wyandotte
64,857	Chester Hilton Wade, Appellant,	Jessica R. Kunen Attorney General	Ford
	v. State of Kansas, Appellee.	Leigh Hood	

Kansas Court of Appeals
Court of Appeals Courtroom, 2nd Floor, Kansas Judicial Center
Topeka, Kansas

Before Briscoe, C.J.; Brazil, J.; and David W. Kennedy,
District Judge, assigned.

Wednesday, December 5, 1990

1:30 p.m.

Case No.	Case Name	Attorneys	County
65,066	George Stout, Appellee,	Beth Regier Foerster	Cowley
	v. Stixon Petroleum and U.S.F.&G., Appellants.	Kim R. Martens	
65,011	Dorothy Dawson, <i>et al.</i> , Appellees,	J. Eugene Balloun	Finney
	v. CBL & Associates, Inc., Appellant.	Larry Myers	
65,169	Estate of Gilbert R. Rains, Appellant,	Michael J. Friesen	Reno
	v. Norman Krause, Appellee.	Edward J. Healy	

3:30 p.m.

64,948	State of Kansas, Appellee,	Gene M. Olander Attorney General	Shawnee
	v. Robert L. Corber, Appellant.	Rick Kittel	
65,000	State of Kansas, Appellee,	Gene M. Olander Attorney General	Shawnee
	v. Brian L. Seymore, Appellant.	Reid Nelson	

Thursday, December 6, 1990

9:30 a.m.

Case No.	Case Name	Attorneys	County
64,874	Ramon A. Guillan, Appellant,	F.G. Manzanares Kevin L. Diehl	Shawnee
	v. Melba N. Watts and Allstate Insurance Co., Appellees.	George F. Farrell, Jr.	
65,227	Dane M. Clark, Appellee,	Robert A. Anderson Terry Beck	Shawnee
	v. Kaw Valley Electric Coop, <i>et al.</i> , Appellants.	Mark A. Buck	

(continued)

10:30 a.m.

- | | | | |
|--------|--|--|---------|
| 64,240 | State of Kansas, Appellee,
v.
John Papps, Appellant. | Melanie Jack
Attorney General | Shawnee |
| 65,094 | Joe Rohr, Appellee,
v.
Kansas Department of Revenue,
Appellant. | Steven L. Davis
Don C. Krueger
James G. Keller | Lyon |
| 65,269 | Emporia State Bank & Trust Co.,
Appellant,
v.
Laymon L. Burch, <i>et al.</i> , Appellees. | Larry J. Putnam
Dan E. Turner
Stanley R. Ausemus | Lyon |

1:30 p.m.

- | | | | |
|--------|---|--|-------|
| 64,788 | In the Matter of the Estate of Dewey K.
North, deceased. | Mark F. Schmeidler
John T. Bird
Norbert Dreiling
Larry Tittel | Trego |
|--------|---|--|-------|

Summary Calendar—No Oral Argument

- | | | | |
|--------|--|---|---------|
| 64,831 | State of Kansas, Appellee,
v.
Floyd W. Pew, Jr., Appellant. | County Attorney
Attorney General
Jessica R. Kunen | Lyon |
| 64,738 | State of Kansas, Appellee,
v.
Robin K. Pericoli, Appellant. | County Attorney
Attorney General
Jessica R. Kunen | Lyon |
| 65,070 | State of Kansas, Appellee,
v.
Gregg E. Leonard, Appellant. | Gene M. Olander
Attorney General
Jessica R. Kunen | Shawnee |
| 65,372 | James D. Gray, Appellee,
v.
Morton Thiokol, Inc., Appellant. | Tamara J. Pistotnik
J. Stanley Hill | Reno |

Lewis C. Carter
Clerk of the Appellate Courts

State of Kansas

**Office of Judicial Administration
Supreme Court Docket**

(Note: Dates and times of arguments are subject to change.)

Monday, December 3, 1990

9:30 a.m.

Case No.	Case Name	Attorneys	County
63,855	State of Kansas, Appellee, v. Peggy Crawford, Appellant.	Robert T. Stephan, Attorney General Debra Byrd Wagner, Assistant District Attorney Jessica R. Kunen, Chief Appellate Defender	Sedgwick On Petition for Review
63,777	In the Matter of the Estate of Joyce Evans Pickrell, Deceased.	Kris J. Kuhn Don B. Stahr John W. Sumi Roger Sherwood	Sedgwick On Petition for Review
64,625	State of Kansas, Appellee, v. Jimmie L. Hobbs, Appellant.	Robert T. Stephan, Attorney General Debra Byrd Wagner, Assistant District Attorney Jessica R. Kunen, Chief Appellate Defender	Sedgwick
64,761	State of Kansas, Appellee, v. Ricky Ray Redford, Appellant.	Robert T. Stephan, Attorney General Debra Byrd Wagner, Assistant District Attorney Stephen M. Joseph	Sedgwick
1:30 p.m.			
64,666	Donald Ryder, Appellee, v. Farmland Mutual Insurance Company, <i>et al.</i> , Appellants.	Paul Hasty, Jr. John Terry Moore	Sedgwick
64,798	Armored Services, Inc., <i>et al.</i> , Appellees, v. City of Wichita, Kansas, Appellant.	Stephen M. Joseph Joe Allen Lang, Assistant City Attorney	Sedgwick
64,808	State of Kansas, Appellee, v. Marvin Wayne Johnston, Appellant.	Robert T. Stephan, Attorney General Debra Byrd Wagner, Assistant District Attorney Jessica R. Kunen, Chief Appellate Defender	Sedgwick
Tuesday, December 4, 1990			
9:30 a.m.			
64,394	State of Kansas, Appellee, v. Morris Elvin Corter, Jr., Appellant.	Robert T. Stephan, Attorney General Jim Pringle, County Attorney Jessica R. Kunen, Chief Appellate Defender	Cowley

(continued)

64,458	State of Kansas, Appellant, v. David Wayne Clovis, Appellee.	Robert T. Stephan, Attorney General Julie McKenna, County Attorney	Saline
64,224	State of Kansas, Appellee, v. Shari Lyn Bierman, Appellant.	Robert T. Stephan, Attorney General Nick A. Tomasic, District Attorney	Wyandotte
65,031	Michael S. Hales, <i>et al.</i> , Appellants, v. The City of Kansas City, Kansas, a Municipal Corporation, Appellee.	John J. McNally George A. Lowe Timothy P. Orrick	Wyandotte
1:30 p.m.			
64,929	State of Kansas, Appellee, v. Dean Halbert Hannah, Appellant.	Robert T. Stephan, Attorney General Chris Biggs, County Attorney	Geary
64,990	State of Kansas, Appellee, v. Robert R. Waterberry, Appellant.	Jessica R. Kunen, Chief Appellate Defender Robert T. Stephan, Attorney General Michael F. Powers, County Attorney Jessica R. Kunen, Chief Appellate Defender	Morris

Wednesday, December 5, 1990

9:30 a.m.

64,636	In the Interest of R.L.M., Jr., A Child Under 18 Years of Age.	Thomas J. Bath, Jr., Assistant District Attorney William T. Smith Dennis E. Mitchell	Johnson On Petition for Review
64,461	State of Kansas, <i>ex rel.</i> , Secretary of Social and Rehabilitation Services, Appellant, v. Barbara J. Clear (now Barbara Finnigan), Appellee.	David N. Sutton Charles D. Vincent	Miami On Petition for Review
64,213	In the Matter of the Estate of Delbert P. Hendrickson, Deceased.	Steven W. Rogers John J. Gillett	Wilson On Petition for Review
64,480	State of Kansas, Appellee, v. Stephen W. Sylva, Appellant.	Robert T. Stephan, Attorney General Scott Toth, Assistant District Attorney Jessica R. Kunen, Chief Appellate Defender	Johnson On Petition for Review

1:30 p.m.

64,486	Laura Schlobohm, Appellant, v. United Parcel Service, Inc., <i>et al.</i> , Appellees.	Thomas A. Krueger James P. Nordstrom John G. Atherton	Lyon On Petition for Review
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64,309	State of Kansas, <i>ex rel.</i> , Robert T. Stephan, Attorney General, Appellee, v. Everett L. Johnson and Gwendel L. Nelson, Appellants.	John W. Campbell, Deputy Attorney General Clark V. Owens II	Shawnee On Petition for Review
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Thursday, December 6, 1990
9:30 a.m.

64,127	State of Kansas, Appellee, v. Gilbert Walbridge, Sr., Appellant.	Robert T. Stephan, Attorney General Robert A. Walsh, County Attorney Jessica R. Kunen, Chief Appellate Defender	Cloud On Petition for Review
64,538	State of Kansas, Appellant, v. James Donovan LeFort, Appellee.	Robert T. Stephan, Attorney General Vernon L. Steerman, County Attorney Edward D. Hageman.	Osborne On Petition for Review
63,661	In the Matter of the Estate of Bert Stratmann, aka Bert J. Stratmann, Deceased.	Gerald L. Green John Sherman Richard L. Friedman Robert P. Keenan	Ellsworth On Petition for Review

63,666	State of Kansas, Appellee, v. Gary D. Clark, Appellant.	Robert T. Stephan, Attorney General R. Douglas Sebelius, County Attorney Jessica R. Kunen, Chief Appellate Defender	Norton On Petition for Review
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1:30 p.m.

62,913	State of Kansas, Appellee, v. Tommy Joe Crabtree, Appellant.	Robert T. Stephan, Attorney General Tim Chambers, County Attorney Jessica R. Kunen, Chief Appellate Defender	Reno
64,060	State of Kansas, Appellee, v. Cory Glen Hamons, Appellant.	Robert T. Stephan, Attorney General Paul J. Morrison, District Attorney Joseph L. Dioszeghy	Johnson

Friday, December 7, 1990
9:30 a.m.

64,946	In the Matter of LaVone A. Daily, Respondent.	Bruce E. Miller, Disciplinary Administrator Stanton A. Hazlett, Disciplinary Counsel LaVone A. Daily, <i>pro se</i> Michael A. Barbara	Original
65,013	In the Matter of Willis Boyd Evans, Jr., Respondent.	Bruce E. Miller, Disciplinary Administrator Stanton A. Hazlett, Disciplinary Counsel Willis Boyd Evans, Jr., <i>pro se</i> Stephen M. Joseph	Original

(continued)

64,249	In the Matter of Larry D. Ehrlich, Respondent.	Bruce E. Miller, Disciplinary Administrator Stanton A. Hazlett, Disciplinary Counsel	Original
		Larry D. Ehrlich, <i>pro se</i> John J. Ambrosio	
65,435	In the Matter of James Larry Linn, Respondent.	Bruce E. Miller, Disciplinary Administrator Stanton A. Hazlett, Disciplinary Counsel	Original
		James Larry Linn, <i>pro se</i> Mel L. Gregory	
65,412	In the Matter of Edward Stephens, Respondent.	Bruce E. Miller, Disciplinary Administrator Stanton A. Hazlett, Disciplinary Counsel	Original
		Edward Stephens, <i>pro se</i>	
65,658	In the Matter of Kent Alan Roth, Respondent.	Bruce E. Miller, Disciplinary Administrator Stanton A. Hazlett, Disciplinary Counsel	Original
		Kent Alan Roth, <i>pro se</i> Jack Focht	

Lewis C. Carter
Clerk of the Appellate Courts

Doc. No. 009961

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled from November 26 through December 9:

Date	Room	Time	Committee	Agenda
November 26	519-S	10:00 a.m.	Special Committee on	<u>26th</u> : Canceled.
November 27	519-S	9:00 a.m.	Assessment and Taxation	<u>27th</u> : Committee discussion, decisions and review of draft committee reports on Proposals No. 1, 2, 3, 5, & 6. Update on property tax appeals from the Board of Tax Appeals. Review of bill drafts for Proposals No. 1, 3, & 6.
November 26	531-N	10:00 a.m.	Legislative Budget Committee	Proposal No. 17—Staff reports. Lottery and Racing—staff reports. Secretary of Corrections—report on status of new correctional facilities. Committee review of final report.
November 26	514-S	10:00 a.m.	Special Committee on	<u>26th</u> : Staff presentations and committee discussion.
November 27	514-S	9:00 a.m.	School Finance	<u>27th & 28th</u> : As needed, committee discussion and direction to staff.
November 28	519-S	9:00 a.m.		

November 27	531-N	9:00 a.m.	Joint Committee on Arts and Cultural Resources	Proposals for State Records Center; review of draft reports and committee recommendations.
November 28	514-S	10:00 a.m.	Special Committee on Ways and Means/Appropriations	Committee review of final reports on Proposal No. 37—KSU-State Forestry Program; Proposal No. 38—KSU-Agricultural Extension Funding; Proposal No. 39—Regents System Issues; Proposal No. 40—KPERs Retirement Issues; and Proposal No. 41—Hazardous Waste Disposal Fees.
November 29 November 30	527-S 527-S	10:00 a.m. 9:00 a.m.	Legislative Educational Planning Committee	Agenda not available.
November 29 November 30	519-S 519-S	10:00 a.m. 9:00 a.m.	Joint Committee on State Building Construction	Agenda not available.
November 30	514-S	10:00 a.m.	Special Committee on Insurance	Agenda not available.
December 4 December 5	514-S 514-S	10:00 a.m. 9:00 a.m.	Joint Committee on Health Care Decisions for the 1990's	Agenda not available.
December 5 ^f December 6	531-N 531-N	10:00 a.m. 9:00 a.m.	Joint Committee on Special Claims Against the State	Hearings on claims filed to date.
December 7	531-N	10:00 a.m.	Commission on Access to Services for the Medically Indigent and Homeless	Review of other reports and direction to staff.

Emil Lutz
Director of Legislative
Administrative Services

Doc. No. 009975

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index found in the 1990 Index Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-5-30	New	V. 9, p. 1387
1-9-5	Amended	V. 9, p. 837
1-16-8	Amended	V. 9, p. 379
1-16-18	Amended	V. 9, p. 1281
1-16-18	Amended	V. 9, p. 1347
1-16-18a	Amended	V. 9, p. 838
1-18-1a	Amended	V. 9, p. 329
1-18-1a	Amended	V. 9, p. 380

AGENCY 4: BOARD OF AGRICULTURE

Reg. No.	Action	Register
4-7-510	Amended	V. 9, p. 189

4-7-511	New	V. 9, p. 189
4-7-512	New	V. 9, p. 189
4-7-513	New	V. 9, p. 190
4-7-800	Revoked	V. 9, p. 1359
4-7-801	Revoked	V. 9, p. 1359
4-7-802	Amended	V. 9, p. 1076
4-7-802	Amended	V. 9, p. 1359
4-7-803	Revoked	V. 9, p. 1359
4-7-903	Amended	V. 9, p. 1359
4-8-34	Amended	V. 9, p. 1359
4-8-40	Amended	V. 9, p. 1359
4-13-4	Amended	V. 9, p. 190
4-13-4a	New	V. 9, p. 190
4-13-5	Amended	V. 9, p. 191
4-13-8	Amended	V. 9, p. 191
4-13-15	Amended	V. 9, p. 578
4-13-26	New	V. 9, p. 191
4-13-27	New	V. 9, p. 191
4-20-3	Amended	V. 9, p. 191
4-20-5	Amended	V. 9, p. 192
4-20-6	Amended	V. 9, p. 192
4-20-7	New	V. 9, p. 192
4-20-8	New	V. 9, p. 192
4-20-11	New	V. 9, p. 192
4-20-12	New	V. 9, p. 192
4-20-13	New	V. 9, p. 192
4-20-14	New	V. 9, p. 193

AGENCY 5: BOARD OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-1-1	Amended	V. 9, p. 1539

5-5-7	New	V. 9, p. 1541
5-9-3	Amended	V. 9, p. 1541
5-22-1	Amended	V. 9, p. 1302
5-22-2	Amended	V. 9, p. 1302
5-22-4	Amended	V. 9, p. 1302
5-22-5	Amended	V. 9, p. 1303
5-22-7	Amended	V. 9, p. 1303
5-22-8	New	V. 9, p. 1303
5-22-9	New	V. 9, p. 1303
5-23-3	Amended	V. 9, p. 193

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-23-4	Amended	V. 9, p. 1194
7-29-1	Amended	V. 9, p. 989
7-29-1	Amended	V. 9, p. 1074
7-33-2	New	V. 9, p. 1675

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-2-1	Amended	V. 9, p. 328
9-13-4	New	V. 9, p. 624

AGENCY 11: STATE CONSERVATION COMMISSION

Reg. No.	Action	Register
11-7-1 through 11-7-10	New	V. 9, p. 506, 507

(continued)

**AGENCY 14: DEPARTMENT OF REVENUE—
DIVISION OF ALCOHOLIC
BEVERAGE CONTROL**

Reg. No.	Action	Register
14-5-4	Amended	V. 9, p. 989
14-6-1	Amended	V. 9, p. 989
14-6-4	Amended	V. 9, p. 990
14-7-4	Amended	V. 9, p. 990
14-10-5	Amended	V. 9, p. 990
14-13-1	Amended	V. 9, p. 991
14-13-2	Amended	V. 9, p. 992
14-13-4	Amended	V. 9, p. 992
14-13-9	Amended	V. 9, p. 993
14-13-11	Amended	V. 9, p. 994
14-14-7	Amended	V. 9, p. 994
14-14-14	New	V. 9, p. 995
14-17-6	New	V. 8, p. 750
14-19-14	Amended	V. 9, p. 995
14-19-17	Amended	V. 9, p. 996
14-20-14	Amended	V. 9, p. 996
14-20-17	Amended	V. 9, p. 997
14-21-1	Amended	V. 9, p. 997
14-21-4	Amended	V. 9, p. 998
14-21-6	Amended	V. 9, p. 998
14-22-1	Amended	V. 9, p. 999
14-22-4	Amended	V. 9, p. 1000
14-22-12	Amended	V. 9, p. 1000
14-23-14	Revoked	V. 9, p. 1000

AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register
22-1-1	Amended	V. 9, p. 1167
22-3-2	Amended	V. 9, p. 1168
22-4-1	Amended	V. 9, p. 1168
22-4-4	New	V. 9, p. 1168
22-7-1	Amended	V. 9, p. 1168
22-7-2	Amended	V. 9, p. 1168
22-7-3	Amended	V. 9, p. 1168
22-8-1	Amended	V. 9, p. 1168
22-10-3	Amended	V. 9, p. 1168
22-10-11	Amended	V. 9, p. 1358
22-10-13	Amended	V. 9, p. 1358
22-10-17	Amended	V. 9, p. 1170
22-11-6	Amended	V. 9, p. 1170
22-11-8	Amended	V. 9, p. 1170
22-15-7	Amended	V. 9, p. 1171
22-18-3	New	V. 9, p. 1172
22-20-1	Amended	V. 9, p. 1172

**AGENCY 23: DEPARTMENT OF
WILDLIFE AND PARKS**

Reg. No.	Action	Register
23-1-8	Revoked	V. 9, p. 704
23-1-12	Revoked	V. 9, p. 386
23-2-5	Revoked	V. 9, p. 704
23-2-7	Revoked	V. 9, p. 386
23-2-12	Revoked	V. 9, p. 704
23-2-14	Revoked	V. 9, p. 386
23-2-15	Revoked	V. 9, p. 386
23-2-16	Revoked	V. 9, p. 386
23-2-17	Revoked	V. 9, p. 1133
23-2-18	Revoked	V. 9, p. 704
23-2-19	Revoked	V. 9, p. 704
23-3-9	Revoked	V. 9, p. 1133
23-3-13	Revoked	V. 9, p. 1134
23-3-17	Revoked	V. 9, p. 1563
23-3-18	Revoked	V. 9, p. 1563
23-5-1	through	
23-5-3	Revoked	V. 9, p. 386
23-6-1	Revoked	V. 9, p. 1134
23-6-6	Revoked	V. 9, p. 167
23-6-7	Revoked	V. 9, p. 1134
23-7-5	Revoked	V. 9, p. 167
23-7-7	Revoked	V. 9, p. 167
23-8-11	Revoked	V. 9, p. 1134
23-11-3	Revoked	V. 9, p. 1344
23-11-4	Revoked	V. 9, p. 1344
23-11-6	Revoked	V. 9, p. 1344
23-11-7	Revoked	V. 9, p. 1344
23-11-8	Revoked	V. 9, p. 1344
23-11-9	Revoked	V. 9, p. 1344
23-11-12	Revoked	V. 9, p. 1344
23-11-13	Revoked	V. 9, p. 1344
23-11-16	Revoked	V. 9, p. 1344
23-11-17	Revoked	V. 9, p. 1344
23-15-1	Revoked	V. 9, p. 1134

23-18-2	Revoked	V. 9, p. 1563
23-20-1	Revoked	V. 9, p. 1563

**AGENCY 25: STATE GRAIN
INSPECTION DEPARTMENT**

Reg. No.	Action	Register
25-4-1	Amended	V. 9, p. 1342
25-4-4	Amended	V. 9, p. 1343

**AGENCY 28: DEPARTMENT OF HEALTH
AND ENVIRONMENT**

Reg. No.	Action	Register
28-1-2	Amended	V. 9, p. 1644
28-1-22	New	V. 9, p. 1645
28-4-113	through	
28-4-118	Amended	V. 9, p. 36-40
28-4-119b	Amended	V. 9, p. 40
28-4-120	Amended	V. 9, p. 40
28-4-124	through	
28-4-132	Amended	V. 9, p. 40-43
28-4-350	Amended	V. 9, p. 44
28-4-442	Amended	V. 9, p. 44
28-17-1	Amended	V. 9, p. 1340
28-17-3	Revoked	V. 9, p. 1340
28-17-4	Revoked	V. 9, p. 1340
28-17-5	Amended	V. 9, p. 1340
28-17-7	Revoked	V. 9, p. 1340
28-17-12	Amended	V. 9, p. 1340
28-17-15	Amended	V. 9, p. 1340
28-17-19	Amended	V. 9, p. 1340
28-17-20	Amended	V. 9, p. 1340
28-38-17	Revoked	V. 9, p. 1195
28-38-18	through	
28-38-23	Amended	V. 9, p. 1195, 1196
28-38-24	Revoked	V. 9, p. 1196
28-38-25	Revoked	V. 9, p. 1196
28-38-26	Amended	V. 9, p. 1196
28-38-28	Amended	V. 9, p. 1197
28-39-81	Amended	V. 9, p. 1023
28-44-1	through	
28-44-11	Revoked	V-9, p. 1513
28-44-12	through	
28-44-27	New	V. 9, p. 1513-1517
28-51-108	Amended	V. 9, p. 123

**AGENCY 30: SOCIAL AND
REHABILITATION SERVICES**

Reg. No.	Action	Register
30-2-16	Amended	V. 9, p. 1250
30-4-63	Amended	V. 9, p. 1250
30-4-63	Revoked	V. 9, p. 1280
30-4-64	Amended	V. 9, p. 1252
30-4-64	Revoked	V. 9, p. 1280
30-4-73	Amended	V. 9, p. 1253
30-4-85a	Amended	V. 9, p. 194
30-4-96	Amended	V. 9, p. 194
30-4-101	Amended	V. 9, p. 1386
30-4-102	Amended	V. 9, p. 450
30-4-112	Amended	V. 9, p. 1254
30-4-112	Revoked	V. 9, p. 1280
30-4-120	Amended	V. 9, p. 1254
30-4-120	Revoked	V. 9, p. 1280
30-5-58	Amended	V. 9, p. 940
30-5-59	Amended	V. 9, p. 455
30-5-60	Amended	V. 9, p. 940
30-5-62	Amended	V. 9, p. 457
30-5-65	Amended	V. 9, p. 940
30-5-67	Amended	V. 9, p. 457
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30-5-111	Amended	V. 9, p. 460
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30-5-114	Amended	V. 9, p. 461
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30-6-53	Amended	V. 9, p. 1256
30-6-53	Revoked	V. 9, p. 1280
30-6-65	Amended	V. 9, p. 1257
30-6-65	Revoked	V. 9, p. 1280
30-6-74	Amended	V. 9, p. 195
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30-10-1c	Amended	V. 9, p. 1605, 1646
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30-10-6	Amended	V. 9, p. 1606, 1646
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30-51-5 Revoked V. 9, p. 198

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33-3-2 Revoked V. 9, p. 386
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40-4-35a Amended V. 9, p. 303
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44-6-114b Revoked V. 9, p. 1425
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49-49-1 Amended V. 9, p. 706

AGENCY 50: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF EMPLOYMENT

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50-2-21 Amended V. 9, p. 704

AGENCY 60: BOARD OF NURSING REGISTER

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60-11-108 Amended V. 9, p. 988

AGENCY 63: BOARD OF MORTUARY ARTS REGISTER

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63-1-4 Amended V. 9, p. 170

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66-10-9 Amended V. 9, p. 257

AGENCY 67: BOARD OF HEARING AID EXAMINERS REGISTER

Reg. No. Action Register
67-5-3 Amended V. 9, p. 625
67-5-4 Amended V. 9, p. 625

AGENCY 68: BOARD OF PHARMACY REGISTER

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68-1-1b Amended V. 9, p. 383
68-2-12a Amended V. 9, p. 383
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68-20-20 Amended V. 9, p. 384

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74-13-1 New V. 9, p. 232
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82-1-202 Amended V. 9, p. 895
82-1-204 Amended V. 9, p. 895
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82-1-206 Amended V. 9, p. 896
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84-2-7 Amended V. 9, p. 943-945
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91-1-27c New V. 9, p. 1099
91-1-58 Amended V. 9, p. 1099
91-1-80 Amended V. 9, p. 1100
91-1-82 Amended V. 9, p. 1100
91-1-101 Revoked V. 9, p. 1101
91-1-106a through
91-1-106m New V. 9, p. 1101-1103
91-1-110 Revoked V. 9, p. 1103
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91-1-132a Amended V. 9, p. 1103
91-12-48 Amended V. 9, p. 1674
91-12-63 Amended V. 9, p. 1674
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92-55-2a New V. 9, p. 1513

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109-8-1 Amended V. 9, p. 1077
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109-10-1 Amended V. 9, p. 1078
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111-2-2 Amended V. 9, p. 1675
111-2-2a Revoked V. 9, p. 1675
111-2-6 New V. 8, p. 134
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111-3-31	Amended	V. 8, p. 209
111-3-32	New	V. 7, p. 931
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111-4-111	Amended	V. 9, p. 1366
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112-15-7	New	V. 9, p. 1074, 1075
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AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

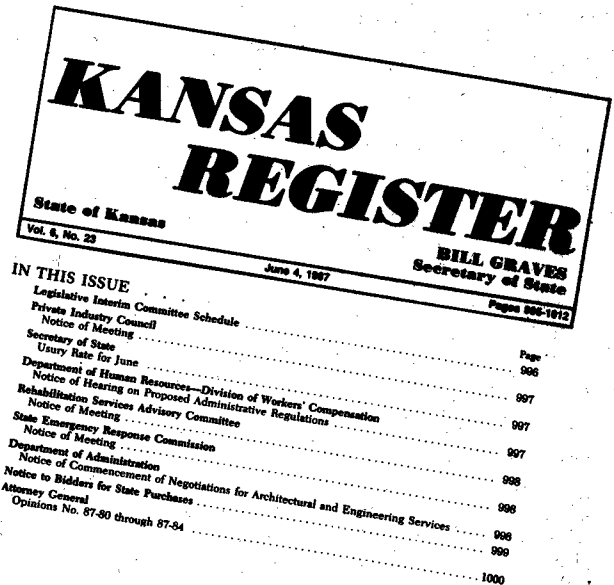
Reg. No.	Action	Register
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115-20-1	New	V. 9, p. 951
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115-30-8	New	V. 9, p. 1344, 1345

AGENCY 116: STATE FAIR BOARD

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116-2-1	Amended	V. 9, p. 1022

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