

Kansas Register

Bill Graves, Secretary of State

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January 10, 1991

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State of Kansas

Board of Accountancy**Notice of Meeting**

The Board of Accountancy will meet at 9 a.m. Thursday, January 24, in Conference Room 108, Landon State Office Building, 900 S.W. Jackson, Topeka. Persons interested in agenda items or in attending should contact the board office in Suite 556 of the Landon Building.

Glenda Sherman
Executive Director

Doc. No. 010125

State of Kansas

Kansas Agricultural Value-Added Processing Center**Notice of Leadership Council Meeting**

The Leadership Council of the Kansas Agricultural Value-Added Processing Center (KVAC) will meet from 9:30 a.m. to 3 p.m. Friday, January 11, at the Kansas State Board of Agriculture office, 109 S.W. 9th, Topeka. For further information, contact Richard Hahn at (913) 532-7033.

Richard R. Hahn
Director

Doc. No. 010133

State of Kansas

State Records Board**Notice of Meeting**

The Kansas State Records Board will meet at 10 a.m. Thursday, January 17, in the conference room on the fourth floor of the Memorial Building, 120 W. 10th, Topeka. The board will consider requests from state agencies submitting proposals for retention and disposition of noncurrent government records. In addition, general administrative matters and other business will be discussed.

Eugene D. Decker
State Archivist and
Secretary, State Records Board

Doc. No. 010117

State of Kansas

Kansas Water Authority**Notice of Meeting**

The Kansas Water Authority will meet Monday, January 17, at the Ramada Inn South, 3847 S. Topeka Blvd., Topeka. Committee meetings will begin at 8 a.m. with the Policy Committee and at 9 a.m. with the Basin Planning and Operations committees. The full authority will convene at 1 p.m.

A copy of the agenda may be obtained by contacting Dotty Kester, Kansas Water Office, 109 S.W. 9th, Topeka 66612-1249, (913) 296-3185.

John L. Baldwin
Chairman

Doc. No. 010124

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235-N, State Capitol
(913) 296-3489

State of Kansas

Kansas Sentencing Commission**Notice of Meeting**

The Kansas Sentencing Commission will meet at 9:30 a.m. Tuesday, January 15, and Monday, January 28, in the Fatzner Courtroom, third floor, Kansas Judicial Center, 301 W. 10th, Topeka.

Ben Coates
Executive Director

Doc. No. 010121

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 December 26-January 2:

Advisory Council on Aging

Ben Foster, 600 Longford Lane, Wichita 67206. Term expires December 31, 1993. Succeeds Lloyd Kerford, resigned.

Lois Hedrick, 1556 W. 24th, Topeka 66611. Term expires November 30, 1992. Succeeds Jean Wesley, resigned.

Behavioral Sciences Regulatory Board

Sue Bauman, 540 N.E. Edgewood Drive, Topeka 66617. Term expires October 31, 1992. Succeeds Bettie Duncan, resigned.

Karen Gnefkow, 2745 S.W. Villa West Drive, #907, Topeka 66614. Term expires November 16, 1991. Succeeds John Preble, resigned.

State Building Advisory Commission

John D. Pinegar, P.O. Box 555, Topeka 66601. Term expires April 30, 1994. Succeeds Bill Muir.

D.L. Smith, 7300 College Blvd., Suite 300, Overland Park 66210. Term expires April 30, 1994. Succeeds J. Kaaz.

State Board of Cosmetology

Kathy Dagenett, 8521 Lafayette, Kansas City 66109. Term expires July 1, 1993. Reappointment.

Wilma George, 1208 W. 10th, Topeka 66604. Term expires December 31, 1993. Succeeds Eileen Hassett.

State Emergency Response Commission

Dr. Warren E. Meyer, 130 Brendonwood, Wichita 67206. Term expires April 30, 1993. Succeeds Clark Bricker, resigned.

State Grain Advisory Commission

I.D. "Mike" Hammond, Box 97, Long Island 67647. Term expires December 31, 1993. Reappointment.

John Welsh, Route 1, Box 35, Weskan 67762. Term expires December 31, 1993. Succeeds Morris Krug.

State Board of Healing Arts

John Petersen, 7300 College Blvd., Suite 300, Overland Park 66210. Term expires December 31, 1994. Succeeds Tom Rehorn, deceased.

Advisory Commission on Health and Environment

Frank Buehler, 213 D St., Box 317, Claflin 67525. Term expires December 31, 1994. Succeeds Tom Buchanan.

State Highway Advisory Commission

Cliff Campbell, Route 3, Beloit 67420. Term expires January 31, 1992. Succeeds Gary Griffiths, resigned.

W. H. Graves, 537 N. 9th, Salina 67401. Term expires December 15, 1994. Succeeds Albert O. Schwartz, Jr.

Historic Sites Board of Review

Craig Crosswhite, P.O. Box 266, Jetmore 67854. Term expires June 30, 1994. Succeeds James Forsythe.

Mary Maley, 141 S. 10th, Salina 67401. Term expires June 30, 1994. Succeeds Dennis Shockley.

Southwest Kansas Regional Library System

Richard P. McDonald, Route 1, Box 122, Hanston 67849. Term expires September 30, 1994. Succeeds James Rittenhouse, resigned.

State Board of Mortuary Arts

Darel D. Olliff, P.O. Box 563, Phillipsburg 67661. Term expires July 31, 1994. Reappointment.

Robert L. Roberts, 1116 College, Box 14, Ottawa 66067. Term expires July 31, 1994. Succeeds Anderson Jackson.

James B. Pearson Fellowship Selection Board

Clifford R. Hope, Jr., 1112 Gillespie, Garden City 67846. Term expires December 31, 1993. Reappointment.

Petroleum Storage Tank Release Compensation Advisory Board

Lawrence Wieser, Route 2, Box 115, Leoti 67861. Term expires December 31, 1992. New commission.

Advisory Committee on Podiatry

James E. Reeves, 930 Iowa, Suite 2, Lawrence 66044. Term expires December 31, 1994. Succeeds Frank Galbraith.

William H. Teasdale, 3509 Forest, Great Bend 67530. Term expires December 31, 1994. Succeeds Harold Sauder.

Bill Graves
Secretary of State

State of Kansas

Kansas Apprenticeship Committee**Notice of Meeting**

The Kansas Apprenticeship Committee will meet from 10 a.m. to noon Friday, January 11, in the center classroom, 1309 Topeka Blvd., Topeka. The agenda includes new program standards, revised program standards, and subcommittees of the KAC. The meeting is open to the public.

Ray D. Siehndel
Secretary of Human Resources

Doc. No. 010131

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.

Tuesday, January 22, 1991

27453

Statewide—Bacteriologicals

27943

Department of Transportation—Cement, various locations

86575

Pittsburg State University—Wheel alignment system

86576

Department of Wildlife and Parks—Trucks, various locations

Wednesday, January 23, 1991

A-6486

Department of Transportation—Renovate district paint shop, Garden City

27511

Department of Wildlife and Parks—Heavy equipment work, Perry Wildlife Area

27939

University of Kansas—Miscellaneous asbestos abatement supplies

86584

Kansas State University—Lab centrifuge

86585

Kansas State University—Gas chromatograph

86586

University of Kansas—Mainframe text/search software

86599

University of Kansas Medical Center—Tissue processor system

86606

University of Kansas—Ethernet interface cards

86612

University of Kansas—LAN

Thursday, January 24, 1991

27476

Statewide—Bakery products

27526

Statewide—Automotive filters (oil, fuel and air)

28376

Department of Corrections—Federal surplus property screening

86581

Department of Transportation—Intergraph workstations, various locations

86609

Kansas State University—Oscilloscope

86624

University of Kansas Medical Center—Microtome/cryostat

86625

Kansas State University—Mini blinds

Friday, January 25, 1991

27517

Statewide—Spices and miscellaneous groceries

28377

Kansas Correctional Industries—Automotive-type paint and equipment system

86629

Wichita State University—Office furniture

86630

Kansas State University—Light fixtures and poles

86631

Department of Transportation—Aggregate, various locations

86632

Kansas State University—Veterinary surgical table

86639

Kansas State University—Fuel dispensing station

86641

Kansas State University—Rotary file

86642

Emporia State University—Lounge furniture

86646

University of Kansas Medical Center—Optical mark reader and answer sheets

Wednesday, January 30, 1991

86640

University of Kansas Medical Center—Patient monitoring equipment

Monday, February 11, 1991

28374

Winfield State Hospital—Lease of land, Cowley County

28375

Winfield State Hospital—Lease of farm land, Stafford County

Thursday, February 28, 1991

27483

University of Kansas Medical Center—Nurse professional liability insurance

Nicholas B. Roach
Director of Purchases

Doc. No. 010122

(Published in the Kansas Register, January 10, 1991.)

Notice of Bond Sale
\$520,000
City of Hillsboro, Kansas
General Obligation Bonds
Series A, 1991
(Major Trafficway—Ash Street)

Sealed Bids

Sealed bids for the purchase of \$520,000 principal amount of General Obligation Bonds, Series A, 1991 (Major Trafficway—Ash Street), of the city hereinafter described, will be received by the undersigned, city clerk of the city of Hillsboro, Kansas, on behalf of the governing body of the city at City Hall, 118 E. Grand, Hillsboro, until noon central standard time on Thursday, January 17, 1991. All bids will be publicly opened and read at said time and place and will be acted upon by the city 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 January 15, 1991, and will become due serially on August 1 in the years as follows:

Year	Principal Amount
1991	\$ 35,000
1992	20,000
1993	25,000
1994	25,000
1995	25,000
1996	30,000
1997	30,000
1998	35,000
1999	35,000
2000	35,000
2001	40,000
2002	40,000
2003	45,000
2004	50,000
2005	50,000

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 February 1 and August 1 in each year, beginning on August 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 city 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 cost or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondholders.

Redemption of Bonds Prior to Maturity

At the option of the city, bonds maturing on August 1, 2001, and thereafter will be subject to redemption and payment prior to maturity on August 1, 2000, and thereafter in whole or in part on any interest payment date (bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the paying agent and bond registrar in such equitable manner as it shall designate), at the principal amount thereof, plus accrued interest to the redemption date, without premium.

Whenever the city is to select the bonds for the purpose of redemption, it shall, in the case of bonds in denominations greater than \$5,000, if less than all of the bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such fully registered bond as though it were a separate bond of the denomination of \$5,000.

If the city shall elect to call any bond for redemption and payment prior to the maturity thereof, the city shall give written notice of its intention to redeem and pay said bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail to the paying agent and bond registrar, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed at least 30 days prior to the redemption date. Thereafter the paying agent and bond registrar will notify the owners of the bonds of the city's redemption call by United States mail, postage prepaid. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

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 1/8 or 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. 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 city 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 city on the basis of such bid. Each bid shall also specify the average annual net interest rate to the city on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as

(continued)

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 city, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the city. 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 city 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 major trafficway improvements to Ash Street in the city. The bonds will be general obligations of the city payable as to both principal and interest from ad valorem taxes which may be levied without limitation upon all the taxable tangible property, real and personal, within the territorial limits of the city.

Internal Revenue Code of 1986

The Internal Revenue Code of 1986 imposes requirements on the city that must be met subsequent to the issuance of the bonds by the city and, as a result, the city will and does hereby covenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the bonds. The city'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 city'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 city 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 city, 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 city with the provisions of the ordinance authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is exempt from federal income taxation. Interest on the bonds will also be excluded from the computation of Kansas adjusted gross income for taxable years commencing after December 31, 1987.

Delivery and Payment

The city 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 January 30, 1991, at such bank or trust company in the contiguous United States of America as may be specified by 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 city. 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 city and bond registrar not later than 5 p.m. C.S.T. on January 24, 1991. In the absence of such information, the city will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the city by 5 p.m. C.S.T. on January 22, 1991, a certificate acceptable to the city'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 \$10,400, payable to the order of the city to secure the city 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 city 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 city. If a bid is accepted but the city 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 city and the city reserves the right to pursue any consequential damages as a result of 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 city.

Bid Forms

All bids must be made on forms which may be procured from the city clerk. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The city 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 city 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 city hall and must be received by the undersigned prior to noon central standard time on Thursday, January 17, 1991.

Date and Delivery of Preliminary and Final Official Statement

The city 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 underwriters and the price or yield at which the underwriters will re-offer 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 city will provide without cost to the purchasers such reasonable number of printed copies of the final official statement as such underwriters may request. Up to 25 copies of the official statement will be furnished without cost to the underwriters and further copies, if desired, will be made available at the underwriters expense. If the sale of the bonds is awarded to syndicates, the city 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 the 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 city will deliver to the underwriters on the date of delivery of the bonds a certificate executed by the mayor and the city 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 city's preliminary official statement relating to the bonds may be obtained from the city clerk or the city's financial advisor, J. O. Davidson & Associates, Inc., Attention: Jerry Rayl, 420 E. English, Suite B, P.O. Box 205, Wichita, KS 67201, (316) 265-9411.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property with the city for the year 1991 is \$6,247,470. The total general obligation bonded indebtedness of the city as of the date of the bonds, including the bonds, is \$1,710,000. In accordance with the financial advisor's agreement with the city, the financial advisor will be eligible to submit a bid or participate in a group submitting a bid for the purchase of the bonds.

Dated January 2, 1991.

City of Hillsboro, Kansas
Janice K. Meisinger
City Clerk
City Hall, Box N
Hillsboro, KS 67063
(316) 947-3162

Doc. No. 010126

State of Kansas

Attorney General

Opinion No. 90-133

Schools—Evaluation of Certificated Personnel—Legislative Intent; Policy of Personnel Evaluation. William H. Dye, Counsel for Unified School District No. 259, Wichita, December 13, 1990.

Every board of education of a school district is required to adopt a written policy of personnel evaluation procedure. The purpose of the evaluation procedure is to provide for a systematic method for improvement of school personnel who remain in a school's employ and to improve the educational system of the state of Kansas. Any other use of the evaluations conducted pursuant to K.S.A. 72-9001 *et seq.* is not contemplated within the act. Therefore, the use of evaluations in determining the eligibility of a teacher for merit pay will be subject to the terms of the negotiated agreement reached by the school district and the teachers. Relevancy of the evaluations to the issues before an administrative body or court of law will determine whether the evaluations are admissible. Cited herein: K.S.A. 1989 Supp. 60-2101; 72-5413, as amended by L. 1990, ch. 255, § 1; K.S.A. 72-5436; K.S.A. 1989 Supp. 72-5438; K.S.A. 72-5442; 72-5443; 72-8205; 72-9001; 72-9002; 72-9003; 72-9005. RDS

Opinion No. 90-134

Public Health—Emergency Medical Services—Mobile Intensive Care Technicians; Authorized Activities. Pat Johnson, Executive Administrator, Kansas State Board of Nursing, Topeka, December 13, 1990.

Mobile intensive care technicians (MICTs) are authorized by statute to perform certain tasks during emergencies when in contact with a physician or nurse. If prior voice contact with a physician or nurse is not practicable under the circumstances, an MICT may act pursuant to protocols. It was not intended that these tasks be performed by MICTs in non-emergency settings. However, if a physician delegates performance of professional services to an MICT, the MICT may function pursuant to the physician's order. Cited herein: K.S.A. 65-2872; K.S.A. 65-4306 (Enslay 1980); K.S.A. 1989 Supp. 65-6112, 65-6119. MWS

Opinion No. 90-135

State Boards, Commissions and Authorities—Board of Technical Professions—Exemptions from Examination for Licensure; Reciprocity; Certain License or Certificate Holders; Fees; Conditions. Nancy Macy, Chairperson, Kansas State Board of Technical Professions, Topeka, December 14, 1990.

The Kansas State Board of Technical Professions' policy, requiring that an applicant for licensure by reciprocity have a current license in the state of original examination, is enforceable as a reasonable measure with which to carry out its legislative mandate. Cited herein: K.S.A. 74-7024. GE

Opinion No. 90-136

Public Records, Documents and Information—Records Open to Public—Certain Records Not Required to be Open; Personnel Records of State Agency; Administrative Regulations Closing Personnel Records. Crimes and Punishments—Identification and Detection of Crimes and Criminals—University of Kansas and State Departments to Assist Law Enforcement Officers and Coroners; Access to State Agency Personnel Record Closed by Administrative Regulation. Dennis R. Taylor, Acting Secretary, Kansas Department of Social and Rehabilitation Services, Topeka, December 17, 1990.

K.S.A. 1989 Supp. 45-221(a)(4) permits discretionary closure of personnel records, with the information excepted therein. K.A.R. 1990 Supp. 1-13-1a represents an exercise of this discretionary authority by the Department of Administration with regard to records subject to the authority of that agency. Home addresses and telephone numbers of state employees that are only contained in personnel records may be permissibly closed unless some other law requires disclosure. Whether K.S.A. 21-2502 requires disclosure of personnel records must be determined on a case-by-case basis. Cited herein: K.S.A. 21-2502; 45-217; K.S.A. 1989 Supp. 45-221; K.A.R. 1990 Supp. 1-13-1a. TMN

Opinion No. 90-137

Elections—Filling Vacancies in Offices and Candidacies—Procedure for Filling Vacancy in District Office; State Representative; Member-Elect.

Legislature—General Provisions; Miscellaneous Provisions—Resignation of Member of Senate or House of Representatives; Filing of Notice; Member-Elect. Senator Michael L. Johnston, 14th District, Parsons, December 20, 1990.

A member-elect of the state Senate or House of Representatives cannot resign such office until the member-elect is entitled by law to possess it, has taken the oath, has given the required bond, and has entered upon the discharge of its duties. However, under the provisions of L. 1990, ch. 130, § 11, a member-elect of the legislature may provide notice to the secretary of state of the member-elect's intent to resign provided the resignation will become effective after the member-elect has taken the oath of office and entered upon the discharge of its duties. Cited herein: Kansas Constitution, art. 1, § 11; K.S.A. 1989 Supp. 13-305; K.S.A. 13-513; 14-205; K.S.A. 1989 Supp. 14-308; K.S.A. 15-201; K.S.A. 1989 Supp. 15-311; K.S.A. 19-504; 25-101b; 25-312; K.S.A. 1989 Supp. 25-312a; K.S.A. 25-1434; 25-1606; 25-2022; 25-3201; K.S.A. 25-3902, as amended by L. 1990, ch. 130, § 4; 25-3902a, as amended by L. 1990, ch. 130, § 5; K.S.A. 25-3903; K.S.A. 25-3904; as amended by L. 1990, ch. 130, § 6; 25-3904a, as amended by L. 1990, ch. 130, § 7; 25-3905, as amended by L. 1990, ch. 130, § 8; 25-3906, as amended by L. 1990, ch. 130, § 9; K.S.A. 40-106; 46-142; 46-144; 46-146a; 54-106; 75-125; 77-109; L. 1990, ch. 130, § 11. RDS

Opinion No. 90-138

Cities and Municipalities—Insurance—Group-Funded Liability Pools; Use of Claims Fund Account to Pay for Specific and Aggregate Excess Insurance. Representative Dale M. Sprague, 73rd District, McPherson; Steven R. Wiechman, Legal Counsel, Kansas Association of Counties, Topeka, December 28, 1990.

The Kansas Insurance Department has authority to review the proposed use of moneys in a claims fund established pursuant to K.S.A. 1989 Supp. 12-2616 *et seq.* The interpretation of the statute by the Insurance Department (allowing moneys deposited and maintained in the claims fund to be used to purchase specific and aggregate excess insurance) is not clearly erroneous. Cited herein: K.S.A. 1989 Supp. 12-2616; 12-2617, as amended by L. 1990, ch. 76, § 1; 12-2618, as amended by L. 1990, ch. 76, § 2; 12-2620; 12-2621, as amended by L. 1990, ch. 76, § 3; K.S.A. 1989 Supp. 12-2624; 12-2626; 12-2627; 12-2629; K.S.A. 44-581; 44-5850; 77-201. TMN

Robert T. Stephan
Attorney General

Doc. No. 010129

State of Kansas

Kansas Public Disclosure Commission

Advisory Opinion No. 90-26

Written December 19, 1990, to all interested persons.

This opinion request is issued by the Kansas Public Disclosure Commission to provide guidance to registered lobbyists on the types of records which must be maintained pursuant to Chapter 306, Section 12(f) of the 1990 *Session Laws of Kansas*.

That subsection states:

"Records in support of every report or statement filed shall be maintained and preserved by the lobbyist for a period of five years from the date of the filing of such report or statement and may be inspected under conditions determined by the commission."

At a minimum, each lobbyist should maintain the following records.

- (A) A detailed account of all lobbying and expenditures including:
 - (1) The full name and address of the person to whom the expenditure is made.
 - (2) The purpose of the expenditure.
 - (3) The date of the expenditure (including both the date of contracting and the date of payment).
 - (4) The amount of the expenditure.
- (B) A bill, statement contract or other documentation of the agreement between the parties.
- (C) The check or other instrument by which payment was made.

Advisory Opinion No. 90-27

Written December 19, 1990, to Thomas H. Hull, State Director, Kansas Small Business Development Centers, Wichita State University.

This opinion is in response to your letter of November 2, 1990, in which you request an opinion from the Kansas Public Disclosure Commission concerning K.S.A. 46-215 *et seq.* and K.S.A. 75-4301 *et seq.*

We understand you request this opinion in your capacity as the state director for the Kansas Small Business Development Centers.

You advise us of the following factual situation:

Kansas Small Business Development Centers (KSBDC) are a consortium of institutions of higher education with regional offices located at Emporia State University, Fort Hays State University, Johnson County Community College, Kansas State University, Kansas College of Technology, University of Kansas, Pittsburg State University, Washburn University, and Wichita State University.

KSBDC provide the following services: 1) free, one-on-one, confidential management/technical counseling to small business persons; 2) free business information and resource referrals; and 3) low-cost seminars and workshops.

Regional directors have the ability to contract with private sector consultants to provide consulting services for SBDC clients. Additionally, they also may contract for the services of private sector providers of training expertise.

Regional SBDC receive funding from three separate sources:

1. Federal funds appropriated by the U.S. Congress, administered through the U.S. Small Business Administration via a contract with Wichita State University (WSU). WSU then subcontracts with each institution that is host to a regional SBDC.

2. Each host institution is required to match their allocated amount of federal funds 100 percent with host institution funds. All Regents institutions are hosts of regional SBDC and provide matching funds appropriated by the legislature through the Board of Regents. Washburn University, Johnson County Community College, and in the future Garden City Community College provide their matching funds as appropriated by their respective local governing bodies.

3. Funds from the Economic Development Initiatives Fund (EDIF) are appropriated by the state legislature through the Kansas Department of Commerce via a contract with WSU. WSU then subcontracts with each institution that is host to a regional SBDC.

Employees of all regional SBDC are compensated by their host institution for their duties associated with each respective regional SBDC.

Associate SBDC enhance statewide delivery of services. Each associate SBDC serves under the auspices of a regional SBDC. Associate SBDC are located at Barton County Community College, Butler County Community College, Colby Community College, Cowley County Community College, Dodge City Com-

(continued)

munity College, Hutchinson Community College, Kansas City, Kansas Community College, Ottawa University, Pratt Community College, and Seward County Community College.

Directors of associate SBDC are granted reduced teaching loads to coordinate SBDC services in their communities. Neither the associate SBDC director nor host institution receive SBDC funding from the three sources listed previously. Associate SBDC institutions and employees are required to sign agreements which require the avoidance of conflicts of interest and protect client confidentiality.

We understand you to ask the following four questions relating to KSBDC agents who are employees of regents institutions:

1. Is it permissible for a KSBDC agent to participate in the making of a contract between KSBDC and him or herself to provide services to an individual client?
2. Is it permissible for a KSBDC agent to operate a business providing the same or similar services as KSBDC, contract directly with a client after referring the client to his or her private business?
3. Is it permissible for a KSBDC agent to operate a business that provides the same or similar services?
4. May you require KSBDC agents to file a Statement of Substantial Interests?

The initial issue is whether employees of Regents institutions who serve as KSBDC agents are "state officers or employees" under K.S.A. 46-215 *et seq.*

As we understand the factual situation, these individuals are either in the classified or unclassified service and receive monthly warrants from the state and, therefore, under K.S.A. 46-221 are "state officers or employees."

With that determination made, K.S.A. 46-233 covers your first question. Simply put, it is illegal for a state officer or employee to participate in the making of a contract between the state and the state officer or employee's private business.

On your second question, it is illegal under K.S.A. 46-235 for a state officer or employee to accept compensation other than from the state for doing what he or she is supposed to be doing on state duty. In addition, since each agent signs a confidential statement, referring a client in his or her capacity as a state official to one's private business would violate the confidentiality requirements of K.S.A. 46-241.

On your third question, absent the illegal conduct we have described above, the statute does not prohibit a state employee from competing with the state in his or her private capacity.

On your last question, we turn to K.S.A. 46-285. The issue here is whether you have the authority as "head of a state agency" to require these agents to file Statements of Substantial Interests. Since you do not have the authority to control the behavior of the agents, we are constrained to hold you are not in a position to mandate filings. However, we believe these individuals are required to file and will communicate with the appropriate state universities to make certain they do so.

If you wish further input on what laws apply to non-Regents agents, please do not hesitate to ask for further guidance.

Advisory Opinion No. 90-28

Written December 19, 1990, to Nicholas B. Roach, Topeka.

This opinion is in response to your letter of November 26, 1990, in which you request an opinion from the Kansas Public Disclosure Commission concerning the conflict of interest laws (K.S.A. 46-216 *et seq.*).

We understand you request this opinion in your capacity as the Director of Purchases for the Department of Administration. If you move from that position, you are considering becoming a self-employed consultant and would offer your services on an annual subscription basis to provide vendors of the state of Kansas the following services:

1. Review of solicitations in process; and having a copy sent to the client.
2. Representation at bid openings.
3. Review of awarded bids, in accordance with the Open Records Act.
4. Advise and assist in bid response preparation.
5. Serve as support/consultant in negotiations.

We assume that these vendors would be persons who in the last two years you have participated in contracting with in your capacity as Director of Purchases.

You ask whether the self-employed consultant position you described would violate K.S.A. 46-215 *et seq.* Only K.S.A. 46-233(a) might apply to your question. That subsection states:

"No state officer or employee shall in the capacity as such officer or employee participate in the making of a contract with any person or business by which such officer or employee is employed or in whose business such officer or employee has a substantial interest and no such person or business shall enter into any contract where any state officer or employee, acting in such capacity, is a signatory to or a participant in the making of such contract and is employed by or has a substantial interest in such person or business.

Whenever any individual has, within the preceding two years participated as a state officer or employee in the making of any contract with any person or business, such individual shall not accept employment with such person or business for one year following termination of employment as a state officer or employee."

The issue is whether being a consultant to a person or business constitutes accepting "employment." Since this is a criminal statute, it must be strictly construed. Thus, we are constrained to hold that "employment" means an employer-employee relationship. As we understand the factual situation, you will not be in such a relationship. Thus, this subsection does not apply. We understand the legislature in this session will be reviewing the conflict of interest law, so do not rely on this opinion past this session.

Finding nothing else in K.S.A. 4-215 *et seq.* that applies, it is our opinion that the situation you describe would not violate that act.

Advisory Opinion No. 90-29

Written December 19, 1990, to Debara K. Schauf, State Representative, Mulvane.

This opinion is in response to your letter of December 11, 1990, in which you request an opinion from the Kansas Public Disclosure Commission concerning the conflict of interest laws (K.S.A. 46-215 *et seq.*).

We understand you request this opinion in your capacity as a state representative, concerning a possible position with the Kansas Horsemen's Association.

You advise us that the KHA was formed as a result of the 1987 implementing legislation for parimutuel racing. The law required that certain funds derived from parimutuel wagering be set aside in the Horse Breeding Development Fund and used to promote the economic development of the industry in the areas of purse supplements, breed awards, and research and development of the equine industry. The association itself is funded by fees collected from participants and receives no "parimutuel" funds for its operations. The association provides an accounting to the Kansas Racing Commission both for the fee funds collected and the disbursement of those funds to facilitate its operation. The primary function it provides is to maintain records to verify the eligibility of the participants for the funds accumulated in the Horse Breeding Development Fund. Currently, the commission is responsible for the distribution of the funds to qualified participants.

The commission is authorized to contract with an organization to provide for the administration and recordkeeping functions described above. The Kansas Horsemen's Association was formed to provide this service. It originally contracted with the commission until June of 1990, and this summer the contract was renewed until 1993.

You ask whether you may accept a position with the Kansas Horsemen's Association.

The only section of the act which relates to your question is K.S.A. 46-233(b). That subsection states:

"No individual shall, while a legislator or within one year after the expiration of a term as legislator, be interested pecuniarily, either directly or indirectly, in any contract with the state, which contract is funded in whole or in part by any appropriation or is authorized by any law passed during such term, except that the prohibition of this subsection (b) shall not apply to any contract interest in relation to which a disclosure statement is filed as provided by K.S.A. 46-239."

Assuming for the moment that this section applies to your situation, so long as you file the disclosure statement, the situation you describe is permissible. We would advise you to file the statement thereby removing any possible allegations of impropriety.

Advisory Opinion No. 90-30

Written December 19, 1990, to Patrick J. Hurley, Pete McGill & Associates, Topeka.

This opinion is in response to your letter of November 15, 1990, in which you request an opinion from the Kansas Public Disclosure Commission.

You advise us that you have volunteered your services to the Governor-elect Finney transition team and will continue to receive your normal salary from Pete McGill & Associates, Inc., which is a registered lobbying organization.

You ask if this arrangement violates any laws. For ease in handling your inquiry, we will discuss the following three questions:

1. Does the contribution of your services constitute an in-kind contribution to the Finney campaign which is subject to contribution limitations?
2. Is it illegal for you to receive compensation from a non-state employer while serving the state as a volunteer?
3. Is it illegal for your non-state employer to pay your salary while you are serving the state as a volunteer?

The first question is easily disposed of. "Contribution" is defined in K.S.A. 25-4143(d) to include payments "for the purpose of influencing the nomination or election" or "to or for a candidate's campaign." Factually, neither possible definition applies; Mrs. Finney has already been elected and a donation, if any, is being made to the transition team.

The second question is covered by K.S.A. 46-235. That section states:

"No state officer or employee shall accept compensation for performance of official duties, other than that to which such person is entitled for such performance. No person shall pay or offer to pay any state officer or employee any compensation for performance of official duties, except a state officer or employee performing official duties in making payments to state officers and employees. The receipt of wages or salary from an individual's non-state employer during a period of service as state officer or employee shall not be construed as compensation for performance of official duties."

The last sentence of this section makes it clear that it is permissible for a person to continue to receive compensation from a non-state employer during service to the state.

K.S.A. 46-237(c) relates to the last issue. That section states:

"No person licensed, inspected or regulated by a state agency shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$100 or more in any calendar year to that agency."

Since Pete McGill & Associates, Inc. is not licensed, regulated or inspected by the governor's office this prohibition does not apply.

In summary, based on our understanding of the facts, the situation you have described is permissible under the Kansas law within our jurisdiction.

Lowell K. Abeldt
Chairman

State of Kansas

**Department of Health
and Environment**

Notice of Hearing

A public hearing will be conducted by the Kansas Department of Health and Environment, Bureau of Air and Waste Management (BAWM) at the Hillsboro City Hall at 7 p.m. Wednesday, January 30, to receive comments on the proposed issuance of a permit in accordance with K.A.R. 28-19-14 (permits required) to F and R Metals Control, Inc. (FR), Wichita, for the installation and operation of a scrap lead-acid battery reclamation facility to be located at Industrial Park, Hillsboro.

The BAWM has evaluated the air emissions estimates from this proposed facility and has determined that it can be expected to comply with applicable Kansas Air emissions regulations and the Kansas Air Toxics Strategy (KATS). Air pollution dispersion modeling studies conducted by the BAWM indicated the predicted ambient air concentration of lead will not cause the National Ambient Air Quality Standard (NAAQS) for lead to be exceeded. Dispersion modeling also conducted for heavy metals, which may be emitted by the proposed facility, indicates that the predicted concentrations would be less than any limits established by the KATS.

The complete administrative record for this proposed permit is available for public inspection through February 1 by contacting David Butler at the BAWM office, 1919 N. Amidon, Wichita 67203, (316) 838-1071; and at the BAWM office, Building 740, Forbes Field, Topeka. Questions pertaining to the proposed permit should be directed to L.C. Hinthier, BAWM, (913) 296-1576.

All interested parties may submit relevant written comments pertaining to the proposed permit prior to the hearing to the Secretary, KDHE, 900 S.W. Jackson, Topeka 66612. Interested parties also will be given reasonable opportunity during the hearing to present relevant verbal comments. In order to give all parties an opportunity to present their comments, the hearing officer may find it necessary to limit the time period of individual comments. All written and verbal comments received will be considered by the secretary before a final decision on the issuance of the permit is made.

Stanley C. Grant
Secretary of Health
and Environment

Doc. No. 010112

State of Kansas

**Department of Health
and Environment**

**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 10:30 a.m. Tuesday, February 12, in the Adult and Child Care conference room, 10th floor, Landon State Office Building, Topeka, to consider the adoption of a permanent regulation relating to services for children with special health care needs. K.A.R. 28-4-405 is amended to change (d) on page six to (g). This change was inadvertently omitted at the last revision. There is no economic impact as a result of the proposed amendments to this regulation.

Copies of the proposed regulation and a complete economic impact statement may be obtained by contacting Cassie Lauver, Kansas Department of Health and Environment, Bureau of Family Health, 10th Floor, Landon State Office Building, Topeka 66612-1290, (913) 296-1310.

The time period between the publication of this notice and the scheduled hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed regulation. All interested parties may submit such comments prior to the hearing to the address above. All interested parties will also be given a reasonable opportunity at the hearing to present their views, orally or in writing, concerning the adoption of the proposed regulation. In order to give all persons an opportunity to present their views, it may be necessary to limit oral presentations to five minutes.

Following the hearing, all written and oral comments submitted by interested parties will be considered as the basis for making changes in these proposals.

Stanley C. Grant
Secretary of Health
and Environment

Doc. No. 010128

State of Kansas

**Department of Health
and Environment**

**Notice Concerning Kansas
Underground Injection Control Permits**

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for the construction of five salt solution mining wells to be operated as one salt solution mining gallery, within the state of Kansas, for the applicants described as follows:

Name and Address of Applicant

Vulcan Materials Company
Well Number J-61
P.O. Box 12283
Wichita, KS 67277
Sedgwick County, Kansas
Kansas Permit No. KS-03-173-175

Well Location

NENWNW 30-29-2W
Sedgwick County, Kansas
4888' fsl and 4048'
fel of SE/4

Description of Facility: This facility is designed for the production of salt by solution mining activities.

Name and Address of Applicant

Vulcan Materials
Well Number J-62
P.O. Box 12283
Wichita, KS 67277
Sedgwick County, Kansas
Kansas Permit No. KS-03-173-176

Well Location

NWNENW 30-29-2W
Sedgwick County, Kansas
5100' fsl and 3836'
fel of SE/4

Description of Facility: This facility is designed for the production of salt by solution mining activities.

Name and Address of Applicant

Vulcan Materials
Well Number J-63
P.O. Box 12283
Wichita, KS 67277
Sedgwick County, Kansas
Kansas Permit No. KS-03-173-177

Well Location

NWNENW 30-29-2W
Sedgwick County, Kansas
4676' fsl and 3836'
fel of SE/4

Description of Facility: This facility is designed for the production of salt by solution mining activities.

Name and Address of Applicant

Vulcan Materials
Well Number J-64
P.O. Box 12283
Wichita, KS 67277
Sedgwick County, Kansas
Kansas Permit No. KS-03-173-178

Well Location

NENWNW 30-29-2W
Sedgwick County, Kansas
4676' fsl and 4260'
fel of SE/4

Description of Facility: This facility is designed for the production of salt by solution mining activities.

Name and Address of Applicant

Vulcan Materials
Well Number J-65
P.O. Box 12283
Wichita, KS 67277
Sedgwick County, Kansas
Kansas Permit No. KS-03-173-179

Well Location

NENWNW 30-29-2W
Sedgwick County, Kansas
5100' fsl and 4260'
fel of SE/4

Description of Facility: This facility is designed for the production of salt by solution mining activities.

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 February 8 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-EG-91-1/5) and the 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 announce-

ment 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. 010127

State of Kansas

**Department of Health
and Environment**

**Notice Concerning Variance From
Hazardous Waste Regulations**

The Kansas Department of Health and Environment is providing public notice that on September 5, 1990, Lowen Corporation, 1501 N. Halstead, Hutchinson, submitted a request for a variance from specific hazardous waste regulations. The request for a variance has been submitted in accordance with K.A.R. 28-31-13(a).

The variance is requested from K.A.R. 28-31-4 and 40 CFR 265.176, which require the storage of containers holding ignitable hazardous waste must be located at least 15 meters (50 feet) from the facility's property line.

Lowen Corporation generates ignitable hazardous waste, which is stored prior to being recycled. Lowen Corporation stores this waste in the production plant located 14 feet from the north property line and is shared with an active farm field of about 20 acres. KDHE has reviewed the variance request and concluded that the variance is justified.

In accordance with K.A.R. 28-31-13(b), public notice was provided that KDHE considered the request for a variance justified and made a tentative decision to grant the variance. A public comment period regarding this tentative decision was established between November 29 and December 29, 1990. No public comments were received.

Therefore, in accordance with K.A.R. 28-31-13(b), KDHE announces its decision to approve this request for a variance and not to include any special conditions. The variance shall become effective January 10, 1991, and shall remain in effect until January 10, 1992.

Stanley C. Grant
Secretary of Health
and Environment

Doc. No. 010132

State of Kansas

Department of Administration

Public Notice

Under requirements of K.S.A. 65-34,117(b), as amended by 1990 Senate Bill No. 554, records of the Division of Accounts and Reports show the unobligated balance in the petroleum storage tank release trust fund is \$3,122,375.85 as of December 31, 1990.

Shelby Smith
Secretary of Administration

Doc. No. 010119

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 22,200 cubic yard detention dam, Site C-130 in Jackson County, will be received by the Delaware Watershed Joint District No. 10 at the district office, 125 W. 4th, Holton 66436, until 2 p.m. January 29 and then opened. A copy of the invitation for bids and the plans and specifications can be obtained from the district office, (913) 364-4309.

Kenneth F. Kern
Executive Director

Doc. No. 010123

State of Kansas

Animal Health Department

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 10 a.m. Tuesday, February 12, in the office of the Animal Health Department, 712 Kansas Ave., Suite 4B, Topeka, to consider the revocation of permanent regulation 9-13-4 of the Kansas Animal Health Department.

All interested parties may submit written comments or will be given reasonable opportunity to orally present their comments at the hearing in regard to the revocation of the regulation.

The revocation is necessary because the entire federal Animal Welfare Act could not be adopted by reference.

Copies of the proposed regulation and a fiscal impact statement may be obtained from the Animal Health Department at the address above.

R. Daniel Walker
Livestock Commissioner

Doc. No. 010130

State of Kansas

Behavioral Sciences Regulatory Board

Permanent Administrative
Regulations

Article 2.—LICENSING OF SOCIAL WORKERS

102-2-1a. Definitions. (a) "LBSW" means licensed baccalaureate social worker.

(b) "LMSW" means licensed master social worker.

(c) "LS(-)SW" means a licensed specialist (name of specialty) social worker.

(d) "Social work practice specialty" means a post-masters degree practice with emphasis upon a specific, identifiable field of practice and methods of helping. The minimum requirements for a license in a practice specialty shall be:

(1) two years of post-masters experience in that specialty under supervision of one licensed in, or qualified for licensing in, that specialty; and

(2) successful completion of an examination approved by the board for this purpose.

(e) "Licensed specialist clinical social worker" means a person who:

(1) has a masters or doctoral degree in social work;

(2) meets the requirements for experience and supervision in K.A.R. 102-2-12; and

(3) has passed an examination approved by the board.

(f) "Clinical social work" means a social work practice specialty which has as its goal the maintenance and enhancement of the psychosocial functioning of individuals, families, and groups by increasing the availability of intrapersonal, interpersonal, and societal resources. Psychotherapy is a part of, but not synonymous with, clinical social work.

(g) "Social work supervision" means the actions and process of critically directing, and overseeing the supervisee's total practice in which the supervisor:

(1) is a licensed social worker or an individual who is eligible for licensing;

(2) is located in close geographic proximity to the site of service allowing physical availability within a reasonable period of time;

(3) assumes ultimate responsibility for social work services provided by the supervisee; and

(4) performs the administrative, educational, and supportive roles of supervision through a continual process. This process shall have as its objective:

(A) the integration of theory and practice, including articulation of rationales for assessment and intervention;

(B) the development and appropriate application of intervention skills and techniques;

(C) the development of self-evaluation skills, enabling a gradual shift from critique by the supervisor to critique by the supervisee and self-assessment of personal growth issues; and

(D) continual acquisition of professional knowledge.

(h) "Social work consultation" means a time-limited contractual relationship in which:

(1) The primary function is a problem-solving pro-

cess related to the enhancement of specific knowledge or skills;

(2) the four objectives of social work supervision as defined in K.A.R. 102-2-1a(g) are lacking;

(3) the consultant has no legal, administrative, or professional authority over or responsibility for the professional functioning of the consultee;

(4) an educational service is provided to care-givers; and

(5) direct service to clients is not included. Social work consultation is not synonymous with supervision and cannot be substituted for supervision.

(i) "Private, independent practice of social work" means the provision of social work services by a self-employed person, a member of a partnership, a member of a professional corporation, or a member of a group practice who is not accountable to a social work supervisor.

(j) "Practicum" means a supervised experience where a student applies classroom theory to actual practice situations.

(k) "Continuing education" means a formally organized learning experience which has education as its explicit, principal intent, and which is oriented toward the enhancement of social work practice, values, skills and knowledge.

(l) "Prior-approved continuing education" means:

(1) any single-program material that has been submitted by a provider to the board, approved by the board, and assigned a continuing education number;

(2) any program offered by a provider with approved-provider status; or

(3) academic social work courses audited or taken for credit.

(m) "Retroactively-approved continuing education" means material submitted for continuing education credit by the licensee after attending the workshop, conference, seminar, or other offering and that is reviewed and subsequently approved by the board.

(n) "Provider of continuing education" means an individual, group, professional association, school, institution, organization, or agency approved by the board to offer continuing education programs on either approved-provider status or single program-provider status.

(1) "Approved-provider status" means that the provider has been approved by the board to provide any continuing education program. Approved-provider status may be granted for a one-year probationary period to new applicants. After completion of the probationary year, approved-providers may reapply for approval every three years.

(2) "Single program-provider status" means that the provider has been granted approval to offer a specific continuing education program.

(o) "Social service designee" means a person who participates in the delivery of social work service who is not licensed under the social work act but who is supervised by a licensed social worker pursuant to K.S.A. 1989 Supp. 65-6303(a).

(p) "Extenuating circumstances," as used in K.S.A. 1989 Supp. 65-6309(h)(2), as amended by L. 1990, Ch. 237, § 1, and as used in K.A.R. 102-2-2a(e), means

conditions caused by fortuitous events beyond the persons control which are sufficiently extreme in nature to result in the inability or inadvisability to begin and complete the social work exam. (Authorized by K.S.A. 1989 Supp. 74-7507; implementing K.S.A. 1989 Supp. 74-7507 and K.S.A. 1989 Supp. 65-6307; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended Feb. 25, 1991.)

102-2-2a. Application for licensure. (a) Each request for license application forms shall be addressed to the board's executive director and shall indicate the level of licensure desired. The application shall be returned to the board and shall include full payment of the appropriate fee. The fee shall be submitted prior to the deadlines established by the board and shall be nonrefundable. In addition the applicant's academic social work transcript or proof of receipt of degree and completion of a social work program shall be provided directly to the board by the academic institution.

(b) Three written references shall be required to provide proof that the applicant meets the requirements for professional conduct and competence under the social worker licensing act. Two of these references shall be from social workers licensed at or above the applicant's level of licensure or eligible for licensure at such a level. The reference shall be familiar with the applicant's work. One of the references shall be from the academic social work supervisor if the applicant is a student or a person who graduated within the past two years. For all others, one reference shall be from the current or most recent work supervisor. Under extenuating circumstances, references from individuals other than social workers may be accepted.

(c) No applicant shall be given a tentative judgment on the applicant's eligibility for licensure until all credentials are received and all procedures are completed unless it is apparent that the applicant does not qualify for licensure on the basis of education pursuant to K.S.A. 1989 Supp. 65-6306, as amended.

(d) An applicant for a license pursuant to K.S.A. 1989 Supp. 65-6306, as amended, may be granted a temporary permit as defined in K.S.A. 1989 Supp. 65-6309(h), as amended.

(e) Applications shall be active through two examinations. If an applicant has not been licensed after the second examination offering through failure to pass the examination or sit for the examination, the application shall expire. Upon expiration, the application may only be renewed when the applicant submits a new application, fee, and all supporting documents. Under extenuating circumstances, the application may be extended up to one year.

(f) Any applicant's application may, for lack of qualifications, be suspended for a period not to exceed one year. If the applicant has not met the qualifications by the end of that year, the application shall expire. Upon such expiration, the application may only be renewed when the applicant submits a new application, fee, and all supporting documents. (Authorized by K.S.A. 1989 Supp. 74-7507; implementing K.S.A. 1989 Supp.

(continued)

65-6306 and K.S.A. 1989 Supp. 65-6309; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985; amended May 1, 1986 amended May 1, 1987; amended Feb. 25, 1991.)

102-2-4a. Continuing education for licensees. (a)

Each licensee shall have completed 60 clock hours of documented and approved continuing education during each two-year renewal period. Continuing education hours accumulated in excess of the 60-hour requirement shall not be carried over to the next renewal period.

(b) One clock hour shall be a minimum of 50 minutes of classroom instruction between instructor and participant. A presentation of less than 50 minutes shall not be considered unless the presentation is a part of a program lasting a minimum of three hours.

(c) One academic credit hour shall be equivalent to 15 clock hours for the purpose of continuing education. Credit for auditing an academic course shall be for actual clock hours attended during which instruction was given and shall not exceed the academic credit allowed.

(d) Acceptable continuing education, whether taken within the state or outside the state, shall include:

(1) an academic social work course audited or taken for credit;

(2) a seminar, institute, workshop, mini-course or video tape oriented to the enhancement of social work practice, values, skills, and knowledge;

(3) a cross-disciplinary offering from medicine, law, the behavioral sciences, or other disciplines if such offering is clearly related to the enhancement of social work practice, values, skills, and knowledge;

(4) a self-directed learning project approved by the board,

(5) supervision of undergraduate and graduate practicum students or specialty applicants;

(6) a program presented by board-approved program providers;

(7) a program presented by board-approved single-program-providers;

(8) first-time preparation and presentation of a social work course, seminar, institute, or workshop; and

(9) first-time publication of a social work article.

(e) In each of the following categories the maximum number of clock hours for which continuing education credit may be approved during any period shall be:

(1) 10 clock hours credit for each first-time preparation and presentation of a new course, seminar, institute, or workshop which is related to the enhancement of social work practice, values, skills, and knowledge. In addition to the preparation and presentation credit allowed, the number of clock hours approved for participants in the program may be given to the presenter, up to a maximum of 10 additional clock hours. If the presentation was presented by more than one social worker or other professional, the continuing education credit shall be prorated among the presenters;

(2) 10 clock hours credit for each preparation of a professional social work article published for the first time in a recognized professional journal, a book chap-

ter published by a recognized publisher, or a written presentation given for the first time at a statewide or national professional meeting. If such material was authored by more than one social worker or other professional, the continuing education credit shall be prorated among the authors;

(3) 20 clock hours credit for self-directed learning projects approved by the board; and

(4) 20 clock hours credit for the supervision of undergraduate and graduate practicum students or specialty license applicants. Continuing education credit for such supervision shall not exceed five hours per semester; and

(5) five hours credit for each renewal period for viewing video tapes when the video tape is the totality of the presentation.

(f) Approval shall not be granted for identical programs completed within the same license renewal period.

(g) Approval shall not be granted for job orientation or on-the-job training.

(h) Approval shall not be granted for the following:

(1) first aide courses, including CPR;

(2) inservice training when the training is for job orientation, on-the-job training, or is specific to the employing agency; or

(3) any activity where the licensee cannot demonstrate that the program's goals and objectives reasonably appear to enhance the licensee's practice, values, skills or knowledge in social work.

(i) Each licensee shall maintain individual continuing education records. Continuing education records shall document the licensee's attendance as defined by K.A.R. 102-2-5. These records may be required to be submitted to the board prior to the license renewal. (Authorized by and implementing K.S.A. 1989 Supp. 74-7507; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985; amended May 1, 1986; amended Feb. 25, 1991.)

102-2-7. Unprofessional conduct. (a) As used in K.S.A. 1989 Supp. 65-6311, unprofessional conduct means an action subject to disciplinary conduct because it is inconsistent with standards of moral and ethical social work established by the consensus of the expert opinion of the members of the profession through professional experience, as reasonably necessary to protect the public interest.

(b) The following acts shall be evidence of unprofessional conduct:

(1) making a materially false statement or failing to disclose a material fact in an application for licensure;

(2) failing to notify the board that:

(A) a license, certificate, permit, or registration granted by this or any other state for the practice of social work or practice in the field of behavioral sciences has been limited, restricted, suspended or revoked;

(B) the social worker has been subject to other disciplinary action by a licensing or certifying authority or professional association; or

(C) the social worker has been terminated or suspended from employment for some form of misfeasance, malfeasance, or nonfeasance;

(3) knowingly allowing another person to use one's license;

(4) impersonating another person holding a license issued by this board;

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

(6) furthering the application for social work licensure of another person who is known by that social worker to be unqualified in respect to character, education, or other relevant attributes;

(7) knowingly aiding or abetting any one who is not a licensed social worker to represent themselves as a social worker in this state;

(8) failing to notify the board within a reasonable period of time that another social worker is, in the judgment of the social worker, practicing or teaching social work in violation of the laws or regulations regulating social work unless the information was obtained in the context of confidentiality.

(9) refusing to cooperate in a timely manner with the board's request for assistance with an investigation of complaints lodged against any applicant or social worker licensed by the board. Anyone taking longer than 30 days to provide the requested information shall have the burden of demonstrating that they acted in a timely manner;

(10) misrepresenting professional competency by performing, or offering to perform, services clearly inconsistent with training, education, and experience;

(11) practicing inhumane or discriminatory treatment toward any person or group of persons;

(12) engaging in professional activities, including advertising, involving dishonesty, fraud, deceit, or misrepresentation;

(13) failing to advise and explain to each client the joint rights, responsibilities, and duties involved in the social work relationship;

(14) failing to provide each client with a description of what the client may expect in the way of tests, consultation, reports, fees, billing, therapeutic regimen, or schedule;

(15) failing to provide each client with a description of the possible effects of the proposed treatment when there are clear and established risks to the client;

(16) failing to inform each client of any financial interests that might accrue to the social worker from referral to any other service or from the use of any tests, books, or apparatus;

(17) failing to inform each client that the client is entitled to the same services from a public agency if the social worker is employed by that public agency and also offers services privately;

(18) failing to inform each client of the limits of confidentiality, the purposes for which information is obtained, and how it may be used;

(19) revealing a confidence or secret of any client, except:

(A) as required by law; and

(B) after full disclosure of the information to be revealed and the persons to whom the information will be revealed and after obtaining consent of the client;

(20) using a confidence or secret of any client to the client's disadvantage;

(21) using a confidence or secret of any client for the advantage of the social worker or a third person, without obtaining the client's consent after full disclosure of the purpose;

(22) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before:

(A) electronically recording sessions with that client;

(B) permitting a third-party observation of their activities; or

(C) releasing information to a third party concerning a client;

(23) failing to protect the confidences of other persons when providing a client with access to that client's records;

(24) failing to exercise due diligence in protecting the confidences and secrets of the client from disclosure by employees, associates, and others whose services are utilized by the social worker;

(25) making sexual advances toward or engaging in physical intimacies or sexual activities with any client, patient, or student of that social worker;

(26) providing social work services while using alcoholic beverages or drugs in an abusive manner;

(27) exercising undue influence on any client, patient, or student, including promoting sales of services, goods, appliances, or drugs in a manner that will exploit the patient, client, or student for the financial gain or personal gratification of the practitioner or a third party;

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

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

(30) soliciting the clients of colleagues or assuming professional responsibility for clients of another agency or colleague without appropriate communication with that agency or colleague;

(31) making claims of professional superiority which cannot be substantiated by the social worker;

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

(33) claiming or using any secret or special method of treatment or techniques which the social worker refuses to divulge to the board;

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

(35) failing to maintain the confidences shared by colleagues in the course of professional relationships and transactions with those colleagues;

(36) taking credit for work not personally performed whether by giving inaccurate information or failing to disclose accurate information;

(37) if engaged in research, failing to:

(A) consider carefully the possible consequences for human beings participating in the research;

(continued)

(B) protect each participant from unwarranted physical and mental harm;

(C) ascertain that the consent of the participant is voluntary and informed; and

(D) treat information obtained as confidential;

(38) knowingly reporting distorted, erroneous, or misleading information;

(39) failing to notify the client promptly when termination or interruption of service of the client is anticipated, and failing to seek continuation of service in relation to the client's needs and preferences;

(40) abandoning or neglecting a client under and in need of immediate professional care, without making reasonable arrangements for continuation of that care;

(41) abandoning an agency, organization, institution, or a group practice without reasonable notice and under circumstances which seriously impair the delivery of professional care to clients;

(42) failing to terminate the social work relationship when it is apparent that the relationship no longer serves the client's needs;

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

(44) failing to exercise appropriate supervision over anyone authorized to practice only under the supervision of a social worker;

(45) practicing social work in an incompetent manner; or

(46) practicing social work after expiration of the social worker's license. (Authorized by and implementing K.S.A. 1989 Supp. 65-6311 and K.S.A. 1989 Supp. 74-7507; effective May 1, 1982; amended, T-85-36, Dec. 19, 1984; amended May 1, 1985; amended, T-86-39, Dec. 11, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Feb. 25, 1991.)

102-2-8. Supervision. (a) Licensed social workers.

(1) Social workers having less than the specialty social work license shall not engage in private, independent practice.

(2) Any person who provides clinical social work services as a self-employed person, member of a partnership, member of a professional corporation, or a member of a group practice and who is not licensed as a specialist clinical social worker shall be supervised by a licensed specialist clinical social worker.

(3) Social work consultation shall not meet the supervision requirements for the social work service provider.

(4) A minimum of one hour of supervision shall be provided per 40 hours of service delivery.

(5) No social worker shall supervise under a license that is limited or restricted by the board. This provision may be waived by the board upon application for review by the proposed supervisor.

(b) Non-licensed social work service providers.

(1) Social work consultation shall not meet the supervision requirements for the non-licensed social work service provider.

(2) Social workers utilizing non-licensed individuals

in the delivery of social services shall specifically delineate the non-licensed individual's duties and provide a level of supervision which is consistent with the training and ability of the non-licensed social work service provider.

(3) A written agreement shall be developed between the supervisor and the employer of the non-licensed social work service provider, consisting of specific goals and objectives, the means to attain the goals, and the manner in which the goals relate to the overall objective for supervision of the non-licensed social work service provider. Documentation of the written agreement shall include:

(A) a copy of the written agreement;

(B) a summary of the types of clients and situations dealt with at the supervisory session;

(C) a written explanation of the relationship of the goals and objectives of supervision to the supervisory session; and

(D) the length of time spent in the supervisory session.

(4) A minimum of one hour of supervision shall be provided per 40 hours of service delivery. No less than four hours of supervision per month shall be provided.

(5) No social worker shall supervise under a license that is limited or restricted by action of the board. This provision may be waived by the board upon application for review by the proposed supervisor. (Authorized by and implementing K.S.A. 1989 Supp. 74-7507; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended Feb. 25, 1991.)

102-2-12. Licensed specialist clinical social work licensure requirement. (a) In order for an applicant to qualify for licensure at the specialist clinical social work level, the following requirements shall be met:

(1) completion of two years of post-graduate, supervised, clinical experience with a minimum of 4,000 hours of service. The supervision shall be provided by a licensed specialist clinical social worker, or one eligible for licensure at that level if supervision occurred in a state other than Kansas;

(2) participation in a minimum of one one-hour supervisory session per week with a minimum of 100 hours in supervisory sessions over the two-year period; and

(3) successful completion of an examination approved by the board for this level of licensure.

(b) Documentation attesting to the applicant's completion of the supervised clinical social work experience shall be submitted to the board at the time of application and shall include a statement by the supervisor that the overall objectives of clinical social work supervision have been met. The documentation shall include:

(1) a supervisory contract that has been developed between the supervisor and the applicant. The contract shall consist of specific goals and objectives, the means to attain the goals, and a description of the manner in which the goals relate to the overall objectives. Under extenuating circumstances, the supervisory contract may be waived by the board;

(2) a summary of the types of clients and situations dealt with at the supervisory sessions;

(3) a written explanation of the relationship of the goals and objectives of supervision to the supervisory session; and

(4) the length of time spent in the supervisory sessions over the two-year period.

(c) Out-of-state applicants who received supervision in a state other than Kansas shall also submit documentation from their supervisors attesting to the supervisor's eligibility to provide supervision. An out-of-state supervisor shall be considered eligible to provide supervision if the supervisor has met the requirements contained in K.A.R. 102-2-12(a).

(d) Out-of-state applicants who cannot provide the documentation required by subsection (b) of this regulation shall be supervised in Kansas for a minimum of 10 hours in order for the Kansas supervisor to ensure that requirements have been met.

(e) Social work consultation shall not meet the supervision requirements. (Authorized by K.S.A. 1989 Supp. 74-7507; implementing K.S.A. 1989 Supp. 65-6306, and K.S.A. 1989 Supp. 65-6308; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985; amended May 1, 1987; amended Feb. 25, 1991.)

Article 3.—PROFESSIONAL COUNSELORS; FEES

102-3-1. Definitions. (a) A "year of supervised experience" means a minimum of 2,000 supervised clock hours as described in K.A.R. 102-3-6. The 2,000 hours shall not commence until all requirements for the graduate degree have been completed.

(b) "full-time employment" means at least 2,000 hours of employment during a 12-month period.

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

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

(e) A "client" means a person who is a direct recipient of counseling services.

(f) A "professional counselor supervisor," means, for training purposes, an individual registered, licensed, certified, registerable, licensable, or certifiable at the graduate level in that person's state to engage in the practice of counseling, and who has or had, in full or in part, legal, administrative or professional authority over and responsibility for the professional functioning of the applicant.

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

(h) "Continuing education" means programs or activities that are designed to enhance the professional counselor's level of knowledge, skill, and ability to practice as a professional counselor. These programs shall have content clearly related to the enhancement

of counseling practice, values, and knowledge. Continuing education credits shall not be used as a substitute for basic professional education preparation as defined in K.A.R. 102-3-3.

(i) "Specialty" means the area and type of professional services provided or to be provided by the applicant or registered professional counselor. (Authorized by and implementing K.S.A. 1989 Supp. 74-7507; effective, T-102-6-13-88, June 13, 1988; effective, T-102-10-17-89, Oct. 17, 1989; effective Feb. 25, 1991.)

102-3-3. Educational requirements. (a) To be approved by the board, pursuant to K.S.A. 1989 Supp. 65-5804, the college or university shall:

(1) offer professional counselor training in graduate studies that are substantially equivalent to those offered by universities in Kansas;

(2) clearly identify and specify in pertinent institutional catalogs and transcripts its intent to educate and train professional counselors;

(3) have recognized the professional counselor education program as a coherent entity within the college or university;

(4) have established clear authority and primary responsibility for the core and specialty areas of professional counseling;

(5) have established, wherever administratively housed, an organized sequence of study that is planned by responsible administrators to provide an integrated educational experience in professional counseling;

(6) have an identifiable full-time professional counseling faculty and a person responsible for the professional counselor education program who is licensed, certified, registered, licensable, certifiable or registerable at the graduate level to engage in the practice of professional counseling;

(7) have established and recognized an identifiable body of students enrolled in the program for a degree, whose residency requirements are substantially equivalent to the requirements at the state universities in Kansas;

(8) require appropriate practicum, internship, field or laboratory training in professional counseling;

(9) establish and require a curriculum that encompasses a minimum of two academic years of graduate study, that includes at least one academic year with at least 12 semester hours at the university granting the degree;

(10) require that each professional counseling student successfully complete one course with a minimum of two credit hours in each of the following substantive content areas:

(A) counseling theory and practice that includes studies in basic theories, principles and techniques of counseling and their applications to professional counseling settings;

(B) the helping relationship that includes studies in philosophic bases of helping relationships, application of the helping relationship to counseling practice, and an emphasis on development of counselor and client self-awareness;

(continued)

(C) group dynamics, processing and counseling that includes studies in theories and types of groups, as well as descriptions of group practices, methods, dynamics, and facilitative skills;

(D) human growth and development that includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels, with emphasis on psychological, sociological, and physiological approaches. Also included are such areas as both normal and abnormal behavior, personality theory and learning theory;

(E) lifestyle and career development that includes studies in such areas as vocational choice theory, the relationship between career choice and lifestyle, sources of occupational and educational information, approaches to career decision-making processes and career development exploration techniques;

(F) appraisal of individuals that includes in the development of a framework for understanding the individual, including methods of data gathering and interpretation, individual and group testing, and the study of individual differences. Also included are studies in ethnic, cultural and sex factors;

(G) social and cultural foundations that includes studies in change, ethnic groups, subcultures, changing roles of women, sexism, urban and rural societies, population patterns, cultural mores, use of leisure time and differing life patterns. These studies include such disciplines as the behavioral sciences, economics, and political science;

(H) research and evaluation that includes studies in the areas of statistics, research design, development of research, understanding legislation relating to program development, development of program goals and objectives, and evaluation of program goals and objectives;

(I) professional orientation that includes studies in the goals and objectives of professional organizations, codes of ethics, legal considerations, standards of preparation, certification, licensing, and role identities of counselors and others in the helping professions; and

(J) supervised practical experience that includes studies in the application in actual practice of the theories and concepts presented in formal study. Each practice shall be performed under the close supervision of the instructor with the use of direct observation through one-way mirrors in a counseling laboratory, through the use of video taped sessions, with audiotapes or with written case notes;

(11) document in official publications including course catalogues and announcements of the professional counselor education program standards and descriptions and admission requirements that are in part or in full based on objective, standardized achievement tests and measures that are substantially equivalent to those of the state universities in Kansas;

(12) conduct an ongoing objective review and evaluation of professional counselor student learning and progress and a report of this evaluation in the official transcript; and

(13) provide suitable scientific and practical facilities and a library. The equipment, resources, and library shall be adequate for the size of the professional coun-

selor student body and the scope of the professional counselor education program offered, which shall be substantially equivalent to the state universities of Kansas.

(b) Each graduate professional counselor education program shall be housed in an academic setting. (Authorized by K.S.A. 1989 Supp. 74-7507; implementing K.S.A. 1989 Supp. 65-5804; effective, T-102-6-13-88, June 13, 1988; effective, T-102-10-17-89, Oct. 17, 1989; effective Feb. 25, 1991.)

102-3-4. Applications. (a) An applicant shall not be given a tentative judgment on the applicant's eligibility for registration until all credentials are received and procedures are completed unless it is apparent that the applicant does not qualify for registration on the basis of education as defined in K.A.R. 102-3-3.

(b) Each request for registration application forms shall be forwarded to the board's executive director and shall include the applicant's transcript or transcripts of all college or university coursework in professional counseling. The transcript shall be provided directly to the board by the academic institution.

(c) Each applicant shall provide three written references from professional counselors to provide proof of professional conduct and competence as defined in K.A.R. 102-3-6. Under extenuating circumstances, references may be accepted by the board from persons other than professional counselors.

(d) Each application shall be held through two consecutive examinations. If an applicant has not been registered after the second examination through failure to pass the examination or failure to sit for the examination, the application shall expire and the applicant may not reapply for registration for two years from the date of the last examination.

(e) Any application may, for lack of qualifications, be suspended for a period not to exceed one year. If the applicant has not met the qualifications by the end of that year, the application shall expire. Upon expiration, an application may be renewed when the applicant submits a new application, fee, and all supporting documents.

(f) Transcripts from outside the United States. All applicants who are graduates of colleges and universities from outside the United States shall submit their official transcripts, an officially translated English copy of those transcripts, supporting documents, and, where necessary, an officially translated English copy of the graduate thesis or doctoral dissertation. The transcript shall be translated by a source or in a manner that is acceptable to the board. (Authorized by K.S.A. 1989 Supp. 74-7507; implementing K.S.A. 1989 Supp. 65-5805; effective, T-102-6-13-88, June 13, 1988; effective, T-102-10-17-89, Oct. 17, 1989, June 13, 1988; effective, T-102-10-17-89, Oct. 17, 1989; effective Feb. 25, 1991.)

102-3-5. Examinations. (a) Each applicant for registration shall take an examination. The pass criterion score shall be one-half of a standard deviation below the national mean for each examination. Each applicant shall be notified of the results in writing.

(b) The standard examination shall be a written ex-

amination. A written examination may be waived and an oral examination procedure substituted when an applicant is unable to take the written examination because one or more physical handicaps preclude completion of the written examination, or may severely affect the applicant's performance.

(c) For oral examinations, the board may contract collectively or individually with a panel of registered professional counselors to conduct the oral examination and make recommendations to the board, based on the performance evaluation of the applicant.

(d) Oral examinations shall include assessment of:

- (1) Effectiveness and clarity of expression;
- (2) knowledge and skills in the area in which the applicant is otherwise qualified to offer professional counseling services;
- (3) knowledge and awareness of ethical issues and problems in the professional area of emphasis and for professional counselors in general; and
- (4) knowledge of general counseling.

(e) All oral examinations shall be recorded verbatim.

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

(g) Any applicant may be exempt from taking the written examination if:

(1) The applicant successfully passed the written portion of an examination in this state or in another state deemed by the board to be substantially equivalent to that used in this state at a level equal to or greater than the criterion pass score; or

(2) the applicant:

(A) has been continuously certified, licensed or registered, at the graduate level since implementation of certification, or licensure law in the applicant's state other than Kansas, or under the registration without examination provisions of the registration;

(B) has been employed as a professional counselor full-time at least for five years;

(C) has never taken the examination; and

(D) has never had a certificate, license, or registration that has been or is limited, suspended, or revoked.

(h) Each applicant for registration who fails the examination shall submit the fee required by K.A.R. 102-3-2 for each subsequent examination which the applicant attempts to pass. (Authorized by K.S.A. 1989 Supp. 74-7507; implementing K.S.A. 1989 Supp. 65-5804; effective, T-102-6-13-88, June 13, 1988; effective, T-102-10-17-89, Oct. 17, 1989; effective, Feb. 25, 1991.)

102-3-6. Professional references and supervision.

(a) References.

(1) As a part of the application process, each applicant shall submit:

(A) the names of three persons who can attest to the applicant's previous supervised experience, previous and current professional work, and compliance with the ethical standards; and

(B) the name of at least one professional counselor who is able to attest to the applicant's post-graduate experience.

(2) Submission of names of additional references may be requested by the board.

(3) Under extenuating circumstances, references from individuals other than professional counselors may be accepted by the board.

(4) Members of the board shall not serve as references unless they supervised the applicant.

(5) The attesting persons shall use forms supplied by the board.

(b) Supervision and professional experience requirements.

(1) Only professional practice in an organized public or private setting, institution or organization which provided the applicant an opportunity for contact with other disciplines, and an opportunity to utilize a variety of theories and to work with a broad range of populations and techniques shall be recognized by the board as supervised professional experience. Involvement in practicums shall not constitute "professional experience."

(2) After July 1, 1992, each applicant shall have been directly supervised by and under the guidance of a person who is registered, licensed, certified, registerable, licensable, or certifiable at the graduate level in that person's state to engage in the practice of professional counseling and who has had a minimum of two years of experience beyond the supervisor's registration, certification or licensure date or eligibility date.

(3) Each applicant's supervised experience in professional counseling shall have been consistent with the applicant's educational background and with the specialty in which the applicant intends to offer services to the public. At least half of the applicant's supervised experience shall have been relevant to the applicant's specialty.

(4) The supervisor shall have provided a minimum of one hour of individual supervision for every 40 hours of professional experience of the applicant.

(5) The supervisor shall be available to the applicant at the points of decision-making regarding the professional services being provided. The supervisor's relationship with the applicant shall be clearly differentiated from that of consultant.

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

(7) The supervisor shall not be under a supervisory agreement with the board. This provision may be waived by the board upon application by the supervisor for review.

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

(d)(1) The supervised practice time during which the applicant has received an unsatisfactory rating from the supervisor shall not be credited toward the supervised practice hours required by K.S.A. 1989 Supp. 65-5804 and amendments thereto.

(2) Professional experience gained before the completion of all academic requirements for the graduate degree shall not fulfill requirements for registration pursuant to K.S.A. 1988 Supp. 65-5804, and amendments thereto.

(continued)

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

(e) Professional experience required of the applicant between the time the applicant fulfilled all of the requirements for the applicant's terminal degree and the time of the actual conferral of the degree may be credited toward the experience requirements for registration, if the date of completion of all degree requirements is verified in writing by the responsible academic or administrative official, and if other requirements necessary for professional experience are met. (Authorized by K.S.A. 1989 Supp. 74-7507; implementing K.S.A. 1989 Supp. 65-5803; effective T-102-6-13-88, June 13, 1988; effective T-102-10-17-89, Oct. 17, 1989; effective Feb. 25, 1991.)

102-3-10. Unprofessional conduct. (a) Any registration may be suspended, limited, or revoked or not issued or renewed upon a finding of unprofessional conduct.

(b) The following acts shall be evidence of unprofessional conduct:

(1) misrepresenting professional competency by offering to perform services that are clearly unwarranted by education, training, or supervised experience;

(2) performing professional services that are inconsistent with the registrant's specialty or specialties recognized by the board based on a review of training, education, and experience;

(3) being convicted of a crime resulting from or relating to the registrant's professional practice of counseling;

(4) reporting distorted, erroneous, or misleading counseling information;

(5) taking credit for work not personally performed;

(6) failing to obtain written, informed consent from a client or the client's legal representative or representatives before:

(A) electronically recording sessions with the client; or

(B) before releasing information to a third party concerning the client except as required by law;

(7) making sexual advances toward or engaging in sexual activities with any client or student of that professional counselor;

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

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

(10) failing to inform the client of any financial interests that might accrue to the registered professional counselor from referral to any other service or from the use of any tests, books, or apparatus;

(11) refusing to cooperate in a timely manner with the board's request for assistance with an investigation of complaints lodged against any applicant or professional counselor registered by the board. Anyone tak-

ing longer than 30 days to provide the requested information shall have the burden of demonstrating that they have acted in a timely manner;

(12) failing to notify the board that:

(A) a professional counseling license, certificate, permit, registration, or other certificate, registration or license in the field of behavioral sciences granted by any state that has been limited, restricted, suspended or revoked;

(B) the professional counselor has been subject to any other disciplinary action by a licensing or certifying authority or professional association; or

(C) the professional counselor has been terminated or suspended from employment for some form of misfeasance, malfeasance, or nonfeasance;

(13) failing to inform the client that the client is entitled to the same services from a public agency if the professional counselor is employed by that public agency and also offers services privately;

(14) exercising undue influence on any client or student, including promoting sales of services, goods, appliances, or drugs in a manner that will exploit the client or student for the financial gain or personal gratification of the practitioner or a third party;

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

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

(17) making claims of professional superiority which cannot be substantiated by the professional counselor;

(18) diagnosing, treating, or failing to refer to mental health services clients who the counselor may have reason to believe are suffering from a mental illness or disease;

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

(20) failing to exercise appropriate supervision over anyone with whom the professional counselor has a supervisory relationship;

(21) failing to notify the board within a reasonable time that another registered counselor is, in the judgment of the registered counselor, practicing or teaching counseling in violation of the laws or regulations regulating professional counseling;

(22) guaranteeing that satisfaction will result from the performance of professional services;

(23) continuing or ordering tests not warranted by the needs and preferences of the client; or

(24) claiming or using any secret or special method of assessment or counseling technique which the registered professional counselor refuses to divulge to the board. (Authorized by K.S.A. 1989 Supp. 74-7507; effective, T-102-6-13-88, June 13, 1988; effective, T-102-10-17-89, Oct. 17, 1989; effective Feb. 25, 1991.)

102-3-11. Continuing education for registrants.

(a) Each registrant shall have completed 50 clock hours of documented and approved continuing education during each two-year renewal period. Continuing education hours accumulated in excess of the 50-hour requirement shall not be carried over to the next renewal period.

(b) One clock hour shall be a minimum of 50 minutes of classroom instruction between instructor and participant.

(c) One academic credit hour shall be equivalent to 15 clock hours for the purpose of continuing education. Credit for auditing an academic course shall be for actual clock hours attended during which instruction was given and shall not exceed the number of equivalent clock hours allowed for each academic credit hour.

(d) Acceptable continuing education, whether taken within the state or outside the state, shall include:

(1) an academic counseling course audited or taken for credit;

(2) a seminar, institute, workshop, or mini-course, or video tape oriented to the enhancement of professional counseling practice, values, skills, or knowledge.

(3) a cross-disciplinary offering from medicine, law, the behavioral sciences, or other disciplines, if such offerings are clearly related to the enhancement of professional counseling practice, values, skills, or knowledge;

(4) a self-directed learning project approved by the board;

(5) supervision of undergraduate and graduate practicum students or specialty applicants;

(6) an approved-provider program or approved single-program provider programs as long as the program is or the programs are oriented toward the enhancement of professional counseling practice, values, skills, or knowledge;

(7) first-time preparation and presentation of a professional counseling course, seminar, institute or workshop; and

(8) first-time publication of a professional counseling article.

(e) In each of the following categories, the maximum number of clock hours for which continuing education credit in each of the following categories may be approved during any period shall be:

(1) 10 clock hours credit for each first-time preparation and presentation of a new course, seminar, institute, or workshop which is related to the enhancement of professional counseling practice, values, skills, and knowledge. In addition to the preparation and presentation credit allowed, the number of clock hours approved for participants in the program may be given to the presenter, up to a maximum of 10 additional clock hours. If the presentation was presented by more than one professional counselor or other professional, the continuing education credit shall be prorated among the presenters;

(2) 20 clock hours credit for each preparation of a professional counseling article published for the first time in a recognized professional journal, a book chapter published by a recognized publisher, or a written

presentation given for the first time at a statewide or national professional meeting. If such material was authored by more than one professional counselor or other professional, the continuing education credit shall be prorated among the authors;

(3) 20 clock hours credit for self-directed learning projects approved by the board;

(4) 20 clock hours credit for the supervision of undergraduate and graduate practicum students or specialty registration applicants. Continuing education credit for such supervision shall not exceed five hours each semester; and

(5) five hours credit for each renewal period for viewing video tapes when the video tape is the totality of the presentation.

(f) Approval shall not be granted for identical programs completed within the same license renewal period.

(g) Approval shall not be granted for job orientation or on-the-job training.

(h) Approval shall not be granted for the following:

(1) first aide courses, including CPR;

(2) inservice training when the training is for job orientation, job training, or is specific to the employing agency; or

(3) any activity where the licensee cannot demonstrate that the program's goals and objectives intend to enhance the licensee's practice, values, skills or knowledge in professional counseling to the board's satisfaction.

(i) Each registrant shall maintain individual continuing education records. Continuing education records shall document the registrant's attendance as defined by K.A.R. 102-3-12. These records may be required to be submitted to the board prior to the registration renewal. (Authorized by K.S.A. 1989 Supp. 65-5807 and K.S.A. 1989 Supp. 74-7507; effective, T-102-6-13-88, June 13, 1988; effective, T-102-10-17-89, Oct. 17, 1989; effective Feb. 25, 1991.)

Article 4.—MASTER LEVEL PSYCHOLOGISTS

102-4-4. Application for registration. (a) Each request for registration application forms shall be forwarded to the board's executive director. Each completed registration application form shall be returned to the board and shall include:

(1) The applicant's academic transcripts and proof of receipt of undergraduate and graduate degrees. This proof shall be provided directly to the board by the academic institution;

(2) documentation of academic background form; and

(3) full payment of the appropriate fee.

(b) Three written references shall be required to provide proof that the applicant meets the requirements for professional conduct and competence pursuant to K.A.R. 102-4-6. The references shall be sent directly to the board on forms provided by the board.

(c) Any applicant for temporary permit registration as defined in K.S.A. 1989 Supp. 74-5367, and any amendments thereto, may be granted a temporary permit.

(continued)

(d) Each applicant issued a temporary permit shall, upon renewing the temporary permit, have the applicant's supervisory psychologist provide written verification to the board the applicant has completed a minimum of 750 clock hours of supervision.

(e) Each applicant who holds a temporary permit shall be registered after the applicant's supervisor provides written verification to the board that the applicant has completed a minimum of 1500 clock hours of supervision.

(f) Each applicant for registration shall meet the requirements provided in K.S.A. 1989 Supp. 74-5363(c) and shall provide evidence of eligibility. Evidence of eligibility shall be provided to the board by the applicant's employer and shall include:

- (1) the date of employment;
- (2) the length of employment; and
- (3) the position description.

(g) Any application may, for lack of qualifications, be suspended for a period not to exceed one year. If the applicant has not met the qualifications by the end of that year, the application shall expire. Upon expiration, an application may be renewed when the applicant submits a new application, fee, and all supporting documents.

(h) Transcripts from outside the United States. All applicants who are graduates of colleges and universities from outside the United States shall submit their official transcripts, an officially translated English copy of those transcripts, supporting documents, and, where necessary, an officially translated English copy of the graduate thesis of doctoral dissertation. The transcript shall be translated by a source or in a manner that is acceptable to the board. (Authorized by K.S.A. 1989 Supp. 74-5370; implementing K.S.A. 1989 Supp. 74-5363, K.S.A. 1989 Supp. 74-5366; and K.S.A. 1989 Supp. 74-5367; effective, T-112-2-23-89, Feb. 23, 1989; effective April 3, 1989; amended Feb. 25, 1991.)

Mary Ann Gabel
Executive Director

Doc. No. 010111

State of Kansas
Social and Rehabilitation Services
Temporary Administrative
Regulations

**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. A monetary standard addresses the costs of day to day expenses and certain special expenditures. (a) Basic standard in the ADC program. The basic standards in the ADC program shall be those set forth below. The basic standards include \$12.00 per person as an energy supplement.

PERSONS IN PLAN			
1	2	3	4
\$125.00	\$203.00	\$274.00	\$335.00

For each additional person, add \$55.00.

(b) Basic standard in the GA program. The basic standards in the GA program shall be those set forth below. The basic standards include \$21.00 per person as an energy supplement.

PERSONS IN PLAN			
1	2	3	4
\$134.00	\$221.00	\$301.00	\$371.00

For each additional person, add \$64.00.

(c) Shelter standard. A standard has been established for shelter based on location in the state. The county shelter standards shall be those set forth below.

Standard.	Group I \$92.00	Group II \$97.00	Group III \$109.00	Group IV \$135.00
	Allen	Franklin	Butler	Douglas
	Anderson	Gray	Jefferson	Harvey
	Atchison	Kiowa	Leavenworth	Johnson
	Barber	Morton	McPherson	
	Barton	Pawnee	Miami	
	Bourbon	Seward	Osage	
	Brown	Sherman	Reno	
	Chase		Rice	
	Chautauqua		Riley	
	Cherokee		Sedgwick	
	Cheyenne		Shawnee	
	Clark		Shawnee	
	Clay		Shawnee	
	Cloud		Shawnee	
	Coffey		Wyandotte	
	Comanche			
	Cowley			
	Crawford			
	Decatur			
	Dickinson			
	Doniphan			
	Edwards			
	Elk			
	Ellis			
	Ellsworth			
	Finney			
	Ford			
	Geary			
	Gove			
	Graham			
	Grant			
	Greeley			
	Greenwood			
	Hamilton			
	Harper			
	Haskell			
	Hodgeman			
	Jackson			
	Jewell			
	Kearny			
	Kingman			
	Labette			
	Lane			
	Lincoln			
	Linn			
	Logan			
	Lyon			
	Marion			
	Marshall			
	Meade			
	Mitchell			
	Montgomery			
	Morris			
	Nemaha			
	Neosho			
	Ness			
	Norton			
	Osborne			
	Ottawa			
	Phillips			
	Pottawatomie			
	Pratt			
	Rawlins			
	Republic			
	Rooks			
	Rush			
	Russell			
	Saline			
	Scott			
	Sheridan			
	Smith			
	Stafford			
	Stanton			
	Stevens			
	Sumner			
	Thomas			
	Thomas			
	Trego			
	Wabaunsee			
	Wallace			
	Washington			
	Wichita			
	Wilson			
	Woodson			

Standard.	Group II \$97.00	Group III \$109.00	Group IV \$135.00
	Franklin	Butler	Douglas
	Gray	Jefferson	Harvey
	Kiowa	Leavenworth	Johnson
	Morton	McPherson	
	Pawnee	Miami	
	Seward	Osage	
	Sherman	Reno	
		Rice	
		Riley	
		Sedgwick	
		Shawnee	
		Shawnee	
		Wyandotte	

The effective date of this regulation shall be December 28, 1990. (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, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended, T-

85-19, July 1, 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 May 1, 1988; amended, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended, T-30-12-28-89, Jan. 1, 1990; amended, T-30-2-28-90, Feb. 28, 1990; amended, T-30-5-1-90, May 1, 1990; amended, T-30-8-28-90, Aug. 30, 1990; amended, T-30-12-28-90, Dec. 28, 1990.)

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

30-6-77. Poverty level pregnant women and young children; determined eligibles. Each applicant or recipient shall meet the general eligibility requirements of K.A.R. 30-6-50 and the specific eligibility requirements set forth below. (a) Pregnant women. Each eligible woman shall be medically determined to be pregnant. Assistance under this provision shall continue for two calendar months following the month in which the pregnancy terminates.

(b) Infants. Each eligible infant shall be under one year of age. Assistance under this provision shall continue:

(1) through the month in which the child turns age one; or

(2) if receiving inpatient services in the month in which the child turns age one:

(A) through the calendar month in which that inpatient care ends; or

(B) through the calendar month following the month the care begins, whichever is sooner. If the inpatient care will exceed that time period, eligibility for the child under this provision shall end on the last day of the calendar month in which the child turns age one.

(c) Other young children. Each eligible child shall be at least one year of age, but no older than six years of age. Assistance under this provision shall continue:

(1) Through the month in which the child turns age six; or

(2) if receiving inpatient services in the month in which the child turns age six:

(A) Through the calendar month in which that inpatient care ends; or

(B) through the calendar month following the month the care begins, whichever is sooner. If the inpatient care will exceed that time period, eligibility for the child under this provision shall end on the last day of the calendar month in which the child turns age six.

(d) Persons whose needs are to be considered in determining eligibility.

(1) For pregnant women, the needs of the pregnant woman, the unborn child and the father of the unborn child shall be considered if living together. If the pregnant woman is a minor, the needs of her parents shall also be included if living together with the minor.

(2) For young children, the needs of the child and the child's parents shall be considered if living together.

(3) Other pregnant women and young children in

the family group for whom assistance is requested shall be included in the assistance plan if otherwise eligible.

(e) Financial eligibility. A percentage of the official federal poverty income guidelines as established in K.A.R. 30-6-103 shall be used as the protected income level for the number of persons in the plan and any other persons in the family whose income is being considered. Total applicable income to be considered in the eligibility base period shall be compared against the poverty level for the base period. To be eligible under this provision, the total applicable income shall not exceed the poverty level established for the base period. Ownership of excess nonexempt real or personal property shall not result in ineligibility.

(f) Continuous eligibility. A pregnant woman who becomes eligible for assistance under this regulation shall continue to be eligible throughout her pregnancy and the two calendar months following the month her pregnancy terminates without regard to any changes in family income. 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, T-30-7-1-88, July 1, 1988; effective Sept. 26, 1988; amended July 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, T-30-12-28-90, Jan. 2, 1991.)

30-6-86. Poverty level medicare beneficiaries; determined eligibles. Each applicant or recipient shall meet the general eligibility requirements of K.A.R. 30-6-50 and the specific eligibility requirements set forth below. (a) Age, blindness or disability. Each individual must meet the age, blindness or disability requirements of K.A.R. 30-6-85.

(b) Medicare part A beneficiary. Each individual must be entitled to medicare part A benefits.

(c) Financial eligibility. A percentage of the official federal poverty income guidelines as established in K.A.R. 30-6-103 shall be used as the protected income level for the number of persons in the plan and any other persons whose income is considered. Total applicable income to be considered in the eligibility base period shall be compared against the poverty level for the base period. However, the amount of an annual social security cost-of-living adjustment shall be disregarded in determining eligibility during the first quarter of the year for which the adjustment is provided. To be eligible under this provision, the total applicable income shall not exceed the poverty level established for the base period. The individual must also not own nonexempt real or personal property with a resource value in excess of two times the allowable amount specified in K.A.R. 30-6-107 for the number of persons whose nonexempt resources are considered available to the individual.

(d) Assistance provided. Assistance under this provision shall be limited to the payment of allowable medicare premiums, deductibles and coinsurance. The effective date of this regulation shall be January 2,

(continued)

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 Jan. 2, 1989; amended July 1, 1989; amended, T-30-12-28-90, Jan. 2, 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, 100% 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 Oct. 1, 1990; amended Jan. 7, 1991; amended, T-30-12-28-90, Jan. 2, 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 appraisal 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 med-

ical 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

(continued)

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 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 be equal to $\frac{1}{2}$ of the total value of the property owned by both spouses as of the first period of continuous institutionalization beginning on or after September 30, 1989. This allowance may not exceed \$66,480.00, but shall be no less than \$13,296.00. Both the \$13,296.00 and \$66,480.00 standards 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 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 insti-

tutionalized 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-30-11-25-90, Jan. 2, 1991; amended Jan. 7, 1991; amended, T-30-12-28-90, Jan. 2, 1991.)

30-6-113. Income exempt as applicable income.

The following income shall be exempt as applicable income in the determination of eligibility:

- (a) Unearned income in kind;
- (b) foster care standard payments;
- (c) shelter cost participation payments. In shared living arrangements in which two families contribute toward the shelter obligations, any cash paid toward the shared shelter obligation by one family to the second family in the shared arrangement shall not be considered as income to the second family. This exemption shall not be applicable in a bona fide, commercial landlord-tenant arrangement;
- (d) assistance payments in the month received;
- (e) home energy assistance furnished by a federal or state regulated entity whose revenues are primarily derived on a rate-of-return basis, by a private, non-profit organization, by a supplier of home heating oil or gas, or by a municipal utility company which provides home energy, if the assistance provided is based on need;
- (f) income of a child received from a youth program funded by the job training partnership act of 1982, except that earned income received under the program shall only be exempt for a period of six months;
- (g) incentive payments received by renal dialysis patients;
- (h) irregular, occasional, or unpredictable monetary gifts not to exceed \$30.00 per person in any calendar quarter, except this subsection is not applicable to gifts in excess of \$30.00;
- (i) tax refunds and rebates
- (j) for non-SSI, earned income of a recipient child if the child is under the age of 18 years and a full-time student or if the child is a part-time student and is not a full-time employee;
- (k) for non-SSI, earned income of a recipient child who is 18 years of age and a full-time student;
- (l) for non-SSI, support payments covered by an assignment of support rights related to ADC and ADC-FC and forwarded to the agency. However, a support refund, disbursed by the agency to the client, shall not be exempt;

(m) for non-SSI, housing assistance from federal housing programs;

(n) for non-SSI, the first \$50.00 of child support or child support in combination with spousal support received in a month;

(o) for SSI, refund of taxes paid on real property or on food purchases;

(p) for SSI, $\frac{1}{3}$ of child support payments received by an eligible child from an absent parent;

(q) for SSI, earnings of an unmarried child who is a student under 22 years of age up to \$400.00 a month. This exemption shall not exceed \$1,620.00 a year;

(r) for SSI, work expenses of a blind recipient;

(s) for SSI, impairment-related work expenses of a disabled recipient;

(t) for SSI, incentive allowances and reimbursements for individuals in training to provide support services under the jobs training partnership act (JTPA) program administered by state and local subdivisions;

(u) for SSI, the difference between the social security benefit entitlement in August, 1972, and the entitlement in September, 1972, for persons who were receiving cash assistance through the programs of AABD or ADC in September, 1972 and who were entitled to a social security benefit in September, 1972. This exemption shall apply only if the exemption establishes eligibility without a spenddown;

(v) for SSI, the amount of all social security cost of living adjustments for a person who was concurrently receiving SSI and social security after April, 1977 and who would be eligible for SSI if the cost of living adjustments received since that person was last eligible for SSI were not considered as income;

(w) for SSI, income allocated and expended by an adult in an institutional living arrangement for the support of the adult's minor children if the adult does not have a spouse who continues to live in the community. The income allocation shall not exceed the amount necessary to bring their income up to the protected income level appropriate to their living arrangement;

(x) for SSI, SSI payments to which the person is not legally entitled that are subject to SSI recovery;

(y) for SSI, child support collected by the agency and paid as a \$50.00 or less pass-through of child support;

(z) for SSI, the amount of the December, 1983 increase in social security disabled widow or widower benefits resulting from the changes in the actuarial reduction formula and all subsequent cost of living adjustments for a person who was concurrently receiving SSI and social security disabled widow and widower benefits under section 202(e) or 202(f) of the social security act provided that:

(1) The person became ineligible for SSI due solely to the 1983 actuarial increase;

(2) the person has continuously received social security disabled widow or widower benefits since the 1983 actuarial increase was first received;

(3) the person would be currently eligible for SSI if it were not for the 1983 actuarial increase and all subsequent cost of living adjustments; and

(4) the person applied for medical assistance under this provision prior to July 1, 1988;

(aa) for SSI, reparation payments made under the Republic of Germany's federal law for compensation of nationalist socialist persecution;

(bb) for SSI, the amount of the social security adult disabled child benefit for an otherwise eligible SSI person age 18 or older who:

(1) Was receiving SSI benefits that began prior to age 22; and

(2) lost SSI eligibility due solely to the person becoming eligible for the adult disabled child benefits or an increase in the adult disabled child benefits;

(cc) for SSI, the amount of social security early widow or widower benefits under section 202(e) or (f) of the social security act provided that:

(1) The person became ineligible for SSI because of the receipt of such benefits;

(2) the person would be currently eligible for SSI in the absence of such benefits; and

(3) the person is not entitled to hospital insurance benefits under Part A of title XVIII of the social security act;

(dd) for SSI, the income of an SSI recipient which exceeds the protected income level for institutionalized persons for three months following the month of admission when the social security administration determines that the stay in the institution is temporary and the person needs to continue to maintain and provide for the expenses of the home or other living arrangement to which the person may return;

(ee) for SSI, the income of an applicant's or recipient's spouse or parent which was counted or excluded in determining the amount of a public assistance payment, if such spouse or parent is not an applicant for or recipient of SSI;

(ff) for SSI, the income of an applicant's or recipient's spouse or parent which is used to make support payments under a court order or title IV-D support order, if such spouse or parent is not an applicant for or recipient of SSI; and

(gg) for SSI, the amount of VA pension received by a single veteran with no dependents if the pension has been reduced to \$90.00 or less because the veteran resides in a medicaid-approved nursing facility. 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, T-84-11, July 1, 1983; amended, T-84-25, Sept. 19, 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 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, T-30-12-28-90, Jan. 2, 1991.)

(continued)

**Article 10.—ADULT CARE HOME
PROGRAM OF THE MEDICAID
(MEDICAL ASSISTANCE) PROGRAM**

30-10-210. ICF-MR reimbursement. Payment for services. (a) Providers with a current signed provider agreement shall be paid a per diem rate for services furnished to eligible medicaid/medikan clients. Payments shall be for the type of medical or health care required by the beneficiary as determined by:

- (1) The attending physician's or physician extender's certification upon admission; or
- (2) inspection of care and utilization review teams, as provided for in K.A.R. 39-10-207.

However, payment for services shall not exceed the type of care the provider is certified to provide under the medicaid/medikan program. The type of care required by the beneficiary may be verified by the agency prior to and after payment. No payment shall be made for care or services determined to be the result of unnecessary utilization.

(b) Payment for routine services and supplies, pursuant to K.A.R. 30-10-200, shall be included in the per diem reimbursement and such services and supplies shall not be otherwise billed or reimbursed.

(1) The following durable medical equipment, medical supplies and other items and services may be considered routine unless used in excessive quantities:

- (A) Alternating pressure pads and pumps;
- (B) armboards;
- (C) bedpans, urinals and basins;
- (D) bed rails, beds, mattresses and mattress covers;
- (E) canes;
- (F) commodes;
- (G) crutches;
- (H) denture cups;
- (I) dialysis, including supplies and maintenance;
- (J) dressing items, including applicators, tongue blades, tape, gauze, bandages, band-aides, pads and compresses, ace bandages, vaseline gauze, cotton balls, slings, triangle bandages and pressure pads;
- (K) emesis basins and bath basins;
- (L) enemas and enema equipment;
- (M) facial tissues and toilet paper;
- (N) footboards;
- (O) footcradles;
- (P) gel pads or cushions;
- (Q) geri-chairs;
- (R) gloves, rubber or plastic;
- (S) heating pads;
- (T) heat lamps and examination lights;
- (U) humidifiers;
- (V) ice bags and hot water bottles;
- (W) intermittent positive pressure breathing (IPPB) machines;
- (X) I.V. stands and clamps;
- (Y) laundry, including personal laundry;
- (Z) lifts;
- (AA) nebulizers;
- (BB) occupational therapy;
- (CC) oxygen masks, stands, tubing, regulators, hoses, catheters, cannulae and humidifiers;
- (DD) parenteral and enteral infusion pumps;

- (EE) patient gowns, pajamas and bed linens;
- (FF) physical therapy;
- (GG) restraints;
- (HH) sheepskins and foam pads;
- (II) speech therapy;
- (JJ) sphygmomanometers, stethoscopes and other examination equipment;
- (KK) stretchers;
- (LL) suction pumps and tubing;
- (MM) syringes and needles, except insulin syringes and needles for diabetics that are covered by the pharmacy program;
- (NN) thermometers;
- (OO) traction apparatus and equipment;
- (PP) underpads and adult diapers, disposable and non-disposable;
- (QQ) walkers;
- (RR) water pitchers, glasses and straws;
- (SS) weighing scales;
- (TT) wheelchairs;
- (UU) irrigation solution, i.e., water and normal saline;
- (VV) lotions, creams and powders, including baby lotion, oil and powders;
- (WW) first-aid type ointments;
- (XX) skin antiseptics such as alcohol;
- (YY) antacids;
- (ZZ) mouthwash;
- (AAA) over-the-counter analgesics;
- (BBB) two types of laxatives;
- (CCC) two types of stool softeners;
- (DDD) nutritional supplements; and
- (EEE) blood glucose monitors and supplies.

(2) Urinary supplies. Urinary catheters and accessories shall be covered services in the medicaid/medikan program when billed through the durable medical equipment or medical supply provider. This expense shall not be reimbursed in the per diem rate of the cost report.

(3) Nutritional therapy. Total nutritional replacement therapy shall be prior authorized to qualify for reimbursement by the durable medical equipment program. If not prior authorized, it is an allowable cost to be covered in the per diem rate.

(c) Payment for ancillary services, as defined in K.A.R. 30-10-200, shall be billed separately when the services or supplies are required.

(d) Payment for a day activity program for an ICF-MR shall be included in the per diem reimbursement.

(e) Payment shall be limited to providers who accept, as payment in full, the amount paid in accordance with the fee structure established by the medicaid/medikan program.

(f) Payment shall not be made for allowable non-routine services and items unless prior authorized. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990.)

30-10-211. ICF-MR financial data. (a) General. The per diem rate or rates for providers participating in the medicaid/medikan program shall be based on an audit or desk review of the costs reported to provide

client care in each facility. The basis for conducting these audits or reviews shall be the ICF-MR financial and statistical report. Each provider shall maintain sufficient financial records and statistical data for proper determination of reasonable and adequate rates. Standardized definitions, accounting, statistics, and reporting practices which are widely accepted in the ICF-MR and related fields shall be followed, except to the extent that they may conflict with or be superseded by state or federal medicaid requirements. Changes in these practices and systems shall not be required in order to determine reasonable and adequate rates.

(b) Pursuant to K.A.R. 30-10-213, ICF-MR financial and statistical reports (cost reports) shall be required from providers on an annual basis.

(c) Adequate cost data and cost findings. Each provider shall provide adequate cost data on the cost report. This cost data shall be in accordance with state and federal medicaid requirements and general accounting principles, shall be based on the accrual basis of accounting, and may include a current use value of the provider's fixed assets used in client care. Estimates of costs shall not be allowable except on projected cost reports submitted pursuant to K.A.R. 30-10-213.

(d) Recordkeeping requirements.

(1) Each provider shall furnish any information to the agency that may be necessary:

(A) To assure proper payment by the program pursuant to paragraph (2);

(B) to substantiate claims for program payments; and

(C) to complete determinations of program overpayments.

(2) Each provider shall permit the agency to examine any records and documents that are necessary to ascertain information pertinent to the determination of the proper amount of program payments due. These records shall include:

(A) Matters of the ICF-MR ownership, organization, and operation, including documentation as to whether transactions occurred between related parties;

(B) fiscal, medical, and other recordkeeping systems;

(C) federal and state income tax returns and all supporting documents;

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

(E) franchise or management arrangements;

(F) matters pertaining to cost of operation;

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

(E) a statement of changes in financial position.

Other records and documents shall be made available as necessary. Records and documents shall be made available in Kansas.

(3) Each provider, when requested, shall furnish the agency with copies of client service charge schedules and changes thereto as they are put into effect. The agency shall evaluate the charge schedules to determine the extent to which they may be used for determining program payment.

(4) Suspension of program payments to a provider. If the agency determines that any provider does not maintain or no longer maintains adequate records for

the determination of reasonable and adequate per diem rates under the program, payments to that provider may be suspended until deficiencies are corrected. Thirty days before suspending payment to the provider, the agency shall send written notice to the provider of its intent to suspend payments. The notice shall explain the basis for the agency's determination with respect to the provider's records and shall identify the provider's recordkeeping deficiencies.

(5) All records of each provider that are used in support of costs, charges and payments for services and supplies shall be subject to inspection and audit by the agency, the United States department of health and human services, and the United States general accounting office. All financial and statistical records to support costs reports shall be retained for five years from the date of filing the cost report with the agency. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990.)

30-10-212. ICF-MR heavy care. (a) Additional reimbursement for direct services shall be available to ICF's-MR for medicaid/medikan clients in need of heavy care. Failure to obtain prior authorization shall negate reimbursement for this service.

(b) Heavy care shall be considered a covered service within the scope of the program unless the request for prior authorization is denied. Reimbursement for this service shall be contingent on approval by the agency.

(c) The additional reimbursement for heavy care shall be offset to the cost center of benefit on the ICF-MR financial and statistical report. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, chapter 152; effective, T-30-12-28-90, Dec. 28, 1990.)

30-10-213. ICF-MR cost reports. (a) Historical cost data.

(1) For cost reporting purposes, each provider shall submit the ICF-MR financial and statistical report in accordance with the instructions included in this regulation. The report shall cover a consecutive 12-month period of operations. The 12-month period shall coincide with the fiscal year used for federal income tax or other financial reporting purposes, except that the same 12-month period shall be used by providers related through common ownership, common interests or common control. If the operator of a facility under a management agreement has not signed a provider agreement, the operator shall not be considered a provider for the purpose of this paragraph. A working trial balance, as defined in K.A.R. 30-10-200, shall be submitted with the cost report.

(2) If a provider has more than one facility, and if one of those facilities is reimbursed on the basis of projected cost data, the provider shall allocate central office cost to each facility, including those facilities being paid rates from projected cost data, for cost reporting at the end of the provider's designated fiscal year for all other related facilities. The method used to allocate central office costs to those facilities filing projected cost reports shall be consistent with the method used to allocate such costs to those facilities

(continued)

filing historical cost reports and other non-medicaid/medikan programs operated by the provider. The allocation shall be based on pro-rata expenditures or a recognized time-allocation method.

(b) Amended cost reports. Amended cost reports revising cost report information previously submitted by a provider shall be required when the error or omission is material in amount and results in a change in the provider's rate of \$.10 or more per client day. Amended cost reports shall also be permitted when the error or omission affects the current or future accounting periods of the provider. No amended cost report shall be allowed after 13 months have passed from the report year end.

(c) Due dates of cost reports. Cost reports shall be received by the agency no later than the close of business on the last day of the third month following the close of the period covered by the report. Cost reports from each provider with more than one facility shall be received on the same date.

(d) Extension of time for submitting a cost report to be received by the agency.

(1) A one-month extension of the due date of a cost report may, for good cause, be granted by the agency. The request shall be in writing and shall be received by the agency prior to the due date of the cost report. Untimely requests shall not be accepted.

(2) A second extension may be granted in writing by the secretary of the agency when the cause for further delay is beyond the control of the provider.

(3) Each provider who requests an extension of time for filing a cost report to delay the effective date of the new rate, which is lower than the provider's current rate, shall have the current rate reduced to the amount of the new rate. The reduced rate shall be effective on the date that the new rate would have been effective if the cost report had been received on the last day of the filing period without the extension.

(e) Penalty for late filing. Except as provided in subsection (d), each provider filing a cost report after the due date shall be subject to the following penalties.

(1) If the cost report has not been received by the agency by the close of business on the due date, all further payments to the provider shall be withheld and suspended until the complete ICF-MR financial and statistical report has been received.

(2) Failure to submit cost information within one year after the end of the provider's fiscal year shall be cause for termination from the medicaid/medikan program.

(f) Projected cost data.

(1) Projected cost reports for providers with only one facility.

(A) If a provider is required to submit a projected cost report under K.A.R. 30-10-214, the provider's rate or rates shall be based on a proposed budget with costs projected on a line item basis for the provider's most immediate future 12-month period.

(B) The projection period shall end on the last day of a calendar month. Providers shall use the last day of the month nearest the end of the 12-month period specified in subparagraph (A) or the end of their fiscal

year when that period ends not more than one month before or after the end of the 12-month report period. The projection period shall not be less than 11 months or more than 13 months. The cost data reported shall be for the full period reported if that period is less than 12 months or the latest consecutive 12-month period if the report period is extended beyond 12 months to meet this requirement.

(C) The projected cost report shall be reviewed for reasonableness and appropriateness by the agency before the rate or rates are established for the projection period, and upon receipt of the provider's historical cost report for the time period covered by the projected cost report. The projected cost report items which are determined to be unreasonable or which contain deviations from the historical cost report shall, upon audit, be handled in accordance with subsection (f) of K.A.R. 30-10-214.

(2) The projection period of each provider filing a projected cost report in accordance with paragraph (2) of subsection (e) of K.A.R. 30-10-214 shall be extended to the last day of the 12th month following the date the new construction is certified for use by the appropriate agency. The projected and historical cost reports for this projection period shall be handled in accordance with paragraph (1) of this subsection. If the projection period prior to the certification of the new construction exceeds three months, the provider shall be required to file a historical cost report for this period for the purpose of retroactive settlement in accordance with paragraph (1) of this subsection.

(3) Projected cost reports for each provider with more than one facility. Each provider required to file a projected cost report in accordance with this subsection and who operates more than one facility, either in-state or out-of-state, shall allocate central office costs to each facility being paid rates from the projected cost data at the end of the provider's fiscal year that ends during the projection period. The method of allocating central office costs to those facilities on projection shall be consistent with the method used to allocate such costs to those facilities in the chain who are filing historical cost reports and other non-medicaid/medikan programs operated by the provider.

(4) An interim settlement, based on a desk review of the historical cost report for the projection period, may generally be determined within 90 days after the provider is notified of the new rate determined from such cost report. The final settlement shall be based on an audit of the historical cost report.

(g) Balance sheet requirement. A balance sheet prepared in accordance with cost report instructions shall be filed as part of the cost report forms for each provider. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990.)

30-10-214. ICF-MR rates of reimbursement. (a) Rates for existing ICF's-MR.

(1) The determination of per diem rates shall be made, at least annually by the secretary, on the basis of the cost information supplied by the provider and retained for cost auditing. The cost information for

each provider shall be compared with other providers that are similar in size, scope of service and other relevant factors to determine the allowable per diem cost.

(2) The property allowance shall be subject to a facility maxim.

(b) Comparable service rate limitations.

(1) Intermediate care facilities for the mentally retarded and persons with related conditions. The per diem rate for intermediate care for the mentally retarded and persons with related conditions shall not exceed the rate or rates charged to clients not under the medicaid/medikan program for the same level of care in the ICF-MR and for the same types of services.

(2) All private pay rate structure changes and the effective dates shall be reported on the uniform cost report.

(3) The agency shall be notified of any private pay rate structure changes within 30 days of the effective date.

(4) Providers shall have a grace period to raise the rate or rates charged to clients not under the medicaid/medikan program for the same level of care in the ICF-MR and for the same types of service.

(A) The grace period shall end the first day of the third calendar month following notification of a new medicaid/medikan rate.

(B) The notification date is the date typed on the letter which informs the provider of a new medicaid/medikan rate.

(C) There shall be no penalty during the grace period if the rate or rates charged to clients not under the medicaid/medikan program are lower than the medicaid/medikan rate.

(D) If the rate or rates charged to clients not under the medicaid/medikan program are lower after the grace period, the medicaid/medikan rate will be lowered accordingly.

(c) Rates for new construction or bed additions. The per diem rate or rates for newly constructed ICF's-MR shall be based on a projected cost report submitted in accordance with K.A.R. 30-10-213. No rate shall be paid until an ICF-MR financial and statistical report is received and approved. Limitations established for existing facilities providing the same level of care shall apply. The effective date of the per diem rate shall be in accordance with K.A.R. 30-10-215.

(d) Rates for existing facilities which have received certification for a different level of care. Providers who made changes to their level of care which relate to a higher payment limit for reimbursement shall be allowed to file a projected cost report to reflect an interim rate for the changed level of care, if approved by the secretary or a designated official.

(e) Change of provider.

(1) When a provider makes no change in the facility, number of beds or operations, the interim payment rate for the first 12 months of operation shall be based on the historical cost data of the previous owner or provider. The new owner or provider shall file an historical cost report within three months after the end of the provider's fiscal year established for tax or ac-

counting purposes. A retroactive settlement will be made based on the variances between the interim payment rates and the historic rates from the first cost report filed by the new provider subject to K.A.R. 30-10-214(a)(2). The rates determined from these cost reports shall be effective in accordance with K.A.R. 30-10-215.

(2) The new provider may file a projected cost report when the care of the clients may be at risk because the per diem rate of the previous provider is not sufficient for the new provider to provide care and services in conformity with applicable state and federal laws, regulations, and quality and safety standards. The provisions of this subparagraph shall not apply when capital improvements, applicable to all providers, are required by new state or federal regulations.

(f) Per diem rates with errors.

(1) When per diem rates, whether based upon projected or historical cost data, are audited by the agency and are found to contain errors, a direct cash settlement shall be required between the agency and the provider for the amount of money overpaid or underpaid. If a provider no longer operates a facility with an identified overpayment, the settlement shall be recouped from a facility owned or operated by the same provider or provider corporation unless other arrangements have been made to reimburse the agency. A net settlement may be made when a provider has more than one facility involved in settlements.

(2) Per diem rates for providers may be increased or decreased as a result of a desk review or audit on the provider's cost reports. Written notice of these per diem rate changes and of the audit findings due to an audit shall be sent to the provider. Retroactive adjustments of rates paid during any projection period shall apply to the same period of time covered by the projected rates, except that no adjustment shall be made for the period of time that the lowest rate, or other penalty-reduced rate, is in effect.

(3) Providers have 30 days from the date of the audit report cover letter to request an administrative review of the audit adjustments that result in an overpayment or underpayment. The request shall specify the finding or findings that the provider wishes to have reviewed.

(4) Any audit exception imposed on the agency by the department of health and human services due to provider action may be recovered from the provider.

(g) Out-of-state providers. Rates for clients served by out-of-state providers certified to participate in a medicaid program shall be the rate or rates approved by the agency. Out-of-state providers require prior authorization by the agency.

(h) Projected cost report to meet survey requirements.

(1) Intermediate care facilities for the mentally retarded (ICF-MR) required by a state or federal certification survey to incur additional operating costs in excess of \$125,000.00 for facilities with more than 16 beds, and \$40,000.00 for facilities with 16 beds or less, to meet certification requirements shall be allowed to file a projected cost report when approved by the secretary or a designated official.

(continued)

(2) The projected cost report shall be based on a proposed budget for the survey corrections for the provider's most immediate future 12-month period. The projection period shall end on the last day of a calendar month. Copies of the survey deficiencies shall be attached to the projected cost report.

(3) The projected cost report shall be approved for reasonableness and appropriateness by the agency before the rate or rates are established for the projection period. The projected budget items which are determined to be unreasonable or not appropriate to the survey corrections shall be excluded.

(4) A reasonable add-on to the per diem rate already in effect shall be determined from the reviewed projected cost report. The increases to the per diem rate shall not be limited by K.A.R. 30-10-214(a)(2).

(5) Within three months after the end of the projection period, the provider shall submit an historical cost report for an audit of its actual expenditures for the survey correction projection period.

(i) Determination of rates for ICF-MR providers re-entering the medicaid program.

(1) The per diem rate for each provider re-entering the medicaid program shall be determined from:

(A) A projected cost report in those cases where the provider:

(i) Has not actively participated and been certified in the program for 24 months or more; or

(ii) has not participated in the medicaid program for less than 24 months and the per diem rate to be paid is not sufficient reimbursement for providing the economic and efficient care and services required by program laws and regulations; or

(B) the last historic cost report filed with the agency if the provider has actively participated in the program during the most recent 24 months, and if the per diem rate to be paid is sufficient reimbursement for providing the economic and efficient care and services required by program laws and regulations. The appropriate inflation factors may be applied to the per diem rate determined in accordance with this paragraph.

(2) Where the per diem rate for a provider re-entering the program is determined in accordance with paragraph (1)(A) of this subsection, a settlement shall be made in accordance with K.A.R. 30-10-214(f).

(3) Where the per diem rate for a provider re-entering the program is determined in accordance with paragraph (1)(B) of this subsection, a settlement shall be made only on those historic cost reports with fiscal years beginning after the date on which the provider re-entered the program. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990.)

30-10-215. ICF-MR rates; effective dates. (a) Effective date of per diem rates for existing facilities. The effective date of a new rate that is based on information and data in the adult care home cost report shall be the first day of the third calendar month following the month the complete cost report is received by the agency.

(b) Effective date of the per diem rate for a new

provider. The effective date of the per diem rate for a new provider, as set forth in subsection (c) of K.A.R. 30-10-214, shall be the date of certification by the department of health and environment pursuant to 42 CFR section 442.13, effective October 3, 1988, which is adopted by reference. The interim rate determined from the projected cost report filed by the provider shall be established with the fiscal agent by the first day of the third month after the receipt of a complete and workable cost report. The effective date of the final rate, determined after audit of the historical cost report filed for the projection period, shall be the date of certification by the department of health and environment.

(c) Effective date of the per diem rate for a new provider resulting from a change in provider.

(1) The effective date of the per diem rate for a new provider, as set forth in K.A.R. 30-10-215, shall be the date of certification by the department of health and environment. The effective date of the final rate, determined after audit of the historical cost report filed for the projection period, shall be the date of certification by the department of health and environment.

(2) The effective date of the projected and final rate for a new provider, as set forth in K.A.R. 30-10-214, shall be the later of the date of the receipt of the ICF-MR financial and statistical report or the date the new construction is certified.

(d) The effective date of the per diem rates for providers with more than one facility filing an historic cost report, in accordance with K.A.R. 30-10-213, shall be the first day of the third calendar month after all cost reports due from that provider have been received.

(e) The effective date for a provider filing an historic cost report covering a projection status period shall be the first day of the month following the report year-end. This is the date that historic and estimated inflation factors are applied in determining prospective rates. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990.)

30-10-216. ICF-MR payment of claims. (a) Payment to participating provider. Each participating provider shall be paid, at least monthly, a per diem rate for ICF-MR services, excluding client liability, rendered to eligible clients provided that:

(1) The agency is billed on the turn-around document or electronic claims submission furnished by the contractor serving as the fiscal agent for the medicaid/medikan program;

(2) the turn-around document or electronic claims submission is verified by the administrator of the facility or a designated key staff member; and

(3) the claim is filed no more than six months after the time the services were rendered pursuant to K.S.A. 39-708a, and any amendments thereto.

(b) Client's liability. The client's liability for services shall be the amount determined by the local agency office in which a medicaid/medikan client or the client's agent applies for care. The client's liability begins on the first day of each month and shall be applied in

full prior to any liability incurred by the medicaid/medikan program. The unexpended portion of the client's liability payment shall be refunded to the client or client's agent if the client dies or otherwise permanently leaves the facility.

(c) The payment of claims may be suspended if there has been an identified overpayment and the provider is financially insolvent. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990.)

30-10-217. ICF-MR reserve days. (a) Payment shall be available for days for which it is necessary to reserve a bed in an intermediate care facility for the mentally retarded when the client is absent for:

- (1) Admission to a hospital for acute conditions;
- (2) a temporary absence for therapeutically indicated home visits with relatives or friends; or
- (3) a temporary absence to participate in state-approved therapeutic or rehabilitative programs.

(b) The following conditions shall be met in any instance in which a bed is reserved during a temporary absence in a hospital for acute conditions:

(1) Payment shall be available only for the days during which there is a likelihood that the reserved bed would otherwise be required for occupancy by some other client.

(2) The local agency office shall approve the request for hospital reserve days within five to seven working days.

(3) The periods of hospitalization for acute conditions shall not exceed 10 days per any single hospital stay.

(4) The client shall intend to return to the same facility after hospitalization.

(5) The hospital shall provide a discharge plan for the client.

(c) The client's plan of care shall provide for the non-hospital related absence. Payment for non-hospital related reserve days for eligible clients residing in intermediate care facilities for the mentally retarded shall not exceed 21 days per calendar year, including travel. If additional days are required to alleviate a severe hardship or facilitate normalization, the ICF-MR party shall send the request for additional days and supporting documentation to the agency for approval or disapproval.

(d) This regulation shall not prohibit any client from leaving a facility if the client so desires.

(e) Payments made for unauthorized reserve days shall be reclaimed by the agency.

(f) Prior to any routine absence by eligible clients, the provider shall notify the local agency office. In case of emergency admission to a hospital, notification shall be submitted to the local agency office no later than five working days following admission.

(g) Payment for reserve days shall not be made until written authorization has been given by the local agency office to the provider. A copy of the authorization shall be attached to the turn-around document or electronic claims submission.

(h) Payment for reserve days shall be approved except when:

(1) The request for reserve days is received by the area or local agency more than seven working days after the beginning of absence; or

(2) the request for reserve days is for an absence longer than 10 hospital days. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990.)

30-10-218. ICF-MR non-reimbursable costs. (a) Costs not related to client care, as set forth in K.A.R. 30-10-200, shall not be considered in computing reimbursable costs. In addition, the following expenses or costs shall be allowed:

(1) Fees paid to non-working directors and the salaries of non-working officers;

(2) bad debts;

(3) donations and contributions;

(4) fund-raising expenses;

(5) taxes, including:

(A) Federal income and excess profit taxes, including any interest or penalties paid thereon;

(B) state or local income and excess profits taxes;

(C) taxes from which exemptions are available to the provider;

(D) taxes on property which is not used in providing covered services;

(E) taxes levied against any client and collected and remitted by the provider;

(F) self-employment taxes applicable to individual proprietors, partners, or members of a joint venture; and

(G) interest or penalties paid on federal and state payroll taxes;

(6) insurance premiums on lives of officers and owners;

(7) the imputed value of services rendered by non-paid workers and volunteers;

(8) utilization review;

(9) costs of social, fraternal, and other organizations which concern themselves with activities unrelated to their members' professional or business activities;

(10) oxygen;

(11) vending machine and related supplies;

(12) board of director costs;

(13) client personal purchases;

(14) barber and beauty shop expenses;

(15) advertising for client utilization;

(16) public relations expenses;

(17) penalties, fines, and late charges;

(18) prescription drugs;

(19) items or services provided only to non-medi-
caid/medikan clients and reimbursed from third party payors;

(20) automobiles and related accessories in excess of \$25,000.00. Buses and vans for client transportation shall be reviewed for reasonableness and may exceed \$25,000.00 in costs;

(21) airplanes;

(22) costs of legal fees incurred in actions brought against the agency;

(23) aggregate costs incurred in excess of historical total costs plus allowed inflation, without prior authorization of the agency; and

(continued)

(24) costs incurred through providing service to a bed made available through involuntary discharge of a recipient without prior authorization of the agency.

(b) The following contract cost limitations under the day habilitation program shall not be allowed:

- (1) Client salaries and FICA match;
- (2) all material costs, including sub-contracts;
- (3) all costs related to securing contracts; and
- (4) 50% of the cost of the following items:
 - (A) Cost of equipment lease;
 - (B) maintenance of equipment;
 - (C) purchase of small tools under \$100.00; and
 - (D) depreciation of production equipment. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990.)

30-10-219. ICF-MR costs allowed with limitations. (a) The following expenses or costs shall be allowed with limitations:

(1) Loan acquisition fees and standby fees shall be amortized over the life of the related loan if the loan is related to client care.

(2) Only the taxes specified below shall be allowed as amortized costs.

(A) Taxes in connection with financing, re-financing, or re-funding operations; and

(B) special assessments on land for capital improvements over the estimated useful life of those improvements.

(3) Purchase discounts, allowances, and refunds shall be deducted from the cost of the items purchased. Refunds of prior year expense payments shall also be deducted from the related expenses.

(4) Any start-up cost of a provider with a newly constructed facility shall be recognized if it is:

(A) Incurred prior to the opening of the facility and related to developing the ability to care for clients;

(B) amortized over a period of not less than 60 months;

(C) consistent with the facility's federal income tax return, and internal and external financial reports with the exception of (B) above; and

(D) identified in the cost report as a start-up cost which may include:

- (i) Administrative and nursing salaries;
- (ii) utilities;
- (iii) taxes;
- (iv) insurance;
- (v) mortgage interest;
- (vi) employee training costs; and
- (vii) any other allowable costs incidental to the operation of the facility.

(5) Any cost which can properly be identified as organization expenses or can be capitalized as construction expenses shall be appropriately classified and excluded from start-up cost.

(6) Organization and other corporate costs, as defined in K.A.R. 30-10-200, of a provider that is newly organized shall be amortized over a period of not less than 60 months beginning with the date of organization.

(7) Membership dues and costs incurred as a result of membership in professional, technical, civic, or business-related organizations shall be allowable. However, similar expenses set forth in paragraph (a)(9) of K.A.R. 30-10-218 shall not be allowable.

(8) (A) Costs associated with services, facilities, and supplies furnished to the ICF-MR by related parties, as defined in K.A.R. 30-10-200, shall be included in the allowable cost of the facility at the actual cost to the related party, except that the allowable cost to the ICF-MR provider shall not exceed the lower of the actual cost or the market price.

(B) When a provider chooses to pay an amount in excess of the market price for supplies or services, the agency shall use the market price to determine the allowable cost under the medicaid/medikan program in the absence of a clear justification for the premium.

(9) The net cost of approved staff educational activities shall be an allowable cost. The net cost of "orientation" and "on-the-job training" shall not be within the scope of approved educational activities, but shall be recognized as normal operating costs.

(10) Client-related transportation costs shall include only reasonable costs that are directly related to client care and substantiated by detailed, contemporaneous expense and mileage records. Transportation costs only remotely related to client care shall not be allowable. Estimates shall not be acceptable.

(11) Lease payments. Lease payments shall be reported in accordance with the financial account statements of the Financial Accounting Standards Board. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990.)

30-10-220. ICF-MR revenues. A statement of revenue shall be required as part of the cost report forms.

(a) Revenue shall be reported in accordance with general accounting rules as recorded in the accounting records of the facility and as required in the detailed revenue schedule in the uniform cost report.

(b) The cost of non-covered services provided to clients shall be deducted from the related expense item. The net expense shall not be less than zero.

(c) Revenue received for a service that is not related to client care shall be used to offset the cost of providing that service, if the cost incurred cannot be determined or is not furnished to the agency by the provider. The cost report line item which includes the non-client related costs shall not be less than zero. Miscellaneous revenue with insufficient explanation in the cost report shall be offset.

(d) Expense recoveries credited to expense accounts shall not be reclassified as revenue to increase the costs reported in order to qualify for a higher rate.

(e) Each ICF-MR provider with a day habilitation program shall not be required to deduct the income earned from the costs incurred on contracts. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990.)

30-10-221. ICF-MR compensation of owners, spouses, related parties and administrators. (a) Non-working owners and related parties. Remunerations paid to non-working owners or other related parties, as defined in K.A.R. 30-10-200, shall not be considered an allowable cost regardless of the name assigned to the transfer or accrual or the type of provider entity making the payment. Each payment shall be separately identified and reported as owner compensation in the non-reimbursable and non-client related expense section of the cost report.

(b) Services related to client care.

(1) If owners with 5% or more ownership interest, spouses, or related parties actually perform a necessary function directly contributing to client care, a reasonable amount shall be allowed for such client care activity. The reasonable amount allowed shall be the lesser of:

(A) The reasonable cost that would have been incurred to pay a non-owner employee to perform the client-related services actually performed by owners or other related parties, limited by a schedule of salaries and wages based on the state civil service salary schedule in effect when the cost report is processed until the subsequent cost report is filed; or

(B) the amount of cash and other assets actually withdrawn by the owner, spouse, or related parties.

(2) The client-related functions shall be limited to those functions common to the industry and for which cost data is available which are normally performed by non-owner employees. The job titles for administrative and supervisory duties performed by an owner, spouse, or related party shall be limited to the work activities included in the schedule of the owner, spouse, or related party salary limitations.

(3) The salary limit shall also be pro-rated in accordance with subsection (c) of this regulation. In no case shall the limitation exceed the highest salary limit on the civil-service-based chart.

(4) The owner, spouse, or related party shall be professionally qualified for those functions performed which require licensure or certification.

(5) Cash and other assets actually withdrawn shall include only those amounts or items actually paid or transferred during the cost reporting period in which the services were rendered and reported to the internal revenue service.

(6) Any liabilities established shall be paid in cash within 75 days after the end of the accounting period.

(c) Allocation of owner, spouse, or related party total work time for client-related functions. When any owner, spouse, or related party performs a client-related function for less than a full-time-equivalent work week, the compensation limit shall be pro-rated. The time spent on each function within a facility or within all facilities in which they have an ownership or management interest, shall be pro-rated separately by function, but shall not exceed 100% of that person's total work time. Time spent on other non-related business interests or work activities shall not be included in calculations of total work time.

(d) Reporting owner, spouse, or related party compensation on cost report. Owner, spouse, or related

party compensation shall be reported on the owner compensation line in the appropriate cost center for the work activity involved. Any compensation paid to employees who have an ownership interest of 5% or more, including employees at the central office of a chain organization, shall be considered to be owner compensation. Providers with professionally qualified owner, spouse, or related party employees performing duties other than those for which they are professionally qualified shall report the cost for such duties in the administrative cost center.

(e) Owner-administrator compensation limitation.

(1) Reasonable limits shall be determined by the agency for owner-administrator compensation based upon the current civil service salary schedule.

(2) This limitation shall apply to the salaries of each administrator and co-administrator of that facility and to owner compensation reported in the administrative cost center of the cost report. This limitation shall apply to the salary of the administrator and co-administrator, regardless of whether they have any ownership interest in the business entity.

(3) Each salary in excess of the owner, spouse, or related party limitations determined in accordance with subsections (b) and (c) of this regulation shall be transferred to the owner compensation line in the administrative cost center and shall be subject to the owner-administrator compensation limitation. All owner-administrator compensation in excess of the limitation shall be included in the administrative costs used to compute the efficiency factor.

(f) Management consultant fees. Fees for consulting services provided by the following professionally qualified people shall be considered owner's compensation subject to the owner-administrator compensation limit and shall be reported on the owner compensation line in the administrative cost center if the actual cost of the service is not submitted with the adult care home financial and statistical report:

(1) Related parties as defined in K.A.R. 30-10-200;

(2) current owners of the provider agreement and operators of the facility;

(3) current owners of the facility in a lessee-lessor relationship;

(4) management consulting firms owned and operated by former business associates of the current owners in this and other states;

(5) owners who sell and enter into management contracts with the new owner to operate the facility; and

(6) accountants, lawyers and other professional people who have common ownership interests in other facilities, in this or other states, with the owners of the facility from which the consulting fee is received.

(g) Costs not related to client care. An allowance shall not be made for costs related to investigation of investment opportunities, travel, entertainment, goodwill, administrative or managerial activities performed by owners or other related parties that are not directly related to client care. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990.)

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30-10-222. ICF-MR ownership reimbursement fee. (a) The agency shall determine an allowable cost for ownership.

(b) (1) The ownership allowance shall include an appropriate component for:

- (A) Rent or lease expense;
- (B) interest expense on real estate mortgage;
- (C) amortization of leasehold improvements; and
- (D) depreciation on buildings and equipment.

(2) The ownership allowance shall be subject to a facility maximum.

(c) (1) The depreciation component of the ownership allowance shall be:

- (A) Identifiable and recorded in the provider's accounting records;
- (B) based on the historical cost of the asset as established in this regulation; and
- (C) pro-rated over the estimated useful life of the asset using the straight-line method.

(2) (A) Appropriate recording of depreciation shall include identification of the depreciable assets in use, the assets' historical costs, the method of depreciation, the assets' estimated useful life, and the assets' accumulated depreciation.

(B) Gains and losses on the sale of depreciable personal property shall be reflected on the cost report at the time of such sale. Trading of depreciable property shall be recorded in accordance with the income tax method of accounting for the basis of property acquired. Under the income tax method, gains and losses arising from the trading of assets are not recognized in the year of trade but are used to adjust the basis of the newly acquired property.

(3) (A) Gains from the sale of depreciable assets while the provider participates in the medicaid/medikan program, or within one year after the provider terminates participation in the program, shall be used to reduce the allowable costs for each cost reporting period prior to the sale, subject to limitation. The total sale price shall be allocated to the individual assets sold on the basis of an appraisal by a qualified appraiser or on the ratio of the seller's cost basis of each asset to the total cost basis of the assets sold.

(B) The gain on the sale shall be defined as the excess of the sale price over the cost basis of the asset. The cost basis for personal property assets shall be the book value. The cost basis for real property assets sold or disposed of before July 18, 1984, shall be the lesser of the book value adjusted for inflation by a price index selected by the agency or an appraisal by an American institute of real estate appraiser or an appraiser approved by the agency. The cost basis for real property assets sold or disposed of after July 17, 1984 shall be the book value.

(C) The gain on the sale shall be multiplied by the ratio of depreciation charged while participating in the medicaid/medikan program to the total depreciation charged since the date of purchase or acquisition. The resulting product shall be used to reduce allowable cost.

(4) For depreciation purposes, the cost basis for a facility acquired after July 17, 1984 shall be the lesser of the acquisition cost to the holder of record on that

date or the purchase price of the asset. The cost basis shall not include costs attributable to the negotiation or final purchase of the facility, including legal fees, accounting fees, travel costs and the cost of feasibility studies. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990.)

30-10-223. ICF-MR interest expense. (a) Only necessary and proper interest on working capital indebtedness shall be an allowable cost.

(b) The interest expense shall be incurred on indebtedness established with:

(1) Lenders or lending organizations not related to the borrower; or

(2) partners, stockholders, home office organizations, or related parties, if the following conditions are met:

(A) The terms and conditions of payment of the loans shall resemble terms and conditions of an arms-length transaction by a prudent borrower with a recognized, local lending institution with the capability of entering into a transaction of the required magnitude.

(B) The provider shall demonstrate, to the satisfaction of the agency, a primary business purpose for the loan other than increasing the per diem rate.

(C) The transaction shall be recognized and reported by all parties for federal income tax purposes.

(c) When the general fund of an ICF-MR "borrows" from a donor-restricted fund, this interest expense shall be an allowable cost if it is considered by the agency to be reasonable. In addition, if an ICF-MR operated by members of a religious order borrows from the order, interest paid to the order shall be an allowable cost.

(d) The interest expense shall be reduced by the investment income from restricted or unrestricted idle funds or funded reserve accounts, except when that income is from gifts and grants, whether restricted or unrestricted, which are held in a separate account and not commingled with other funds. Income from the provider's qualified pension fund shall not be used to reduce interest expense.

(e) Interest earned on restricted or unrestricted reserve accounts of industrial revenue bonds of sinking fund accounts shall be offset against interest expense and limited to the interest expense on the related debt.

(f) Loans made to finance that portion of the cost of acquisition of a facility that exceeds historical cost or the cost basis recognized for program purposes shall not be considered to be reasonably related to client care. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-40, Dec. 28, 1940.)

30-10-224. ICF-MR central office costs. (a) Allocation of central office costs shall be reasonable, conform to general accounting rules, and allowed only to the extent that the central office is providing a service normally available in the ICF-MR. Central office costs shall not be recognized or allowed to the extent they are unreasonably in excess of similar ICF's-MR in the program. The burden of furnishing sufficient evidence to establish a reasonable level of costs shall be on the

provider. All expenses reported as central office cost shall be limited to the actual client-related costs of the central office.

(b) Expense limitations.

(1) Salaries of professionally qualified employees performing the duties for which they are professionally qualified shall be allocated to the room and board and health care cost centers as appropriate for the duties performed. Professionally qualified employees include licensed and registered nurses, dietitians, qualified mental retardation professionals, and other as may be designated by the secretary.

(2) Salaries of chief executives, corporate officers, department heads, and employees with ownership interests of 5% or more shall be considered owner's compensation and shall be reported as owner's compensation in the administrative cost center. Salaries of the chief executive officers of non-profit organizations shall also be considered owner's compensation and included in the administrative cost center.

(3) The salary of an owner or related party performing a client-related service for which such person is professionally qualified shall be included in the appropriate cost center for that service.

(4) Salaries of all other central office personnel performing client-related administrative functions shall be reported in the administrative cost center.

(5) All providers operating more than one facility shall complete and submit detailed schedules of all salaries and expenses incurred for each fiscal year. Failure to submit detailed central office expenses and allocation methods shall result in the cost report being considered incomplete. Methods for allocating all program costs to all facilities in this and other states shall be submitted for prior approval. Changes in these methods shall not be permitted without prior approval.

(6) A central office cost limit may be established by the agency within the overall administrative cost center limit. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990.)

30-10-225. ICF-MR client days. (a) Calculation of client days.

(1) Client day has the meaning set forth in K.A.R. 30-10-200.

(2) If both admission and discharge occur on the same day, that day shall be considered to be a day of admission and shall count as one client day.

(3) If the provider does not make refunds on behalf of a client for unused days in case of death or discharge, and if the bed is available and actually used by another client, these unused days shall not be counted as a client day.

(4) Any bed days paid for by the client, or any other party on behalf of the client, before an admission date shall not be counted as a client day.

(5) The total client days for the cost report period shall be precise and documented; an estimate of the days of care provided shall not be acceptable.

(6) In order to facilitate accurate and uniform reporting of client days, the accumulated method format set forth in forms prescribed by the secretary shall be used for all clients. These forms shall be submitted to

the agency as supportive documentation for the client days shown on the cost report forms and shall be submitted at the time the cost report forms are submitted to the agency. Each provider shall keep these monthly records for each client, whether a medicaid/medikan recipient or a non-recipient. If a provider fails to keep accurate records of client days in accordance with the accumulated method format, the assumed occupancy rate shall be 100%.

(7) The provider shall report the total number of medicaid/medikan client days in addition to the total client days on the uniform cost report form.

(b) Any provider which has an occupancy rate of less than 90% for the cost report period shall calculate client days at a minimum occupancy of 90%.

(c) The minimum occupancy rate shall be determined by multiplying the total licensed bed days available by 90%. Therefore, in order to participate in the medicaid/medikan program, each ICF-MR provider shall obtain proper certification for all licensed beds.

(d) Respite care days shall be counted as client days and reported on the monthly census forms.

(e) Day care and day treatment shall be counted as one client day for 18 hours of service. The total hours of service provided for all clients during the cost reporting year shall be divided by 18 hours to convert to client days. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990.)

30-10-226. ICF-MR reimbursement for nurse aide training for FY 1990. (a) ICF-MR providers receiving the \$.43 per client day payments in FY 1990 for nurse aide training costs shall:

(1) Promptly complete required in-service preparation sheets to document the training sessions, the nurse aides attendance, and the expense involved; and

(2) complete and file the required OBRA nurse aide training/funding form with the agency after July 1, 1990 and before September 30, 1990. All completed in-service preparation sheets shall also be filed at the same time. An extension of the filing deadline for up to 30 days may be granted for good cause if filed in writing prior to the filing deadline.

(b) Completion of the in-service preparation sheets shall require a detailed statement of costs for nurse aide training. Costs may include, but are not limited to, the aides' wages and benefits while they are in training and the instructors' expenses, contracts with outside institutions, educational materials and supplies, and travel expenses. Each cost of \$100.00 or more shown on the statement must be supported by originals or copies of invoices, cancelled checks, agreements, or other documents which clearly describe the goods or services purchased and their cost. Any necessary backup information or documents must be available on any audit requests to the agency.

(c) Notwithstanding the provisions of K.A.R. 30-10-201, any new provider shall be responsible for obtaining nurse aide training information from the prior provider to document costs and client days and any new provider shall be responsible for any overpayment

(continued)

of reimbursement for nurse aide training for FY 1990 to the prior provider.

(d) The agency shall audit the in-service preparation sheets and documents filed by each provider. The total allowable training costs will be divided by the total days of service to determine the actual per diem cost. There will be no minimum occupancy in determining the actual cost per day. The variance between the actual cost per day and the \$.43 reimbursed to the provider will be multiplied by the medicaid days to determine any overpayment. A settlement will then be recovered from the provider.

(e) A failure of a provider to timely submit the required forms or to supply accurate information may result in the determination of an overpayment of the entire amount of reimbursement for nurse aide training for FY 1990 paid to that provider. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990.)

Dennis R. Taylor
Acting Secretary of Social
and Rehabilitation Services

Doc. No. 010120

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, 1708
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. 1708, 1784

AGENCY 4: BOARD OF AGRICULTURE

Reg. No.	Action	Register
4-4-900 through 4-4-912	New	V. 9, p. 1754-1756
4-4-920 through 4-4-924	New	V. 9, p. 1757, 1758
4-4-931 through 4-4-937	New	V. 9, p. 1758-1760
4-4-950 through 4-4-954	New	V. 9, p. 1760, 1761
4-7-1	Revoked	V. 9, p. 1761
4-7-2	Amended	V. 9, p. 1762
4-7-4	Amended	V. 9, p. 1762
4-7-5	Revoked	V. 9, p. 1762
4-7-7	Revoked	V. 9, p. 1762
4-7-213	Amended	V. 9, p. 1762
4-7-214	Amended	V. 9, p. 1762
4-7-215	Amended	V. 9, p. 1762
4-7-300 through 4-7-306	Revoked	V. 9, p. 1762
4-7-400 through 4-7-407	Revoked	V. 9, p. 1762
4-7-509	Revoked	V. 9, p. 1762
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
4-7-700	Revoked	V. 9, p. 1762
4-7-702	Revoked	V. 9, p. 1763
4-7-709	Revoked	V. 9, p. 1763
4-7-715 through 4-7-722	Amended	V. 9, p. 1763

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
4-7-1000	New	V. 9, p. 1764
4-7-1001	New	V. 9, p. 1764
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
4-16-1a	Amended	V. 9, p. 1785
4-16-1c	Amended	V. 9, p. 1785
4-17-1a	Amended	V. 9, p. 1785
4-17-1c	Amended	V. 9, p. 1786
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

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
22-2-1	Amended	V. 9, p. 1790
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
22-10-1	Amended	V. 9, p. 1790
22-10-2	Amended	V. 9, p. 1791
22-10-3	Amended	V. 9, p. 1791
22-10-3a	New	V. 9, p. 1792
22-10-6	Amended	V. 9, p. 1792
22-10-9	Amended	V. 9, p. 1792
22-10-11	Amended	V. 9, p. 1358
22-10-13	Amended	V. 9, p. 1358
22-10-14	Amended	V. 9, p. 1793
22-10-17	Amended	V. 9, p. 1793
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		
23-5-8	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
23-11-15	Revoked	V. 9, p. 1815
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
28-33-11	Amended	V. 9, p. 1842
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
28-50-1	Amended	V. 9, p. 1844
28-50-5		
through		
28-50-10	Amended	V. 9, p. 1846-1854
28-50-11	Revoked	V. 9, p. 1855
28-50-13	Amended	V. 9, p. 1855
28-50-14	Amended	V. 9, p. 1855
28-51-108	Amended	V. 9, p. 123
28-60-20		
through		
28-60-27	New	V. 10, p. 9-11

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, 1708
30-4-64	Amended	V. 9, p. 1252, 1710
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, 1711
30-5-58	Amended	V. 9, p. 1712
30-5-59	Amended	V. 9, p. 1717
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
30-5-68	Amended	V. 9, p. 940
30-5-70	Amended	V. 9, p. 457
30-5-71	Amended	V. 9, p. 940
30-5-73	Amended	V. 9, p. 459
30-5-81	Amended	V. 9, p. 1601, 1645
30-5-81a	Amended	V. 9, p. 459
30-5-81b	Amended	V. 9, p. 940
30-5-82	Amended	V. 9, p. 459
30-5-86	Amended	V. 9, p. 940
30-5-87	Amended	V. 9, p. 987
30-5-88	Amended	V. 9, p. 1601, 1645
30-5-89	Amended	V. 9, p. 118
30-5-90	Revoked	V. 9, p. 941
30-5-92	Amended	V. 9, p. 941
30-5-94	Amended	V. 9, p. 460
30-5-100	Amended	V. 9, p. 941
30-5-101	Amended	V. 9, p. 1718
30-5-103	Amended	V. 9, p. 1718
30-5-104	Amended	V. 9, p. 1718
30-5-110	Amended	V. 9, p. 941
30-5-111	Revoked	V. 9, p. 1718
30-5-112	Amended	V. 9, p. 461
30-5-113	Amended	V. 9, p. 941
30-5-113a	Amended	V. 9, p. 941
30-5-114	Amended	V. 9, p. 461
30-5-115	Amended	V. 9, p. 941
30-5-116	Amended	V. 9, p. 1718
30-5-116a	Amended	V. 9, p. 1719
30-5-117	New	V. 9, p. 941
30-5-117a	New	V. 9, p. 942
30-5-118	New	V. 9, p. 1602, 1645
30-5-118a	New	V. 9, p. 1602, 1645
30-5-150	New	V. 9, p. 461
30-5-151	New	V. 9, p. 462
30-5-152	New	V. 9, p. 462
30-5-154		
through		
30-5-172	New	V. 9, p. 462-464
30-5-162	Amended	V. 9, p. 1719
30-6-35	Amended	V. 9, p. 1255
30-6-35	Revoked	V. 9, p. 1280
30-6-38	Amended	V. 9, p. 1256
30-6-38	Revoked	V. 9, p. 1280
30-6-41	Amended	V. 9, p. 195
30-6-53	Amended	V. 9, p. 1256
30-6-53	Revoked	V. 9, p. 1280
30-6-65	Amended	V. 9, p. 1719
30-6-73	Amended	V. 9, p. 1720
30-6-74	Amended	V. 9, p. 195
30-6-77	Amended	V. 9, p. 1258
30-6-77	Revoked	V. 9, p. 1280
30-6-79	Amended	V. 9, p. 195
30-6-87	New	V. 9, p. 1259
30-6-87	Revoked	V. 9, p. 1280
30-6-103	Amended	V. 9, p. 1721
30-6-106	Amended	V. 9, p. 1721
30-6-106	Revoked	V. 9, p. 1811
30-6-107	Amended	V. 9, p. 1259
30-6-107	Revoked	V. 9, p. 1281
30-6-108	Amended	V. 9, p. 1260
30-6-108	Revoked	V. 9, p. 1281
30-6-109	Amended	V. 9, p. 1260
30-6-109	Revoked	V. 9, p. 1281
30-6-111	Amended	V. 9, p. 197
30-6-112	Amended	V. 9, p. 1261
30-6-112	Revoked	V. 9, p. 1281

30-7-68	Amended	V. 9, p. 1723
30-7-79	New	V. 9, p. 942
30-10-1a	Amended	V. 9, p. 1603, 1646
30-10-1b	Amended	V. 9, p. 1604, 1646
30-10-1c	Amended	V. 9, p. 1605, 1646
30-10-1d	Amended	V. 9, p. 1605, 1646
30-10-1f	Amended	V. 9, p. 1605, 1646
30-10-2	Amended	V. 9, p. 1605, 1646
30-10-3	Amended	V. 9, p. 1606, 1646
30-10-6	Amended	V. 9, p. 1606, 1646
30-10-7	Amended	V. 9, p. 1606, 1646
30-10-8	Amended	V. 9, p. 1607, 1646
30-10-9	Amended	V. 9, p. 1607, 1646
30-10-11	Amended	V. 9, p. 1607, 1646
30-10-14	Amended	V. 9, p. 1609, 1646
30-10-15a	Amended	V. 9, p. 1609, 1646
30-10-15b	Amended	V. 9, p. 1610, 1647
30-10-16	Amended	V. 9, p. 1610, 1647
30-10-17	Amended	V. 9, p. 1610, 1647
30-10-18	Amended	V. 9, p. 1612, 1647
30-10-19	Amended	V. 9, p. 1613, 1647
30-10-20	Amended	V. 9, p. 1613, 1647
30-10-21	Amended	V. 9, p. 1614, 1647
30-10-22	Revoked	V. 9, p. 1614, 1647
30-10-23a	Amended	V. 9, p. 1614, 1647
30-10-23b	Amended	V. 9, p. 1615, 1647
30-10-23c	Amended	V. 9, p. 1615, 1647
30-10-24	Amended	V. 9, p. 1616, 1647
30-10-25	Amended	V. 9, p. 1617, 1647
30-10-26	Amended	V. 9, p. 1618, 1648
30-10-27	Amended	V. 9, p. 1618, 1648
30-10-28	Amended	V. 9, p. 1618, 1648
30-10-29	Amended	V. 9, p. 1619, 1648
30-10-200		
through		
30-10-209	New	V. 9, p. 1619-1624
30-10-200		
through		
30-10-209	New	V. 9, p. 1648-1652
30-22-33	New	V. 9, p. 942
30-51-1		
through		
30-51-5	Revoked	V. 9, p. 198

AGENCY 33: DEPARTMENT OF WILDLIFE AND PARKS

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33-1-21	Revoked	V. 9, p. 167
33-2-2	Revoked	V. 9, p. 1815
33-3-2	Revoked	V. 9, p. 386
33-3-4	Revoked	V. 9, p. 386

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-15-23	Amended	V. 9, p. 1023
36-26-1	Amended	V. 9, p. 1023

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-2-20	New	V. 9, p. 1814
40-3-35	Amended	V. 9, p. 1304
40-4-35a	Amended	V. 9, p. 30
40-4-35a	Amended	V. 9, p. 303
40-4-39	New	V. 9, p. 303
40-7-11	Amended	V. 9, p. 304
40-7-20a	Amended	V. 9, p. 1305
40-7-20a	Amended	V. 9, p. 1362
40-7-22		
through		
40-7-25	New	V. 9, p. 304
40-10-2	Amended	V. 9, p. 985
40-14-1	Amended	V. 9, p. 304
40-14-4	Amended	V. 9, p. 304

AGENCY 44: DEPARTMENT OF CORRECTIONS

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44-6-108a		
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44-6-114b	Revoked	V. 9, p. 1425
44-6-114c	New	V. 9, p. 1425
44-6-120	Amended	V. 9, p. 1425
44-6-121	Amended	V. 9, p. 1425

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44-6-124	Amended	V. 9, p. 1426
44-6-125	Amended	V. 9, p. 1426
44-6-126	Amended	V. 9, p. 1426
44-6-134	Amended	V. 9, p. 1427
44-6-135	Amended	V. 9, p. 1427
44-6-135a	New	V. 9, p. 1427
44-6-136a	New	V. 9, p. 1427
44-6-143	New	V. 9, p. 1428
44-7-104	Amended	V. 9, p. 577
44-7-114	New	V. 9, p. 577
44-8-115	New	V. 9, p. 577
44-8-116	New	V. 9, p. 577
44-9-103	Amended	V. 9, p. 123
44-9-104	Amended	V. 9, p. 123
44-11-111	Amended	V. 9, p. 950
44-11-112	Amended	V. 9, p. 80
44-11-113	Amended	V. 9, p. 80
44-11-114	Amended	V. 9, p. 80
44-11-116	Revoked	V. 9, p. 81
44-11-121	Amended	V. 9, p. 81
44-11-122	Amended	V. 9, p. 81
44-11-123	Amended	V. 9, p. 950
44-11-126	Revoked	V. 9, p. 81
44-11-128	Revoked	V. 9, p. 81
44-11-129		
through		
44-11-135	New	V. 9, p. 81, 82

AGENCY 47: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
47-1-1	New	Vol. 9, p. 1872
47-1-3	Amended	Vol. 9, p. 1872
47-1-4	Amended	Vol. 9, p. 1872
47-1-8	Amended	Vol. 9, p. 1872
47-1-9	Amended	Vol. 9, p. 1872
47-1-10	Amended	Vol. 9, p. 1872
47-1-11	Amended	Vol. 9, p. 1873
47-2-14	Amended	Vol. 9, p. 1873
47-2-21	Amended	Vol. 9, p. 1873
47-2-53	Amended	Vol. 9, p. 1873
47-2-53a	Amended	Vol. 9, p. 1873
47-2-67	Amended	Vol. 9, p. 1873
47-2-75	Amended	Vol. 9, p. 1873
47-3-1	Amended	Vol. 9, p. 1874
47-3-2	Amended	Vol. 9, p. 1874
47-3-3a	Amended	Vol. 9, p. 1874
47-3-42	Amended	Vol. 9, p. 1874
47-4-14	Revoked	Vol. 9, p. 1876
47-4-14a	New	Vol. 9, p. 1876
47-4-15	Amended	Vol. 9, p. 1881
47-4-16	Amended	Vol. 9, p. 1884
47-4-17	Amended	Vol. 9, p. 1884
47-5-5a	Amended	Vol. 9, p. 1885
47-5-16	Amended	Vol. 9, p. 1887
47-6-1	Amended	Vol. 9, p. 1887
47-6-2	Amended	Vol. 9, p. 1887
47-6-3	Amended	Vol. 9, p. 1887
47-6-4	Amended	Vol. 9, p. 1887
47-6-6	Amended	Vol. 9, p. 1888
47-6-7	New	Vol. 9, p. 1888
47-6-8	New	Vol. 9, p. 1889
47-6-9	New	Vol. 9, p. 1889
47-6-10	New	Vol. 9, p. 1889
47-7-2	Amended	Vol. 9, p. 1889
47-8-9	Amended	Vol. 9, p. 1890
47-8-11	Amended	Vol. 9, p. 1890
47-9-1	Amended	Vol. 9, p. 1890
47-9-2	Amended	Vol. 9, p. 1893
47-9-4	Amended	Vol. 9, p. 1893
47-10-1	Amended	Vol. 9, p. 1893
47-11-8	Amended	Vol. 9, p. 1893
47-12-4	Amended	Vol. 9, p. 1894
47-13-4	Amended	Vol. 9, p. 1894
47-13-5	Amended	Vol. 9, p. 1894
47-13-6	Amended	Vol. 9, p. 1895
47-14-7	Amended	Vol. 9, p. 1895
47-15-1a	Amended	Vol. 9, p. 1895
47-15-3	Amended	Vol. 9, p. 1896
47-15-4	Amended	Vol. 9, p. 1896
47-15-7	Amended	Vol. 9, p. 1896
47-15-8	Amended	Vol. 9, p. 1896
47-15-15	Amended	Vol. 9, p. 1897
47-15-17	Amended	Vol. 9, p. 1897
47-16-1		
through		
47-16-8	Amended	Vol. 9, p. 1897-1899

AGENCY 49: DEPARTMENT OF HUMAN RESOURCES

Reg. No.	Action	Register
49-49-1	Amended	V. 9, p. 706

AGENCY 50: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF EMPLOYMENT

Reg. No.	Action	Register
50-2-21	Amended	V. 9, p. 704

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-11-103	Amended	V. 9, p. 1707
60-11-104a	Amended	V. 9, p. 406
60-11-108	Amended	V. 9, p. 988

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-3	Amended	V. 9, p. 170
63-1-4	Amended	V. 9, p. 170

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-10-9	Amended	V. 9, p. 257

AGENCY 67: BOARD OF HEARING AID EXAMINERS

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

Reg. No.	Action	Register
68-1-1b	Amended	V. 9, p. 383
68-2-12a	Amended	V. 9, p. 383
68-9-1	Amended	V. 9, p. 384
68-20-20	Amended	V. 9, p. 384

AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS

Reg. No.	Action	Register
70-32-2	Amended	V. 10, p. 9

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-5-202	Amended	V. 9, p. 1707
74-5-203	Amended	V. 9, p. 1707
74-5-406	Amended	V. 9, p. 1282
74-13-1	New	V. 9, p. 232
74-13-2	New	V. 9, p. 232

AGENCY 75: CONSUMER CREDIT COMMISSIONER

Reg. No.	Action	Register
75-6-11	Amended	V. 9, p. 898
75-6-24	Amended	V. 9, p. 893
75-6-26	Amended	V. 9, p. 625

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-3-2	Amended	V. 9, p. 83
81-5-6	Amended	V. 9, p. 83

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-1-201	Amended	V. 9, p. 894
82-1-202	Amended	V. 9, p. 895
82-1-204	Amended	V. 9, p. 895
82-1-205	Amended	V. 9, p. 896
82-1-206	Amended	V. 9, p. 896
82-1-207	Amended	V. 9, p. 896
82-9-1	Amended	V. 9, p. 1359
82-9-3	Amended	V. 9, p. 1360
83-9-5	Amended	V. 9, p. 1360
82-9-6	Amended	V. 9, p. 1360
82-9-8	Amended	V. 9, p. 1361
82-9-14	Amended	V. 9, p. 1361
82-9-16	Amended	V. 9, p. 1361
82-9-24	Amended	V. 9, p. 1362
82-11-3	Amended	V. 9, p. 298
82-11-4	Amended	V. 9, p. 298
82-11-10	New	V. 9, p. 302

AGENCY 84: PUBLIC EMPLOYEES RELATIONS BOARD

Reg. No.	Action	Register
84-1-1	Amended	V. 9, p. 943
84-1-2	Amended	V. 9, p. 943
84-1-3	New	V. 9, p. 943
84-1-4	New	V. 9, p. 943

84-2-1	through	
84-2-7	Amended	V. 9, p. 943-945
84-2-9	Amended	V. 9, p. 945
84-2-11	through	
84-2-15	Amended	V. 9, p. 945-947
84-3-1	through	
84-3-6	Amended	V. 9, p. 948
84-4-1	through	
84-4-5	Amended	V. 9, p. 948, 949
84-4-7	Amended	V. 9, p. 949
84-5-1	Amended	V. 9, p. 950

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-10	Amended	V. 9, p. 835

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-20-1	through	
88-20-11	New	V. 9, p. 165-167

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-27b	Amended	V. 9, p. 1099
91-1-27c	New	V. 9, p. 1099
91-1-32	Amended	V. 9, p. 1857
91-1-34	Amended	V. 9, p. 1817
91-1-58	Amended	V. 9, p. 1099
91-1-62	Revoked	V. 9, p. 1817
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
91-1-123a	New	V. 9, p. 1103
91-1-128b	New	V. 9, p. 1857
91-1-132a	Amended	V. 9, p. 1103
91-1-153	New	V. 9, p. 1817
91-12-48	Amended	V. 9, p. 1674
91-12-63	Amended	V. 9, p. 1674
91-12-70	Revoked	V. 9, p. 1674

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-23-40	Amended	V. 9, p. 1076
92-55-2a	New	V. 9, p. 1513

AGENCY 99: BOARD OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES

Reg. No.	Action	Register
99-26-1	Amended	V. 9, p. 1706, 1753
99-40-1	New	V. 9, p. 1753
99-40-3	New	V. 9, p. 1753

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-46-5	Amended	V. 9, p. 1841
100-47-1	Amended	V. 9, p. 1841
100-49-4	Amended	V. 9, p. 108
100-49-4	Amended	V. 9, p. 257

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-13	Amended	V. 9, p. 1789, 1810
102-2-3	Amended	V. 9, p. 1789, 1810
102-3-2	Amended	V. 9, p. 1790, 1811
102-4-2	Amended	V. 9, p. 1790, 1811
102-4-10	New	V. 9, p. 1024

AGENCY 109: EMERGENCY MEDICAL SERVICES BOARD

Reg. No.	Action	Register
109-2-5	Amended	V. 9, p. 1076
109-2-7	Amended	V. 9, p. 1077
109-8-1	Amended	V. 9, p. 1077
109-9-1	Amended	V. 9, p. 1077
109-10-1	Amended	V. 9, p. 1078
109-12-1	Amended	V. 9, p. 1078

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-4-1 through 110-4-8	New	V. 9, p. 1282-1284

AGENCY 111: THE KANSAS LOTTERY

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 8, p. 586
111-2-1	Amended	V. 7, p. 1995
111-2-2	Amended	V. 9, p. 1675
111-2-2a	Revoked	V. 9, p. 1675
111-2-6	New	V. 8, p. 134
111-2-7	Amended	V. 8, p. 586
111-2-13	New	V. 8, p. 1666
111-2-14	New	V. 9, p. 30
111-2-15	New	V. 9, p. 1812
111-3-1	Amended	V. 10, p. 11
111-3-9	Amended	V. 8, p. 1085
111-3-10 through 111-3-31	New	V. 7, p. 201-206
111-3-11	Amended	V. 8, p. 299
111-3-12	Amended	V. 10, p. 12
111-3-13	Amended	V. 7, p. 1062
111-3-14	Amended	V. 10, p. 12
111-3-16	Amended	V. 9, p. 1566
111-3-19 through 111-3-22	Amended	V. 9, p. 30
111-3-20	Amended	V. 8, p. 1085
111-3-21	Amended	V. 7, p. 1606
111-3-22	Amended	V. 8, p. 1085
111-3-25	New	V. 7, p. 1310
111-3-27	New	V. 7, p. 1310
111-3-31	Amended	V. 8, p. 209
111-3-32	New	V. 7, p. 931
111-3-33	New	V. 7, p. 1434
111-4-1	Amended	V. 8, p. 134
111-4-2	Amended	V. 7, p. 1063
111-4-4	Amended	V. 7, p. 1063
111-4-6	Amended	V. 7, p. 1434
111-4-7	Amended	V. 7, p. 1945
111-4-8	Amended	V. 7, p. 1064
111-4-12	Amended	V. 7, p. 1190
111-4-66 through 111-4-77	New	V. 7, p. 207-209
111-4-96 through 111-4-114	New	V. 7, p. 1606-1610
111-4-100	Amended	V. 9, p. 1364
111-4-101	Amended	V. 9, p. 1364
111-4-102	Amended	V. 9, p. 1364
111-4-104	Amended	V. 9, p. 1364
111-4-105	Amended	V. 9, p. 1365
111-4-106	Amended	V. 9, p. 1365
111-4-106a	New	V. 9, p. 1365
111-4-107	Amended	V. 9, p. 1366
111-4-108	Amended	V. 9, p. 1366
111-4-111	Amended	V. 9, p. 1366
111-4-113	Amended	V. 9, p. 1366
111-4-114	Amended	V. 9, p. 1366
111-4-153 through 111-4-160	Revoked	V. 9, p. 1676, 1677
111-4-177 through 111-4-212	Revoked	V. 9, p. 1677, 1678
111-4-213 through 111-4-220	New	V. 9, p. 728, 729
111-4-217	Amended	V. 9, p. 986
111-4-221 through 111-4-224	New	V. 9, p. 1197
111-4-225 through 111-4-228	New	V. 9, p. 1366, 1367
111-4-229 through 111-4-236	New	V. 9, p. 1566-1568
111-4-237 through 111-4-240	New	V. 9, p. 1678, 1679

111-4-241 through 111-4-244	New	V. 9, p. 1812
111-4-249 through 111-4-252	New	V. 9, p. 1813
111-5-1 through 111-5-23	New	V. 7, p. 209-213
111-5-9	Amended	V. 8, p. 210, 211
111-5-11	Amended	V. 9, p. 505
111-5-17	Amended	V. 8, p. 211
111-5-18	Amended	V. 10, p. 13
111-5-19	Amended	V. 8, p. 212
111-6-1 through 111-6-15	New	V. 7, p. 213-217
111-6-1	Amended	V. 10, p. 14
111-6-3	Amended	V. 9, p. 200
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111-8-3	Amended	V. 9, p. 505
111-8-4	New	V. 7, p. 1714
111-8-4a	New	V. 7, p. 1995
111-8-5 through 111-8-13	New	V. 7, p. 1634
111-9-1 through 111-9-12	New	V. 7, p. 1714-1716
111-9-1 through 111-9-6	Revoked	V. 9, p. 1680
111-9-13 through 111-9-18	Revoked	V. 9, p. 1680
111-9-25 through 111-9-30	New	V. 9, p. 699, 700
111-10-1 through 111-10-9	New	V. 8, p. 136-138
111-10-7	Amended	V. 8, p. 301

AGENCY 112: KANSAS RACING COMMISSION

Reg. No.	Action	Register
112-3-16	Amended	V. 9, p. 153
112-3-19	Amended	V. 9, p. 153
112-5-1	Amended	V. 9, p. 153
112-5-2	Amended	V. 9, p. 154
112-5-3	Amended	V. 9, p. 154
112-5-8	Amended	V. 9, p. 155
112-5-9	Amended	V. 9, p. 155
112-6-6	Amended	V. 9, p. 155
112-9-5	Amended	V. 9, p. 155
112-9-7	Amended	V. 9, p. 156
112-9-8	Amended	V. 9, p. 156
112-9-11	Amended	V. 9, p. 156
112-9-13	Amended	V. 9, p. 156

112-9-18	Amended	V. 9, p. 157
112-9-21	Amended	V. 9, p. 157
112-9-22	Amended	V. 9, p. 158
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112-9-34	Amended	V. 9, p. 159
112-9-37	Amended	V. 9, p. 159
112-10-4	Amended	V. 9, p. 160
112-11-2	Amended	V. 9, p. 160
112-11-3	Amended	V. 9, p. 161
112-11-6	Amended	V. 9, p. 161
112-11-7	Amended	V. 9, p. 161
112-11-9	Amended	V. 9, p. 161
112-11-10	Amended	V. 9, p. 161
112-11-12	Amended	V. 9, p. 162
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112-11-15	Amended	V. 9, p. 162
112-11-20	Amended	V. 9, p. 162
112-12-2	Amended	V. 9, p. 164
112-12-4	Amended	V. 9, p. 164
112-15-1 through 112-15-7	New	V. 9, p. 1074, 1075
112-15-1 through 112-15-7	New	V. 9, p. 1346, 1347

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 9, p. 1564
115-2-3	Amended	V. 9, p. 1815
115-2-4	New	V. 9, p. 951
115-4-3	New	V. 9, p. 386
115-4-5	New	V. 9, p. 387
115-4-6	New	V. 9, p. 388
115-4-7	New	V. 9, p. 390
115-4-9	New	V. 9, p. 1135
115-4-10	Amended	V. 9, p. 1135
115-4-11	New	V. 9, p. 1135
115-5-1	New	V. 9, p. 167
115-5-2	New	V. 9, p. 168
115-6-1	New	V. 9, p. 168
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115-7-5	Amended	V. 9, p. 951
115-7-6	New	V. 9, p. 1135
115-8-2	New	V. 9, p. 391
115-8-9	New	V. 9, p. 169
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115-17-1 through 115-17-5	New	V. 9, p. 1137-1139
115-17-6 through 115-17-9	New	V. 9, p. 1564, 1565
115-20-1	New	V. 9, p. 951
115-20-2	New	V. 9, p. 1139
115-20-3	New	V. 9, p. 1140
115-21-1	New	V. 9, p. 1815
115-21-2	New	V. 9, p. 1816
115-30-2 through 115-30-8	New	V. 9, p. 1344, 1345
115-30-9	New	V. 9, p. 1816

AGENCY 116: STATE FAIR BOARD

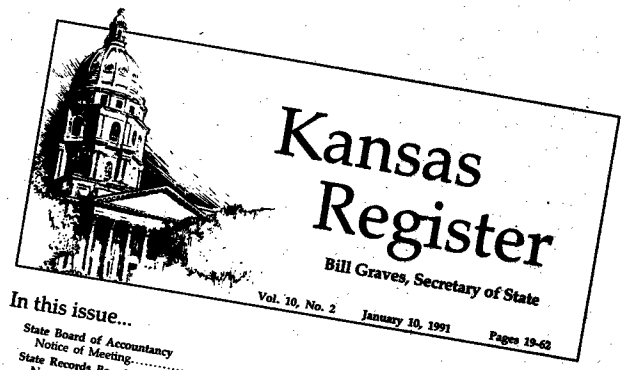
Reg. No.	Action	Register
116-2-1	Amended	V. 9, p. 1022

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-1-1	New	V. 9, p. 1786
117-2-1	New	V. 9, p. 1786
117-2-2	New	V. 9, p. 1787
117-3-1	New	V. 9, p. 1787
117-3-2	New	V. 9, p. 1787
117-6-1	New	V. 9, p. 1788
117-6-2	New	V. 9, p. 1788
117-6-3	New	V. 9, p. 1788
117-7-1	New	V. 9, p. 1789

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