

# Kansas Register

Bill Graves, Secretary of State

Vol. 12, No. 32    August 12, 1993    Pages 1187-1238

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State of Kansas

**Kansas Inc.****Notice of Meeting**

The Kansas Inc. board will hold its annual retreat from 8:30 a.m. to 3 p.m. Friday, August 13, in the Emporia Room at Emporia State University. The meeting is open to the public.

Charles R. Warren  
President, Kansas Inc.

Doc. No. 013781

State of Kansas

**Department of Administration  
Division of Architectural Services**

**Notice of Commencement of Negotiations  
for Architectural Services**

Notice is hereby given of the commencement of negotiations for architectural services for the expansion and renovation of the student center at Pittsburg State University. The estimated construction cost is \$1.6 million.

Any questions or expressions of interest should be directed to Gary Grimes, Deputy Director, Planning & Project Management, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, on or before August 27. An original and five copies of the SF 255 form (plus attachments as required) should be submitted with letters of interest.

J. David DeBusman  
Director, Division of  
Architectural Services

Doc. No. 013771

State of Kansas

**Department of Administration****Public Notice**

Under requirements of K.S.A. 65-34,117(b), records of the Division of Accounts and Reports show the unobligated balances are \$1,484,536.97 in the underground petroleum storage tank release trust fund and \$7,943,686.91 in the aboveground petroleum storage tank release trust fund at July 31, 1993.

Susan M. Seltam  
Secretary of Administration

Doc. No. 013774

State of Kansas

**Department of Administration  
Division of Architectural Services**

**Notice of Commencement of Negotiations  
for Engineering Services**

Notice is hereby given of the commencement of negotiations for "on-call" engineering services at Emporia State University. Interested firms should be capable of assisting university personnel on miscellaneous small engineering projects for two to three years.

Any questions or expressions of interest should be directed to Kelly Conway, Deputy Director, Design and Construction Administration, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, on or before August 27. An original and five copies of the SF 255 form (plus attachments as required) should be submitted with letters of interest.

J. David DeBusman  
Director, Division of  
Architectural Services

Doc. No. 013793

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**PUBLISHED BY**  
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Secretary of State  
2nd Floor, State Capitol  
Topeka, KS 66612-1594  
(913) 296-2236



**Register Office:**  
235-N, State Capitol  
(913) 296-3489

## 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, published by the Secretary of State's office.

The following appointments were filed August 1-6:

**Harper County Commissioner,  
2nd District**

**Bob Wohlschlegel**, 1701 Pine, Harper 67058. Term expires when a successor is elected and qualifies according to law. Succeeds Hubert P. Johnson, deceased.

**Kansas Agricultural Value-Added Processing Center  
Leadership Council**

**Stan Clark**, HCR 1, Box 112, Oakley 67748. Term expires June 30, 1997. New position.

**Dealer Review Board**

**Jim Clark, Sr.**, New Vehicle Dealer Appointee, Jim Clark Motors, Inc., 2121 W. 29th Terrace, Lawrence 66047. Term expires June 30, 1996. Succeeds Walter Lesline.

**Darlene Lacer**, Used Vehicle Dealer Appointee, Lacer Motor Company, 114 E. Walnut, Junction City 66441. Term expires June 30, 1996. Succeeds John Young.

**Don Schmid**, Salvage Vehicle Dealer Appointee, Schmid Motor, Inc., 3205 S. Broadway, Wichita 67216. Succeeds Dale Lehning.

Bill Graves  
Secretary of State

## State of Kansas

**Department of Commerce  
and Housing**

**Notice of Hearing on Proposed  
Administrative Regulations**

A public hearing on proposed rules and regulations concerning the high performance incentive program (Substitute for Senate Bill No. 73 passed by the 1993 Legislature) will be at 8:30 a.m. Monday, September 13, on the 13th floor of the Security Benefit Building, 700 S.W. Harrison, Topeka. The meeting is scheduled to last until 9 a.m. but may be held over until 10 a.m. if there is sufficient public interest.

Each of the regulations under consideration are specifically mandated by Substitute for Senate Bill No. 73, which authorizes the Department of Commerce and Housing to implement and administer the high performance incentive program as described in Substitute for Senate Bill No. 73.

A complete copy of the proposed rules and regulations and the economic impact statement may be obtained by contacting the Kansas Department of Com-

merce and Housing, 700 S.W. Harrison, Suite 1300, Topeka 66603-3712, (913) 296-3760.

**Summary of Rules and Regulations:**

**100-6-1:** Criteria for designation as a "qualified firm." Criteria include: existence as a for profit business enterprise, located in the state of Kansas, subject to state sales, property and/or income taxes; identification under at least one manufacturing standard industrial classification (SIC) code, major group 20-39; and employment of 500 or fewer full-time equivalent employees (FTEs). In addition, one of the following criteria also must be met: pay above average wages for firms with same SIC code in county of origin or be the sole firm with a particular SIC code in county of origin.

**100-6-2:** The Secretary of Commerce and Housing shall certify annually to the Department of Revenue that each firm designated as a qualified firm is in compliance with K.A.R. 100-6-1.

**100-6-3:** This regulation defines terms such as "cash investment" and "training and education." Training and education is a nonproduction related activity for which an employee is either paid to participate or is reimbursed for expenses incurred, or both, and from which the firm expects to derive increased productivity or quality or both. On-the-job training is not considered training or education under this act.

**100-6-4:** Application procedures for the high performance incentives fund.

**100-6-5.** Approval guidelines for private consultants.

**100-6-6.** Guidelines for prioritizing business assistance programs.

The regulations are not mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program.

**Economic Impact:** The high performance incentive program offers tax incentives and other benefits to eligible firms. The proposed regulations in themselves will not entail any additional cost to any government agency, private company or private citizen.

All interested persons will be given a reasonable opportunity at the hearing to present their views or arguments, either orally or in writing, concerning the proposed regulations. In addition, the 30-day period of public notice hereby provided constitutes a public comment period for the purpose of receiving written public comments on the proposed regulations. Such written comments may be submitted prior to the hearing to Mark Barcellina, Department of Commerce and Housing, at the address above.

Bob Knight  
Secretary of Commerce  
and Housing

Doc. No. 013792

State of Kansas

**Information Network of Kansas**

**Notice of Meeting**

The Information Network of Kansas Board will meet at 3 p.m. Thursday, August 19, at Kansas Inc., 632 S.W. Van Buren, Suite 100, Topeka. The meeting is open to the public.

Charles R. Warren  
President, Kansas Inc.

Doc. No. 013769

State of Kansas

**Office of the State Treasurer**

**Notice of Investment Rates**

The following rates are published in accordance with K.S.A. 75-4210 as amended per 1992 Session Laws of Kansas, Chapter 146. These rates and their uses are defined in K.S.A. 75-4201(l), 12-1675(b)(c)(d) and K.S.A. 75-4209(a)(1)(B), as amended by the 1992 Legislature.

**Effective 8-16-93 through 8-22-93**

Term	Rate
0-90 days	3.06%
3 months	3.08%
6 months	3.25%
12 months	3.56%
24 months	4.05%
36 months	4.52%
48 months	4.90%

Sally Thompson  
State Treasurer

State of Kansas

**Corporation for Change**

**Request for Writer/Editor**

The Kansas Corporation for Change seeks a writer/editor to produce its quarterly newsletter. Please submit hourly rate, sample of work, and references by August 22 to Jolene Grabill, Executive Director, Corporation for Change, 700 S.W. Jackson, Suite 902, Topeka 66603-3758.

Jolene Grabill  
Executive Director

Doc. No. 013779

Doc. No. 013787

State of Kansas

**Legislature**

**Interim Committee Schedule**

The following committee meetings have been scheduled during the period of August 16 through August 29:

Date	Room	Time	Committee	Agenda
August 16	514-S	10:00 a.m.	Joint Committee on	Review of rules and regulations filed by Sec. of Aging; Bd. of Accountancy; KDHE; Bd. of Emergency Medical Services; Behavioral Sciences Regulatory Bd.; and Kansas Racing Commission.
August 17	514-S	9:00 a.m.	Administrative Rules and Regulations	
August 17	531-N	10:00 a.m.	Legislative Educational	<u>17th:</u> Teacher preparation, continuing ed. and inservice ed.; use of part-time faculty by community colleges; and student financial aid.
August 18	KU Library	9:00 a.m.	Planning Committee	
August 19	514-S	10:00 a.m.	Joint Committee on Health	<u>18th:</u> Meet at KU Library for tour; and presentation by R. David Murphy, Midwestern Higher Ed. Commission.
August 20	514-S	9:00 a.m.	Care Decisions for the 1990's	
				<u>19th:</u> Monitoring reports; health care provider education; state intervention in managed care pharmacy services; child health assessments.
				<u>20th:</u> State intervention in managed care pharmacy services continued; hospital cooperation—state oversight.

August 23	531-N	10:00 a.m.	Joint Committee on	Agenda not available.
August 24	531-N	9:00 a.m.	Computers and Telecommunications	
August 12	<b>Meeting Cancelled</b>		Senate Ways and Means Committee	<b>Meeting cancelled.</b>
August 13				
August 18	521-S	9:00 a.m.	Senate Local Government Committee	Conferees on state mandates.
August 19	313-S	9:00 a.m.	Joint Meeting of Senate and House Local Government Committees	Conferees on special districts.
August 20	521-S	9:00 a.m.	House Local Government Committee	Conferees on training for hazardous materials.
August 20	526-S	1:30 p.m.	House Committee on Financial Institutions and Insurance	Hearings and committee discussion on "Managed Insurance Programs" for automobile glass repair and replacement.
August 25	313-S	8:00 a.m.	House Judiciary Committee	Hearings on Dram Shop laws—bartender liability; HB 2490—Uniform Anatomical Gift Act; HB 2423—Asset Seizure and Forfeiture Act.
August 26	313-S	8:00 a.m.		
August 25	527-S	8:00 a.m.	Senate Energy and Natural Resources Committee	<u>25th</u> : Hearings on 1993 SB 374 (funding of conservation dists.) and briefings on low- level radioactive waste compact and solid waste disposal issues.
August 26	527-S	8:00 a.m.		<u>26th</u> : Hearings on 1993 SB 169 (land reclamation).
August 23	Great Bend Black Angus Restaurant	9:00 a.m.	Jobs That Count	Listening tours.
	Dodge City High Plains Journal	2:30 p.m.		
August 24	Lakin Lakin Public Library	9:00 a.m.		
	Ness City Derrick Inn	8:30 p.m.		

Emil Lutz  
Director of Legislative  
Administrative Services

## State of Kansas

## University of Kansas

## Notice to Bidders

Sealed bids for the item listed below will be received by the University of Kansas Purchasing Office, Lawrence, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 864-3416 or FAX (913) 864-3454 for additional information.

Monday, August 23, 1993

RFQ 94 0152

Automated capillary electrophoresis system

Gene Puckett, C.P.M.  
Director of Purchasing

Doc. No. 013775

## State of Kansas

## Historic Sites Board of Review

## Notice of Meeting

The Kansas Historic Sites Board of Review will meet at 9:30 a.m. Saturday, August 28, in Room 106 of the Landon State Office Building, 900 S.W. Jackson, Topeka. The agenda includes election of officers, a follow-up to the board's previous preservation planning discussions, and evaluation of the following properties for the National Register of Historic Places and/or the Register of Historic Kansas Places:

- Sedan Opera House, 200-204 E. Main, Sedan, Chautauqua County
- Emerson Coulson House, 813 N. Olive, Abilene, Dickinson County
- William Maunder House, 616 N. 9th, Kansas City, Wyandotte County

Ramon Powers  
Executive Director

Doc. No. 013772

## State of Kansas

## Department of Transportation

## Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consultant engineering firms for the following two projects. Responses must be received by September 2 for one or both projects for which the consultant engineering firm wishes to be considered. Seven signed copies of responses must be submitted to Al Cathcart, P.E., Project Control Engineer, Office of Engineering Support, KDOT, 7th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka 66612.

All projects will have surveys completed by others and will be provided to the consultant engineering firm. Items such as seeding and erosion control, right-of-way procurement activities, geology, permit development, traffic data, utility and railroad agreement efforts, etc., may require consultant firm involvement.

It has been established that all pavement marking, lighting, traffic signals, traffic control and permanent signing plans necessary will be designed by the consultant engineering firm. Information on other activities that will be performed by either KDOT or the consultant will be established and furnished to the consultant engineering firms who are short listed by the KDOT Selection Committee prior to interview by the KDOT Negotiating Committee.

Both packages are a part of the Southeast Kansas Corridor and will be managed by KDOT's corridor consultant, Howard, Needles, Tammen & Bergendoff.

Package number one will require highway design-major facility and multi-span bridge design. Package number two will require highway design-major facility and culvert and box bridge design.

## Package Number One

(US) 69A-11 K-5048-01 Grading and Bridges  
(US) 69A-11 K-5048-02 Surfacing  
Cherokee County

From Jct. with US-166 (approximately 2.2 miles east of existing US-69A), northwesterly and west to existing US-69A, then northeasterly approximately 3.4 miles to a Jct. with US-69A approximately 1.3 miles north of K-66.

## Package Number Two

(US) 166-11 K-5049-01 Grading and Surfacing  
Cherokee County

New Jct. US-69Alt. (K-5048-01 and 02), east and southeast on existing alignment to the Kansas-Missouri state line. Roadway rehabilitation (includes cold mill and overlay) and shoulder widening and stabilization to provide a 44' roadway. Extend existing culverts. Add acceleration and deceleration lanes at major crossroads as warranted. Upgrade guard fence.

From firms expressing interest, the Consultant Selection Committee will select a list of the most highly qualified (not less than three, not more than five) and invite them to attend a pre-proposal conference. Firms not selected will be notified by letter.

The Negotiating Committee, appointed by the Secretary of Transportation, will conduct discussion with firms invited to the pre-proposal conference and select one firm with which to negotiate a contract. After a contract has been awarded, the remaining firms not selected will be notified by letter.

It is the policy of KDOT to use the following criteria as the basis for selection of engineering consultant firms:

1. Size and professional qualification,
2. Experience of staff,
3. Location of firms with respect to proposed project,
4. Work load of firm, and
5. Firm's performance record.

Michael L. Johnston  
Secretary of Transportation

Doc. No. 013790

State of Kansas

**Wildlife and Parks Commission****Notice of Hearing on Proposed  
Administrative Regulations**

A public hearing will be conducted by the Wildlife and Parks Commission at 7 p.m. Thursday, September 16, at the Holiday Inn Holidome, Meeting Room C, 3017 W. 10th, Great Bend, to consider the adoption of several department regulations. There will be a public comment period at the beginning of the meeting and additional comments may be taken during the meeting on agenda items.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m. September 16 at the location listed above. The public also will be given the opportunity to comment on any items during the meeting. The meeting will recess at 5 p.m. then resume at 7 p.m. at the same location for the regulatory hearing. Old and new business also may be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9 a.m. September 17 at the same location.

If notified in advance, the department will have an interpreter available for the hard of hearing. To contact the department for this or any other reason, members of the public with a hearing impairment may call the TDD service at 1-800-766-3777. All public meeting areas are accessible to those who are physically disabled.

This 30-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed regulations.

All interested parties may submit written comments prior to the hearing to the chairman of the commission, Kansas Department of Wildlife and Parks, Suite 502, Landon State Office Building, 900 S.W. Jackson, Topeka 66612. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

Copies of the complete text of the regulations and the economic impact statement may be obtained from the chairman of the commission at the address above.

The regulations which will be heard during the regulatory hearing portion of the meeting are:

**115-5-1. Furbearers and coyotes; legal equipment, taking methods and general provisions.** This permanent regulation is proposed for amendment to allow for the use of .22 caliber rimfire rifles and pistols while using artificial light to take furbearers treed with the aid of dogs. This provision was in statute, but is now being addressed by regulation. Other amendments are editorial in nature.

**Economic Impact Summary:** The amendments will have no economic impact, as the regulation will ad-

dress the same issue in the same fashion as it was previously addressed by statute.

**115-18-4. Permits for hunting from a vehicle; applications and requirements.** This permanent regulation is proposed for amendment. It will enable individuals with a disability that have qualified or basically would qualify for a special license plate, permanent placard or temporary placard to be eligible to apply for and receive a permit to hunt from a vehicle. It also is proposed to delete a current provision that may require an applicant to get a second medical opinion.

**Economic Impact Summary:** The number of individuals qualifying for a vehicle hunting permit will increase, but by an unknown amount. The process to receive that permit would be simplified.

**115-18-12. Trout permit; requirements, restrictions and permit duration.** This permanent regulation is proposed for adoption. It establishes a requirement for an annual trout permit to fish for and possess trout during a trout season on a body of water for which a trout season has been established. The permit requirement would become effective on January 1, 1994. The annual permit would be valid statewide.

**Economic Impact Summary:** It is estimated that 10,000 to 15,000 people may eventually participate, but a lesser number is anticipated during the first few years. A charge for the permit would be set through amendment to a fee regulation. Permit costs would be borne by those wishing to participate in trout fishing and costs of the trout program supported by permit receipts.

**115-21-1. Guides; permit application, examination and restrictions.** This permanent regulation is proposed for amendment. The current requirement of retesting every three years would be deleted. Guides would be required to maintain a current certification in Red Cross or comparable first aid and cardio-pulmonary resuscitation training.

**Economic Impact Summary:** Deletion of the retesting requirement will relieve guides of time and transportation expenses associated with the retesting. The department will avoid administrative costs of the retesting effort. It is believed that most guides maintain a current certification in the Red Cross or comparable training; however, the proposed requirement for current certification may create an additional expense for some guides.

Jim Holderman  
Chairman

Doc. No. 013794

## State of Kansas

## City of Lawrence

## Notice to Architects

The city of Lawrence is seeking qualified architect consultants for the following Transportation Enhancement-Historic project:

Project No. 23 TE-0013-01 City of Lawrence Douglas County

A signed letter of interest needs to be mailed to David L. Corliss, Assistant to the City Manager, City of Lawrence, City Hall, P.O. Box 708, Lawrence 66044. Responses must be received by August 26 if the architect consultant wishes to be considered.

This project requires the architectural services for the renovation and restoration of a historic building following the U.S. Secretary of the Interior's Standards for Rehabilitation. The rehabilitation is on the Union Pacific Railroad Depot owned by the city of Lawrence, which is listed on the Kansas Register of Historic Places. The project consists of the exterior masonry restoration, downspout replacement, interior demolition, plumbing, HVAC and electrical, insulation, construction of an exterior canopy, interior finishes and brick paving on the exterior.

Architect consultants that express an interest will receive a qualification questionnaire. Based on the completion and submittal of this questionnaire, the city of Lawrence will select the most highly qualified (not less than three, nor more than five).

A complete package of information on this project and activities will be furnished to those selected. Firms not selected will be notified by letter.

Those firms selected will be invited to a pre-proposal conference where a negotiating committee will conduct discussions. The negotiating committee will select one firm with which to negotiate a contract. The following are some of the criteria that will be used as a basis for selection of the architect consultant:

1. Professional qualifications and staff,
2. Experience on historical buildings,
3. Location of firm with respect to proposed project,
4. Present work load of firm, and
5. List of historical type projects.

After the contract has been awarded, the remaining firms will be notified by letter.

City of Lawrence, Kansas

Doc. No. 013777

## State of Kansas

## Abstracters' Board of Examiners

## Notice of Examination

An examination for persons desiring to become subject to license to engage in the business of making, compiling or completing and selling abstracts of title to real estate in Kansas will be conducted by the Abstracters' Board of Examiners at 8 a.m. Friday, September 10, at the Marcus Center for Continuing Education, Wichita State University, 4201 E. 21st, Wichita.

In order to take the exam, an application and \$45 examination fee must be submitted by September 3 to the executive secretary of the Abstracters' Board of Examiners, P.O. Box 549, Hugoton 67951.

Glen R. McQueen  
Executive Secretary

Doc. No. 013797

## State of Kansas

Department of Administration  
Division of Purchases

## Notice to Bidders

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

Monday, August 23, 1993

29848

Department of Administration, Division of  
Facilities Management—Carpet

29854

Wichita State University—Carpet and cove base

29856

University of Kansas Medical Center—Snow  
removal services

29859

Department of Social and Rehabilitation Services—  
Printer ribbons—Wang

29860

Department of Health and Environment—Enzyme  
immunoassay kits

29863

State agencies in Hays, Kansas—Electric and  
electronic typewriter maintenance

96936

Kansas State University—Fire alarm system

96963

Osawatomie State Hospital—Park equipment  
(benches)

96992

Larned State Hospital—Fire truck

97001

El Dorado Correctional Facility—Crawler dozer



Tuesday, August 24, 1993

29847

Emporia State University—New playing surfaces for racquetball courts

29850

University of Kansas—October (1993) meat products

29851

University of Kansas Medical Center—October (1993) meat products

96955

Fort Hays State University—Lumber, plywood and materials

96956

Hutchinson Correctional Facility—Building materials

96982

Kansas State University—Corn, milo and soybean meal

Wednesday, August 25, 1993

29845

Statewide—October (1993) meat products

29849

Department of Human Resources—JTPA audit services

29857

University of Kansas—Uniform and linen rental and mop laundering services

96964

Adjutant General's Department—Furnish all labor and materials for alteration to USP&FO Topeka

96967

Department of Transportation—Piezo-electric cable weighing array

Thursday, August 26, 1993

A-7088

Lansing Correctional Facility—Plumbing improvements, "B" Cellhouse

29852

Department of Revenue—Maintenance contract for computer systems associated goods and related services

29862

Topeka State Hospital—Floor care products

29864

Kansas State University—Snow removal services

96974

Department of Social and Rehabilitation Services—Furnish all labor and materials for home modification, Wichita

96975

Kansas State University—Chemical storage building, Manhattan, Hays

96976

Emporia State University—Furnish and install a complete glass studio

Friday, August 27, 1993

A-6162(b)

University of Kansas—Kansas Union landscape

A-6996

Department of Social and Rehabilitation Services, Rehabilitation Center for the Blind—Remodel women's and men's restrooms in workshop

A-7082 Revised

Topeka State Hospital—Replace flooring in Slagle area of KMEAC

A-7274

Kansas State School for the Blind—Refinish ceilings, Irwin Building

29846

Statewide—Canned goods

96981

Department of Transportation—Preamsembled radio equipment shelters, various locations

96983

Norton Correctional Facility—Chain link fence materials

96984

Department of Transportation—Wood signposts, Garden City

96985

Department of Transportation—Treated bridge plank, Salina

96991

Norton Correctional Facility—Furnish all labor and materials for berm construction

96993

University of Kansas—Sterilizers and dish-filling apparatus

97000

Wichita State University—Theatrical lighting system

Thursday, September 2, 1993

A-7064

Kansas State University—Chester E. Peters Recreation Complex expansion

A-7064(a)

Kansas State University—Chester E. Peters Recreation Complex athletic flooring

96966

Topeka State Hospital—Laundry equipment

Thursday, September 9, 1993

29858

Statewide—Motor vehicles

Wednesday, September 15, 1993

A-7074

Kansas State University—Salina—New residence hall

Request for Proposals

Monday, August 30, 1993

29855

Training conferences on child sexual abuse for the Department of Social and Rehabilitation Services

Jack R. Shipman  
Director of Purchases

Doc. No. 013785

State of Kansas

## Department of Administration

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 10 a.m. Tuesday, September 14, in the Old Supreme Court Room, Room 313-S, State Capitol, Topeka, to consider the adoption of proposed rules and regulations of the Division of Personnel Services and Division of Facilities Management.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Administration, Room 263-E, State Capitol, Topeka 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes. Any individual with a disability may request accommodation in order to participate in the public hearing. Requests for accommodation should be made at least three days in advance.

Summaries of the proposed regulations and of their economic impact follow:

## Division of Personnel Services

**K.A.R. 1-2-46; Length of service.** Amendments to this regulation include non-substantive changes in organization, provide that time spent as a resident worker through the Kansas Commission on Veteran's Affairs is not included in calculating length of service, and clarify that increased rates of vacation earnings based on length of service are not retroactive. No economic impact on the Department of Administration, state employees, state agencies or the general public has been identified.

**K.A.R. 1-5-15; Salary of employee upon demotion.** Under amendments to this regulation, the step increase anniversary date for demoted employees will not change if they are demoted to the same step or a lower step on the range to which they are demoted than the step they were on prior to the demotion. Currently, the step increase anniversary date for any employee demoted either voluntarily or for disciplinary reasons is changed to reflect the date of demotion. State employees who are demoted would experience a positive economic benefit from this amendment in that they would receive a step increase (equal to a 2.5% increase) at some earlier date than under the current regulation. In some cases, state agencies employing a demoted employee would be required to fund a step increase more quickly than under current regulations. However, in most instances, the agency will have budgeted for the employee's salary at the rate prior to demotion, and therefore, any economic impact on the employing state agency resulting from this regulation would represent decreased savings.

There is no economic impact on the Department of Administration or the general public.

**K.A.R. 1-6-22a; Training appointments.** This new regulation permits the establishment of training classes and sets out provisions regarding the hiring, status and the duration of appointment to such a class. Due to the need for training prior to appointment to the equivalent full-performance class, employees in training classes will not attain permanent status. The costs of training would depend upon the nature of the classes established under the regulation and the type and duration of training required. There is no economic impact on the Department of Administration or the general public anticipated.

**K.A.R. 1-7-4; Duration of probationary period.** This regulation is amended to stipulate that time on leave with or without pay of more than 30 days does not count toward total time served on probation, and that the probationary period is continued until the total time has been served. As a result, the step increase for these employees may be delayed until the probationary period has been completed and the employee has received a satisfactory performance evaluation. Any delay in a step increase may result in some minimal savings for the state agency. Moreover, the amendment ensures that state agencies have adequate periods of time in which to evaluate the performance of probationary employees, thereby assisting agencies in maintaining a productive work force. There is no economic impact on the Department of Administration or the general public.

**K.A.R. 1-9-6; Leave without pay.** This regulation is amended to conform the definition of family member to the definition used in K.A.R. 1-9-5, thereby establishing consistency between the leave regulations. It is further amended to eliminate a reference to continuation of probationary time, as this provision is addressed in amendments to K.A.R. 1-7-4, duration of probationary period. There is no economic impact on the Department of Administration, other state agencies, state employees or the general public resulting from this change.

**K.A.R. 1-9-13; Payment for accumulated vacation leave and compensatory time credits upon separation.** Amendments to this regulation provide that all employees separating from state service will be paid for vacation leave and compensatory time credits in a lump sum payment based on their last day at work. Currently, employees retiring from state service have the option of receiving a lump sum payment for leave credits and compensatory time credits based on their last day at work, or may exhaust vacation and compensatory time credits so that their retirement date is based on their last day "in pay status." L. 1993, Ch. 227, Sec. 17 provides that a lump sum payment to an employee for vacation and compensatory time credits will not be counted in the final average salary. Therefore, this amendment is intended to provide consistency in treatment of employees when figuring final average salary. However, there is no predictable positive or negative economic impact on either retiring

state employees or state agencies resulting from this change; whether the loss of the option has any economic impact would depend upon the employee's individual circumstances. There is no economic impact on the Department of Administration or the general public resulting from this change.

**K.A.R. 1-9-24; Disaster service volunteer leave.** This new regulation implements L. 1993, Ch. 33, Sec. 3, which provides for disaster service volunteer leave for state employees under certain conditions. Such leave may be granted only to certified disaster service volunteers of the American Red Cross who are specifically requested by the American Red Cross to provide volunteer services in response to a disaster in the state of Kansas or a contiguous state. No additional costs to state agencies or the Department of Administration will result from the administrative requirements of this regulation. State agencies granting disaster service volunteer leave will pay for up to an additional 20 days of paid leave. However, it is not possible to ascertain the cost of such leave due to the unpredictability of disaster emergencies and lack of data regarding the number of state employees who are certified disaster service volunteers. State employees granted this leave will be able to provide beneficial services to the general public without loss of accrued vacation credits or leave without pay. The general public could experience an indirect economic benefit if availability of such leave makes volunteer services more readily available in disasters. There is no economic impact on the Department of Administration.

**K.A.R. 1-10-6; Dismissal, suspension, demotion of permanent classified employees.** This regulation is amended to clarify Fair Labor Standards Act requirements with regard to suspensions without pay of exempt employees. Such employees cannot be suspended without pay for less than the employee's designated workweek of seven consecutive 24-hour periods or multiples of such workweek unless the suspension is in good faith for an infraction of a safety rule of major significance. There will be no economic impact on state employees or state agencies resulting from the clarifying language, as it simply reflects an existing requirement under the Fair Labor Standards Act. There is no economic impact on the Department of Administration or the general public.

**K.A.R. 1-13-1a; Content and disclosure of information in employees' official personnel records.** Amendments to this regulation identify information that agencies must disclose regarding an employee and information that agencies may elect to disclose, as set out in K.S.A. 45-221, and provide access to state employee personnel records for child support enforcement specialists of the Kansas Department of Social and Rehabilitation Services to the extent they establish a need for such information in carrying out their duties. The amendments also provide further detail regarding the procedures for responding to requests to review information in a state employee's personnel file. No economic impact on state employees, the Depart-

ment of Administration, state agencies or the general public is anticipated.

**K.A.R. 1-6-23; Establishment of reemployment list; administration of reemployment list.** This regulation is amended to allow an employee who has resigned in lieu of a lay-off to be placed on the reemployment list; to establish additional criteria for breaking ties on the reemployment list; to distinguish between the agency from which the employee was laid off and other agencies in determining the length of time an employee remains on a reemployment list; to provide for employees' names to be placed on reemployment lists only for the class from which laid off or a class in which the employee formerly had permanent status; to clarify language regarding procedures for filling a vacancy from a reemployment list; and to add additional criteria for removing a name from a reemployment list. Except as noted below, these amendments will not have an economic impact on the Department of Administration, the general public, state employees or state agencies. State employees who resign in lieu of lay-off may experience a positive economic impact if they regain state employment by virtue of having their name placed on the reemployment list. Conversely, in some instances, state employees may experience an adverse economic impact if removal of their name from the reemployment list more quickly than under the existing provisions results in a lost opportunity to regain state employment. Those situations include removal after one year from the reemployment list for agencies other than the agency from which they were laid off and removal for declining a job offer within the same class; appointment to a class with a comparable salary rate or dismissal from a state position. Limiting reemployment to those classes from which the employee was laid off or in which the employee formerly had permanent status may also result in a lost opportunity to regain state employment. However, agencies may realize a positive economic benefit, as employees will have prior experience in the class in which they are reemployed.

**K.A.R. 1-14-6; Layoff informational plan.** This regulation is amended to remove the requirement that agencies identify class series for the purpose of bumping in the layoff informational plan. This amendment is related to changes in K.A.R. 1-14-10. There is no economic impact on the Department of Administration, state employees, state agencies or the general public associated with this amendment, as it is administrative in nature.

**K.A.R. 1-14-7; Agency submission of layoff notice to director.** This regulation is amended to clarify that an appointing authority must identify one or more of the statutory based for layoff in the layoff notice along with an indication of the geographic areas or organizational units affected by the proposed layoff. Further amendments delete the requirement that the agency post a list of positions to be abolished. In addition, amendments state that, if the proposed layoff is limited either to full-time positions or to less than full-time

(continued)

positions in the layoff notice, then bumping is also confined to those positions. This amendment will limit the scope of bumping if an agency has also limited the scope of a layoff. Its economic effect on state employees would vary—for those whose positions are subject to layoff, the amendment would reduce the opportunity for bumping, thereby increasing the probability of layoff and a reduction in income. Conversely, employees in either full-time or less than full-time positions that would not otherwise be subject to layoff will not face the potential of layoff through exercise of bumping rights. The reduction in the scope of bumping would reduce the organizational disruption and anxiety among employees caused by widespread potential for bumping, thereby reducing the adverse effects on the agency's productivity during a layoff. There is no economic impact on the Department of Administration or the general public.

**K.A.R. 1-14-8; Computation of layoff scores.** Amendments to this regulation establish that the length of service for retired employees who return to work will not include length of service accrued prior to retirement. Additional amendments limit performance evaluation ratings used in computing layoff scores to the five most recent in the last five years; establish additional criteria for breaking ties in layoff scores; clarify the status of a conditional employee on or after the date of notification of a proposed layoff, delete employees who are on probation due to reinstatement or appointment from an unclassified position from a list of probationary employees who are considered permanent for purposes of layoff, and clarify the procedure for listing layoff scores. Except as noted below, these changes will not result in any economic impact on state employees, state agencies, the Department of Administration or the general public. State employees who retire and return to work would be more likely to be laid off than under the existing provisions, resulting in an adverse economic impact on such employees, by virtue of limiting the length of service which can be included in their layoff score. Similarly, employees who will no longer be considered permanent for purposes of layoff would be more likely to be laid off, resulting in an adverse economic impact on these employees. However, the potential for layoff for other employees may be reduced.

**K.A.R. 1-14-10; Procedures for bumping.** This regulation is amended to limit bumping only into classes in which the employee previously held permanent status; to provide that employees who miss a rescheduled layoff conference will forfeit bumping rights, to permit group layoff conferences when authorized by the director, and to permit resolution of disputes regarding forfeiture of bumping rights by the director. The economic effect of limiting bumping rights on state employees would vary—for those whose positions are subject to layoff and who have not held permanent status in other classes, the amendment would reduce the opportunity for bumping, thereby increasing the probability of layoff and a reduction in income. Conversely, there will be a reduced potential for layoff through the exercise of bumping rights for employees

in positions that would not otherwise be subject to layoff. The reduction in the scope of bumping would reduce the organizational disruption and anxiety among employees caused by widespread potential for bumping, thereby reducing the adverse effects on the agency's productivity during a layoff. There would also be an adverse economic impact on state employees who miss two scheduled layoff conferences, and therefore, will forfeit bumping rights. However, additional amendments permit the director to resolve any disputes that might arise regarding forfeiture of bumping rights so that any extenuating circumstances could be considered in such a situation. Moreover, state agencies going through layoffs would be assisted in completing layoff conferences in a timely manner. There is no economic impact on the Department of Administration or the general public.

**K.A.R. 1-14-12; Layoff procedures for an abolished agency.** This proposed new regulation permits the director, with the approval of the Secretary of Administration, to establish alternative layoff provisions in the event an entire agency is abolished. This regulation would provide the flexibility necessary to deal with the unique circumstances that arise when an entire agency is eliminated. It is not possible to determine what the economic impact of such alternatives might be, although alternative provisions should assist the agency in completing the layoff in a more efficient manner, and may also provide flexibility to better accommodate the needs of large groups of employees facing layoff.

Copies of these regulations and of their economic impact statements may be obtained from the Division of Personnel Services, Department of Administration, 9th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka 66612; (913) 296-4278; TDD: (913) 296-8404.

#### Division of Facilities Management

**K.A.R. 1-49-11; Possession of firearms prohibited.** This proposed new regulation would apply the provisions of K.S.A. 1992 Supp. 21-4218, as amended by L. 1992, Ch. 298, Sec. 80, to any state-owned or leased building where signs are conspicuously placed clearly stating that firearms are prohibited within that building. In those facilities where such signs are posted, possession of a firearm within the building, except as authorized for law enforcement officers under the statute, will be a Class B misdemeanor. No economic impact on the Department of Administration, other state agencies or the general public are anticipated as a result of this regulation, other than minimal costs of placing signs in each state-owned or leased building designated for coverage by the state agency responsible for that building.

Copies of this regulation and of the associated economic impact statement can be obtained from the Division of Facilities Management, 6th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, (913) 296-1318.

Susan M. Seltsam  
Secretary of Administration

Doc. No. 013796

State of Kansas

## Department of Health and Environment

### Notice of Meeting

The Department of Health and Environment will meet at 9 a.m. Tuesday, August 24, in the SRS Staff Development Training Center, State Complex West, 300 S.W. Oakley, Topeka. The meeting is open to the public. Telephone hook-ups are provided at the KDHE district offices located in Chanute, Wichita, Dodge City, Hays, Salina and Lawrence; the Pittsburg Office of Surface Mining; the Wyandotte County Health Department; and the Johnson County Health Department. Any person requiring visual or communication aid or assistance building access assistance or other similar assistance should contact Mary Ann Cummings at (913) 296-0461 immediately so appropriate arrangements can be made.

The proposed agenda includes:

- Secretary's remarks
- Reports by directors of Health and Environment
- Adoption of rules and regulations:

Article 19: Ambient Air Quality Standards  
and Air Pollution Control

Amendments: K.A.R. 28-19-31; 28-19-32; 28-19-63  
Revocations: K.A.R. 28-19-78

Article 39: Licensure of Adult Care Homes

Revocations: K.A.R. 28-39-76 through 28-39-78;  
28-39-82 through 28-39-113

New: K.A.R. 28-39-144 through 28-39-163

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 013795

State of Kansas

## Department of Health and Environment

### Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 10 a.m. Thursday, September 16, in the auditorium of the Topeka-Shawnee County Health Department, 1615 S.W. 8th, Topeka, to consider the adoption of proposed changes in existing rules and regulations of the Kansas Department of Health and Environment, Division of Environment, Bureau of Air and Radiation, Community Right-to-Know Program.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to: Program Manager, 109 S.W. 9th, Suite 501, Topeka 66612-1222. All interested parties will be given a reasonable opportunity to present their views orally on the adoption

of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant limit any oral presentation to five minutes.

These regulations are proposed for adoption on a permanent basis. A summary of proposed regulations and their economic impact follows:

**K.A.R. 28-65-1. General provisions.** Amendments to this regulation update reference to and align the effective dates of the federal regulations adopted by reference to assure consistency with the federal program as required by state statute. There are no economic impacts anticipated from the proposed amendments to K.A.R. 28-65-1 upon the affected regulated community, governmental agencies, or the general public.

**K.A.R. 28-65-2. Definitions.** Changes in this regulation are proposed to add definitions for new terms and to clarify the definitions used in existing regulations. There are no economic impacts anticipated from the proposed amendments to K.A.R. 28-65-2 upon the affected regulated community, governmental agencies, or the general public.

**K.A.R. 28-65-3. Submitting notifications and reports.** Amendments to this regulation are proposed to streamline the department's chemical storage information reporting program by providing for a single reporting format replacing multiple reports. Regulated facilities currently utilizing electronically generated forms may experience some initial cost due to software updating needs. No economic impact to governmental agencies or the general public is anticipated by this regulation.

**K.A.R. 28-65-4. Fees.** This amendment provides for significant revisions in procedures for calculating fee assessments. The new methodology relies upon the quantity of chemicals present at the reporting facility or the quantity of chemicals released into the environment rather than the number of forms submitted. Facilities storing reportable hazardous chemicals will pay a fee that varies from \$25 to \$300 depending upon the maximum quantity of chemicals on site. Facilities releasing reportable chemicals to the environment will pay a fee that varies from \$250 to \$3000 depending upon the quantity of chemicals released. There will be no significant economic impact to the general public or other governmental agencies as a result of this proposed amendment.

Copies of the regulations and their economic impact statements may be obtained from the Community Right-to-Know Program, 109 S.W. 9th, Suite 501, Topeka 66612, (913) 296-1690.

Robert C. Harder  
Secretary of  
Health and Environment

Doc. No. 013788

State of Kansas

**Department of Health  
and Environment**

**Notice Concerning Kansas  
Water Pollution Control Permits**

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below. The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

**Public Notice No. KS-ND-93-18**

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
West Plains Energy Clifton Generating Station— Clifton 105 S. Victoria Ave. P.O. Box 75 Pueblo, CO 81002-0075 Attn: Alan J. Goins Director of Environmental Affairs Washington County, Kansas Kansas Permit No. I-LR06-N003	Non-overflowing	Non-overflowing

Description of Facility: This facility is a standby natural gas turbine electric generating station. This is a new facility.

**Public Notice No. KS-93-73/79**

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Criqui Limestone, Inc. Route 1, Box 383 Melvern, KS 66510 Osage County, Kansas Kansas Permit No. I-MC23-P002	Marais des Cygnes River via Long Creek	Washwater settling pond discharge

Fed. Permit No. KS-0089711

Description of Facility: This facility is engaged in a limestone crushing operation with occasional washing. The washwater is treated with a settling pond before discharge. This is a new facility. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Kansas Commission on Veteran Affairs, dba Fort Dodge Soldiers' Home 101 Pershing Fort Dodge, KS 67843 Ford County, Kansas Kansas Permit No. I-UA45-P001	Arkansas River via unnamed tributary	Treated groundwater

Fed. Permit No. KS-0089672

Description of Facility: An air stripper is utilized to treat hydrocarbon-contaminated groundwater prior to discharge. This is a new facility. Proposed effluent limitations are pursuant to Kansas sur-

face water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
City of Pratt Municipal Power Plant 321 W. 10th Pratt, KS 67124	Arkansas River via Ninnescah River via South Fork Ninnescah River	Cooling tower and boiler blowdown water treatment regenerate, floor drains, once-pass through cooling water

Pratt County, Kansas  
Kansas Permit No. I-AR73-P001      Fed. Permit No. KS-0079928

Description of Facility: This facility is a steam electric generating station. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Texaco Refining and Marketing, Inc.— El Dorado Refinery P.O. Box 1121 1401 S. Douglas Road El Dorado, KS 67042	Walnut River	Process and stormwater from an oil refinery

Butler County, Kansas  
Kansas Permit No. I-WA18-P002      Fed. Permit No. KS-0000761

Description of Facility: The Texaco Refining and Marketing—El Dorado facility is a petroleum refinery which processes 84,900 barrels of feedstock per stream day. The production of petroleum products by the use of topping, cracking and petrochemical operations, regardless of whether the facility uses any additional processes, classifies it under the *Petrochemical Subcategory*. Process wastewater, boiler blowdown, cooling tower blowdown, water from the east barrier recovery system, and stormwater runoff are treated in a water pollution control facility consisting of one oily water separator and corrugated plate separator unit, dissolved air flotation, equalization basins, CMAS basins, clarifiers, DAF thickener, belt filter press and polishing ponds.

The current Texaco Refining and Marketing permit, I-WA09-P002, was public noticed on June 24, 1992. During the public notice period, the permittee requested, and was granted, a schedule to submit site specific data to justify a change in the proposed fluoride concentration at the facility's point of wastewater effluent discharge to the Walnut River. In accordance with state regulation 28-16-28f(g), the following site specific water quality criteria for fluoride have been developed.

**Site Specific**

<b>Designated Use</b>	<b>Criterion, mg/L</b>
Irrigation	16.6
Livestock Watering	2.0 (no change)
Domestic Water Supply	2.0

In accordance with state regulation 28-16-62(e), this public notice provides notice of the development of site specific criteria for fluoride in the Walnut River and the modification of the permit effluent limit for fluoride for the Texaco Refining and Marketing—El Dorado facility based upon the site specific criteria. The site specific criteria apply from the Texaco wastewater treatment facility outfall at NE/4 SW/4 SE/4 Section 15, Township 26S, Range 5 East, Butler County, Kansas, to the Walnut River in NE/4 NE/4 SE/4 Section 33, Township 27S, Range 4 East, Butler County, Kansas.

The proposed effluent limitation modification is pursuant to Kansas surface water quality regulations and federal water quality standards. Persons wishing to comment upon or object to the proposed determinations are invited to submit the comments or objections in writing to the attention of Bethel Spotts, permit clerk, at the address noted in this public notice. Comments and objections must be post-marked before September 6 and received prior to September 10 to be considered. In accordance with K.A.R. 28-16-62(g)(3)(B), only the

conditions modified by this new permit are re-opened for public comment.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Turnbull Oil, Inc. 704 Mill St. P.O. Box 367 Plainville, KS 67663 Rooks County, Kansas	Paradise Creek via storm sewer	Treated groundwater
Kansas Permit No. I-SA14-P002		Fed. Permit No. KS-0089591

Description of Facility: An air stripper is utilized to treat hydrocarbon-contaminated groundwater prior to discharge to the storm sewer. This is a new facility. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
West Plains Energy Arthur Mullergren Station Great Bend, Kansas 105 S. Victoria Ave. P.O. Box 75 Pueblo, CO 81002-0075 Attn: Alan J. Goins Director of Environmental Affairs	Arkansas River via Walnut Creek via Dry Walnut Creek	Cooling tower and boiler blowdown, floor drains, cold lime softening and demineralizer
Barton County, Kansas		
Kansas Permit No. I-UA16-P002		Fed. Permit No. KS-0080022

Description of Facility: This facility is a standby steam electric generating station. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
West Plains Energy Judson Large Station- Dodge City 105 S. Victoria Ave. P.O. Box 75 Pueblo, CO 81002-0075 Attn: Alan J. Goins Director of Environmental Affairs	Arkansas River	Cooling tower and boiler blowdown, demineralizer regenerate, and floor drains
Ford County, Kansas		
Kansas Permit No. I-UA11-P002		Fed. Permit No. KS-0079995

Description of Facility: This facility is a standby steam electric generating station. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

**Public Notice No. KS-PT-93-7/8**

<b>Name and Address of Applicant</b>	<b>POTW</b>	<b>Type of Discharge</b>
American Metal Products, Inc. 815 E. 6th Leroy, KS 66857 Coffey County, Kansas	Leroy MWWTP	Process wastewater
Kansas Permit No. P-NE42-0001		

Description of Facility: This facility produces aluminum die casting and screw machine parts when manufacturing air brake parts and is considered a new source. The permit limits were based on a long-term average production of 7,000 pounds of aluminum casted and cleaned per day or 140,000 pounds per month.

<b>Name and Address of Applicant</b>	<b>POTW</b>	<b>Type of Discharge</b>
Yuasa-Exide Corporation Hays Facility 645 Penn St. P.O. Box 14205 Reading, PA 19612 Ellis County, Kansas	Hays MWWTP	Process wastewater

Kansas Permit No. P-SH16-0001

Description of Facility: This facility manufactures sealed lead acid batteries for computers and emergency lighting equipment. Pollution limits in this permit were based on a long-term production average of 65,000 lbs/day of lead processed. This permit is being modified.

**Public Notice No. KS-AG-93-77/78**

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Valley View Ranch, Inc. Route 1, Box 174 Clifton, KS 66937	NE/4, Sec. 34, T5S, R1E, Washington County	Lower Republican River Basin

Kansas Permit No. A-LRWS-H001 Federal Permit No. KS-0116424

The existing facility has the capacity for approximately 4800 swine. A significant reduction in nuisance conditions will be achieved by discontinuing use of the majority of open dirt sow lots which create odors and vectors by means of their large areas, exposure to air currents and many wallow areas.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

Compliance Schedule: None, existing controls adequate.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Elery Joy Route 1, Box 65 Peru, KS 67360	SE/4, Sec. 14, and NW/4, Sec. 23, T34S, R11E, Chautauqua County	Verdigris River Basin

Kansas Permit No. A-VECQ-S008

The proposed expanded facility will have the capacity for approximately 900 swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

Compliance Schedule:

1. The waste management plan developed by Soil Conservation Service and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquid waste and sludges with application to meet crop nutrient analysis of both liquid waste and sludges with application to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than one-quarter acre-inch per year and settled sludge shall be applied at not greater than five tons/ac/year.

2. Dewatering equipment shall be obtained within four months after issuance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 40 gallons per minute and dispersing the wastewater over 50 acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, or Dorothy Geisler (agricultural permits), Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments postmarked or received on or before September 11 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-93-73/79, KS-ND-93-18, KS-PT-93-7/8 and KS-AG-93-77/78) and the name of applicant as listed when preparing comments.

(continued)

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

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 740, Forbes Field, Topeka, 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.

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 013789

State of Kansas  
State Corporation Commission

Notice of Hearing

The State Corporation Commission has directed that an investigation be instituted and a hearing conducted, pursuant to K.S.A. 55-703, to determine the reasonable market demand for gas produced from the fields listed below for the period extending from October 1, 1993 through March 31, 1994, inclusive; to determine the deliverability and acreage attributable to each of the wells therein; and to fix gas production percentages and quotas for wells within the fields. Evidence will be received at the hearing for the above purposes and for determining and fixing the allowables for each of the wells in the following fields in the proration period:

- Hugoton gas field in Finney, Grant, Gray, Hamilton, Haskell, Kearny, Morton, Seward, Stanton, Stevens and Wichita counties
- Panoma-Council Grove gas field in Finney, Grant, Hamilton, Haskell, Kearny, Morton, Stanton, Stevens, Wichita and Seward counties
- Glick (Mississippi) gas pool in Barber, Comanche and Kiowa counties
- Greenwood gas field in Morton County
- Sheperd Conglomerate gas field in Stafford County

The hearing will be at 9 a.m. Tuesday, September 21, in the Conservation Division hearing room, 300 Colorado Derby Building, 202 W. 1st, Wichita. Further information can be obtained by contacting John McCannon or William J. Wix, Assistant General Counsel, State Corporation Commission, Conservation Division, 202 W. 1st, Wichita 67202, (316) 263-3238.

Judith McConnell  
Executive Director

Doc. No. 013776

State of Kansas

State Corporation Commission

Notice of Hearing

The State Corporation Commission will conduct a hearing at 9 a.m. Friday, September 3, in the first floor hearing room, 1500 S.W. Arrowhead Road, Topeka, to reconsider its administrative orders issued against American Warrior. The commission's administrative orders assessed penalties against American Warrior for failure to follow the provisions of certain commission rules and regulations.

Further information may be obtained by contacting the Conservation Division, 202 W. 1st, Wichita 67202, (316) 263-3238.

Judith McConnell  
Executive Director

Doc. No. 013773

(Published in the Kansas Register, August 12, 1993.)

Notice of Call for Redemption  
to the holders of

the Board of Regents of the State of Kansas  
Kansas State Teachers College, Emporia, Kansas  
Dormitory Revenue Bonds of 1969  
Series "B," Dated April 1, 1969

Notice is hereby given that pursuant to the provisions of Section 16 of the Resolution of the Board of Regents of the State of Kansas (the issuer), the above mentioned bonds maturing April 1, 1994, and thereafter (the called bonds), have been called for redemption and payment on October 1, 1993 (the redemption date), at the principal office of the Kansas State Treasurer, Topeka, Kansas (the paying agent).

Maturity Date	Principal Amount	Interest Rate	Bond Nos.
04/01/94	\$25,000	7.125%	56B,60B
04/01/95	25,000	7.125%	61B,65B
04/01/96	25,000	7.125%	66B,70B
04/01/97	30,000	7.125%	71B,76B
04/01/98	30,000	7.125%	77B,82B
04/01/99	35,000	7.125%	83B,89B

On the redemption date there shall become due and payable, upon the presentation and surrender of each such called bond, the redemption price thereof equal to 101.5 percent of the principal amount thereof together with interest accrued to the redemption date. Interest shall cease to accrue on the called bonds so called for redemption from and after the redemption date provided such funds for redemption are on deposit with the paying agent.

The Board of Regents of  
the State of Kansas  
By Kansas State Treasurer  
Topeka, Kansas

Doc. No. 013780



(Published in the Kansas Register, August 12, 1993.)

**Notice of Bond Sale**  
**\$225,000**  
**Lincoln County, Kansas**  
**General Obligation Bonds**  
**Series 1993**

**Sealed Bids**

Sealed bids for the purchase of \$225,000 principal amount of General Obligation Bonds, Series 1993, of the county hereinafter described, will be received by the undersigned, county clerk of Lincoln County, Kansas, on behalf of the governing body of the county at the Lincoln County Courthouse, 216 E. Lincoln, Lincoln, Kansas, until 1:30 p.m. C.D.T. Monday, August 23, 1993. All bids will be publicly opened and read at said time and place and will be acted upon by the county 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 September 1 in the years as follows:

Year	Principal Amount
1994	\$20,000
1995	20,000
1996	20,000
1997	20,000
1998	20,000
1999	25,000
2000	25,000
2001	25,000
2002	25,000
2003	25,000

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 March 1 and September 1 in each year, beginning on March 1, 1994.

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

bond registrar, will be the responsibility of the bondholders.

**Redemption of Bonds Prior to Maturity**

At the option of the county, bonds maturing on September 1, 1999, and thereafter will be subject to redemption and payment prior to maturity on September 1, 1998, 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 county 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 county shall elect to call any bond for redemption and payment prior to the maturity thereof, the county 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 addressed 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 county'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  $\frac{1}{8}$  or  $\frac{1}{20}$  of 1 percent. No interest rate shall exceed the index of treasury bonds published by *The Bond Buyer* in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 2 percent. No supplemental interest payments will be authorized. No bid of less than the principal amount of the bonds and accrued interest will be considered. Each bid shall specify the total interest cost to the county 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 county on the basis of such bid. Each bid shall also specify the average annual net interest rate to the county on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the initial reoffering prices).

(continued)

### Basis of Award

The award of the bonds will be made on the basis of the lowest net interest cost to the county, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the county. 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 county shall determine which bid, if any, shall be accepted, and its determination shall be final.

### Security for the Bonds

The bonds will be general obligations of the county 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 county.

### Internal Revenue Code of 1986

The Internal Revenue Code of 1986 imposes requirements on the county which must be met subsequent to the issuance of the bonds by the county and, as a result, the county will and does hereby covenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the bonds. The county'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 county'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 current earnings of certain corporations in the calculation of alternative minimum taxable income, with certain other adjustment. Furthermore, Section 59A of the code, as added by the Superfund Amendments and Reauthorization Act of 1986, provides for an 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 may subject certain bondowners to additional taxation for interest earned on the bonds.

The code also requires property and casualty insurance companies to reduce the amount of their deductible underwriting losses by a percentage of the amount of tax-exempt interest received or accrued on such obligations. 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. The county 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 county, 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 county with the provisions of the resolution 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.

### Delivery and Payment

The county 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 September 21, 1993, at such bank or trust company in the state of Kansas or greater Kansas City, Missouri, metropolitan area as may be specified by the successful bidder. Delivery elsewhere will be at the bidder's expense. 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 county. 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 county and bond registrar not later than 3 p.m. C.D.T. on September 13, 1993. In the absence of such information, the county will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the county by 3 p.m. C.D.T. on August 31, 1993, a certificate acceptable to the county'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 \$4,500, payable to the order of the county to secure the county 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 county until the bidder shall have complied with all of the terms and conditions of this notice, at which time said check shall, at the option of the county, be returned to the successful bidder or deducted from the purchase price. If a bid is accepted but the county 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 county, and the county 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 county.

#### Bid Forms

All bids must be made on forms which may be procured from the county clerk. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The county 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 county 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 the Lincoln County Courthouse and must be received by the undersigned prior to 1:30 p.m. C.D.T. on Monday, August 23, 1993.

#### Date and Delivery of Preliminary and Final Official Statement

The county 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 purchaser and the price or yield at which the purchaser will reoffer the bonds to the public, together with any other information required by law, will constitute a "Final Official Statement" with respect to the bonds as that term is defined in Rule 15c2-12. No more than seven business days after the date of the sale, the county will provide without cost to the purchaser such reasonable number of printed copies of the final official statement and further copies, if desired, will be made available at the purchaser's expense. If the sale of the bonds are awarded to a syndicate, the county will designate the senior managing purchaser of the syndicate as its agent for purposes of distributing copies of the final official statement to each participating purchaser. Any purchaser 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 purchasers for the purpose of assuring the receipt and distribution by each such participating purchaser of the final official statement.

The county will deliver to the purchaser on the date of delivery of the bonds a certificate executed by the chairman and the county 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 county's preliminary official statement relating to the bonds may be obtained from the county clerk or the county's financial advisor, Cooper Malone McClain, Inc., 100 N. Main, Suite 510, Wichita, KS 67202, (316) 264-2400.

#### Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the county for the year 1993 \$25,047,539. The total general obligation bonded indebtedness of the county as of the date of the bonds, including the bonds, is \$225,000. In accordance with the financial advisor's agreement with the county, the financial advisor will not be submitting a bid or participating in a group submitting a bid for the purchase of the bonds.

Dated August 12, 1993.

Lincoln County, Kansas  
Doris White  
County Clerk  
Lincoln County Courthouse  
216 E. Lincoln  
Lincoln, KS 67455  
(913) 524-4757

Doc. No. 013778

#### State of Kansas

#### Board of Nursing

#### Permanent Administrative Regulations

#### Article 1.—APPROVAL OF SCHOOLS OF NURSING

**60-1-101.** (Authorized by K.S.A. 65-1113 *et seq.*, K.S.A. 1974 Supp. 74-1106 *et seq.*; effective Jan. 1, 1966; amended, E-74-29, July 1, 1974; amended May 1, 1975; revoked Sept. 27, 1993.)

#### Article 3.—REQUIREMENTS FOR LICENSURE AND STANDARDS OF PRACTICE

**60-3-110.** Standards of revocation, suspension, limitation, or denial of nursing licensure. Unprofessional conduct shall include the following:

(1) Performing acts beyond the authorized scope of the level of nursing for which the individual is licensed;

(2) assuming duties and responsibilities within the practice of nursing without adequate preparation or when competency has not been maintained;

(continued)

(3) failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient;

(4) inaccurately recording, falsifying, or altering any record of a patient or agency;

(5) committing any act of verbal or physical abuse of a patient;

(6) assigning or delegating any unqualified person to perform the functions of a licensed nurse contrary to the Kansas Nurse Practice Act or to the detriment of patient safety;

(7) violating the confidentiality of information or knowledge concerning any patient;

(8) willfully or negligently failing to take appropriate action to safeguard a patient or the public from incompetent practice performed by a registered professional nurse or a licensed practical nurse. "Appropriate action" may include reporting to the board of nursing;

(9) diverting drugs, supplies, or property of any patient or agency;

(10) solicitation of professional patronage through the use of fraudulent or false advertisements, or profiting by the acts of those representing themselves to be agents of the licensee;

(11) advertising professional superiority or the performance of professional services in a superior manner; and

(12) commission of any act of sexual abuse, misconduct or exploitation related to the licensee's profession practice. (Authorized by K.S.A. 65-1129; implementing K.S.A. 65-1120; effective May 1, 1982; amended Sept. 27, 1993.)

#### Article 7.—REQUIREMENTS FOR LICENSURE AND STANDARDS OF PRACTICE

**60-7-106.** Standards of revocation, suspension, limitation, denial of mental health technician licensure. Unprofessional conduct, shall include the following:

(1) Performing acts beyond the authorized scope of the level of practice for which the individual is licensed;

(2) assuming duties and responsibilities within the practice of mental health technology without adequate preparation or when competency has not been maintained;

(3) failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient;

(4) inaccurately recording, falsifying, or altering any record of a patient or agency;

(5) committing any act of verbal or physical abuse of a patient;

(6) assigning or delegating any unqualified person to perform the functions of a licensed mental health technician contrary to the mental health technicians licensure act or to the detriment of patient safety;

(7) violating the confidentiality of information or knowledge concerning any patient;

(8) willfully or negligently failing to take appropriate action to safeguard a patient or the public from incompetent practice performed by a licensed mental

health technician. "Appropriate action" may include reporting to the board of nursing;

(9) diverting drugs, supplies or property of any patient or agency;

(10) violating a federal law or regulation relating to controlled substances;

(11) failing to furnish the board of nursing, or its investigators or representatives, any information legally requested by the board of nursing;

(12) receiving a denial, revocation, limitation or suspension of a mental health technician license from a licensing authority of another state, agency of the United States government, territory of the United States or country. A certified copy of the record or order of denial, suspension, limitation, revocation or other disciplinary action, issued by the licensing authority of another state, agency of the United States government, territory of the United States or country shall constitute prima facie evidence of such a fact;

(13) failing to report to the board of nursing any adverse action taken against the licensee by another state or licensing jurisdiction, a peer review body, a health care facility, a professional association or society, a governmental agency, a law enforcement agency or a court for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section;

(14) cheating on or attempting to subvert the validity of the examination for a license, or

(15) committing any act of sexual abuse, misconduct or exploitation related to the licensee's professional practice. (Authorized by K.S.A. 65-4203 and 65-4209; implementing K.S.A. 65-4209 and 74-1110; effective, T-88-48, Dec. 16, 1987; effective Sept. 27, 1993.)

#### Article 9.—CONTINUING EDUCATION FOR NURSES

**60-9-107.** Approval of continuing nursing education. (a) Offerings of approved providers shall be recognized by the board.

(b) Each application for approval to offer CNE shall be made on forms supplied by the board and accompanied by the designated, non-refundable fee.

(c) Each criterion on all application forms must be appropriately addressed.

(d) Application for approval of a long-term continuing nursing education providership.

(1) Application shall be made at least 45 days before the next regularly scheduled board meeting.

(2) The initial application shall contain the following information:

(A) Administration including parent organization, continuing nursing education department, program coordinator, licensed mental health technician consultant if applicable and advisory committee;

(B) management of program addressing policies and procedures, needs assessment, and offerings; and

(C) total program evaluation plan which evaluates the administration, management and evaluation plan of the program.

(3) Program coordinators who have applications not approved by the board, or that have approval pending,

may submit all materials required by this regulation two weeks prior to the next scheduled board meeting. If application requirements are not met on or before this deadline, the application process shall be considered abandoned. A new application and fee shall be submitted if providership is still desired.

(e) Application for approval of a Single Offering Providership:

(1) Shall be made at least 30 days before the anticipated date of the first offering; and

(2) shall contain the following information:

(A) Administration including program coordinator, nurse or licensed mental health technician consultant if applicable and advisory committee;

(B) management addressing policies and procedures, needs assessment and justification; and

(C) offering syllabus.

(f) Each approved long-term provider shall designate an individual responsible for CNE. After July 1, 1992, each individual newly assigned responsibility for CNE shall be licensed to practice nursing, have three years of clinical experience and one year of experience developing and implementing educational offerings. By January 1, 1997, each individual responsible for CNE shall also have a baccalaureate degree.

(g) Notice of any change of the individual responsible for CNE shall be submitted to the board in writing within 30 days.

(h) If the continuing nursing education is to be presented for licensed mental health technician credit, then a licensed mental health technician shall be required to serve as a consultant or on the advisory committee.

(i) Each approved provider shall submit an annual report and fee for the period of July 1 through June 30 of the respective year on or before the designated deadline. The annual report shall contain:

(1) Advisory committee data and minutes;

(2) a list of continuing nursing education needs;

(3) a syllabus from one offering;

(4) an evaluation of all the components of the program; and

(5) a statistical summary report of all offerings presented.

(j) If approved for the first time after January 1 of the respective year, a new provider shall be required to submit only the statistical summary report and shall not be required to submit the annual fee.

(k) Each approved provider shall prominently display on all promotional material the statement: "(Name of Provider) is approved as a provider of continuing nursing education by the Kansas State Board of Nursing. This course offering approved for \_\_\_\_ contact hours applicable for RN, LPN, or LMHT relicensure. Kansas State Board of Nursing Approved Provider Number: \_\_\_\_\_."

Independent study and instructor credit shall be identified.

(1). An offering shall consist of a minimum of one contact hour. Certificates of attendance shall not be awarded for less than one contact hour or for fractions of contact hours.

(m) Each participant shall sign a daily roster when attending a CNE offering.

(n) Certificates of attendance shall be awarded by the approved provider to participants after completion of a CNE offering. Certificates shall be complete before distribution to participants. Each certificate shall contain:

(1) the provider's name, address and provider number;

(2) the title of the course;

(3) the dates of attendance;

(4) the number of CNE contact hours awarded;

(5) the signature of the individual responsible for the CNE;

(6) the name and license number of the participant; and

(7) clear identification of independent study or instructor contact hours awarded.

(o) Each approved provider shall submit a roster of individuals who have satisfactorily completed a CNE offering to the board within 15 working days of completion. The roster shall:

(1) contain:

(A) the provider's name, address and provider number;

(B) the title of the course;

(C) the dates of attendance;

(D) the number of CNE contact hours awarded;

(E) the signature of the individual responsible for the CNE; and

(F) an alphabetized list of names and license numbers of the participants; and

(2) identify independent study or instructor credit.

(p) An amended roster shall be submitted if information needs to be changed. "Amended" shall be written in red ink on the roster.

(q) For each CNE offering, the approved provider shall retain for two years the syllabus, faculty file, signed attendance roster and evaluation data of the offering.

(r) Those individuals, organizations or bodies who have been accredited as providers of CNE by an organization or body whose function it is to grant approval of CNE may obtain a providership in Kansas if the board determines that the accrediting organization or body maintains standards for CNE at least equal to those which have been established by the board. Any CNE provider not having previous board approval as a CNE provider shall be responsible for presenting the standards of the accrediting CNE organization or body to the board for review. If the standards of the organization or body have been previously reviewed and accepted by the board as being equivalent, then the CNE provider shall present documentary evidence of the accreditation of the organization or body to the board when seeking approval as a CNE provider in Kansas. A review of the standards for CNE of each approved organization or body shall occur annually. A CNE provider approved under this subsection shall be known as an "endorsed CNE provider."

(s) Endorsed CNE providers shall be required to comply with all board statutes and regulations governing CNE providerships.

(continued)

(t) An initial application for an endorsed long-term provider shall include:

(1) Administration including parent organization, CNE department, and initial CNE providership approving body;

(2) management of program addressing policies and procedures and renewal verification process; and

(3) total program evaluation plan which evaluates the administration, management, and evaluation plan of the program.

(u) Validation of continued provider accreditation and approval shall be required for endorsed CNE providers following their designated renewal date.

(v) If programs do not continue to meet the criteria for current approval established by the board, or if there is a material misrepresentation of any fact with the information submitted to the board by an approved provider, approval may be withdrawn or conditions relating to the CNE providership applied by the board after giving the approved provider notice and an opportunity to be heard.

(w) Approved providers who have voluntarily relinquished their providership or who have had their providership withdrawn by the board may make application for reinstatement, during the established five year providership period, on forms supplied by the board and accompanied by the prescribed providership renewal fee. If the approval period of the providership has expired, a new application as an approved provider shall be required.

(x) A reinstatement application shall include the same information required for an initial long-term providership.

(y) An individual licensee may make application to the board for approval of an offering by submitting the agenda or certificate of attendance and the behavioral objectives.

(z) A long term continuing nursing education providership shall be renewed every five years by submitting an application containing description of:

(1) Administration including parent organization, CNE department, program coordinator, license mental health technician consultant if applicable, and advisory committee;

(2) management of the program addressing policies and procedures and needs assessment; and

(3) total program evaluation plan which evaluates the administration, management, and evaluation plan of the program. (Authorized by and implementing K.S.A. 65-1117 and 65-1119; effective March 9, 1992; amended Sept. 27, 1993.)

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

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

(b) The educational program shall be a minimum of nine months or one academic year of full-time study or its equivalent, as defined by the sponsoring academic institution. The program shall contain both didactic and clinical components. The clinical component shall include a preceptorship meeting a minimum of

eight hours a week for one academic year, or its substantial equivalent of practice.

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

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

(e) The faculty shall include a majority of advanced registered nurse practitioners who are currently certified by the board in Kansas by January 1, 1995.

(f) Each faculty member shall have earned a graduate degree by January 1, 1995.

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

(h) Course syllabi shall be available in writing.

(i) The program shall include content relating to role realignment and content related to the area of advanced nursing practice, ethical and legal implications of advanced nursing practice and the health care delivery system.

(j) The program shall provide clinical instruction in the performance of diagnostic procedures and the transmittal of prescriptions for medications that are essential to practice in the area of specialization. Clinical instruction shall be under the supervision of the faculty, an advanced registered nurse practitioner, or a physician preceptor.

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

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

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

(n) A written plan for continuing program evaluation shall be developed, adopted and implemented by the faculty. (Authorized by and implementing K.S.A. 65-1133; effective May 1, 1984; amended, T-85-16, June 5, 1984; amended May 1, 1985; amended Aug. 6, 1990; amended Sept. 27, 1993.)

#### Article 12.—CONTINUING EDUCATION FOR MENTAL HEALTH TECHNICIANS

**60-12-104. Approval of continuing education offerings.** Approval of licensed mental health technician continuing education shall be in accordance with K.A.R. 60-9-107. (Authorized by K.S.A. 65-4203, implementing K.S.A. 65-4207; effective, T-85-49, Dec. 19, 1984; effective May 1, 1985; amended Sept. 27, 1993.)

**60-12-105. Definitions.** Definitions within this article of terms associated with licensed mental health technician continuing education shall be in accordance with K.A.R. 60-9-105. (Authorized by K.S.A. 65-4203; implementing K.S.A. 65-4205 and 65-4207; effective March 9, 1992; amended Sept. 27, 1993.)

Patsy Johnson, R.N., M.N.  
Executive Administrator

Doc. No. 013782

## State of Kansas

Department of Health  
and EnvironmentPermanent Administrative  
Regulations

## Article 16.—WATER POLLUTION CONTROL

**28-16-61. Public notice of permit actions, public comment period, and public hearings.** (a) Definitions.

(1) "Clean Water Act (CWA)" means the federal water pollution control act, or federal pollution control act amendments of 1972, P.L. 92-500, as amended by P.L. 95-217, P.L. 95-576, P.L. 96-438, and P.L. 97-117; 33 U.S.C. 1251 et seq.

(2) "Draft permit" means a document prepared under K.A.R. 28-16-60 indicating the director's tentative decision to issue, reissue, deny, modify, revoke and reissue, or terminate a permit.

(3) "Facility or activity" means any NPDES point source as defined in K.A.R. 28-16-57a or any other facility or activity, including land or appurtenances thereto, that is subject to regulation under K.A.R. 28-16-57.

(4) "General permit" means a permit authorizing a category of discharges or activities under the CWA within a geographical area. For NPDES, a general permit means a permit issued under K.A.R. 28-16-150 to 154, inclusive.

(5) "Indian tribe" means any indian tribe having a federally recognized governing body carrying out substantial governmental duties and powers over a defined area.

(6) "Major facilities" are those facilities which are on a mutually agreed list as determined by EPA and the department.

(7) "Permit" means an authorization, license, or equivalent control document issued by the director to implement the requirements of K.A.R. 28-16-57. Permit does not include any document which has not yet been the subject of final agency action, such as a draft permit.

(8) "Resource Conservation and Recovery Act (RCRA)" means the solid waste disposal act of 1965, as amended in 1970, as amended by the resource conservation and recovery act of 1976, P.L. 94-580, as amended by P.L. 95-609, P.L. 98-616, and P.L. 99-499; 42 U.S.C. 6901 et seq.

(9) "UIC" means the underground injection control program under part C of the safe drinking water act, 42 U.S.C. 300f et seq.

(b) Public Notice and Comment Period.

(1) Scope and Timing. Public notice shall be given when a draft permit has been prepared under K.A.R. 28-16-60 and when a hearing has been scheduled under subsection (d) of this regulation.

(A) A public notice shall not be required when a request for permit modification, revocation and reissuance, or termination is denied under K.A.R. 28-16-62. Written notification of that denial shall be given both to the person who requests this change and to the permittee.

(B) Public notices may describe more than one permit or permit action.

(C) Public notice of the preparation of a draft permit shall allow at least 30 days for public comment.

(D) Public notice of a public hearing shall be given at least 30 days before the hearing. Public notice of the hearing may be combined with the public notice of the draft permit.

(2) Methods.

(A) Incorporation. 40 CFR sections 124.8 (a), (b)(1), (2), (4), (5), (6), (7), and (8); 124.10 (c)(1)(i), (ii), (iii), (iv), (v), and (x); (c)(2)(i); (c)(3); and (c)(4); and 124.56, as in effect on July 1, 1991, are adopted by reference.

(B) Each person who is on a mailing list maintained by the department shall also be mailed a copy of the notice. The mailing list shall include:

(i) each person who requests in writing to be placed on the list;

(ii) each person solicited for "area lists" from participants in past permit proceedings in that area; and

(iii) each person who responds to a notice, published in the Kansas Register once a year, of the opportunity to be placed on the list. The mailing list may be updated from time to time by a request from the director for a written indication of continued interest from those listed. The name of any person who fails to respond to such a request may be deleted from the list.

(3) Contents.

(A) Public notice. Each public notice issued under this regulation shall contain the following minimum information:

(i) the name and address of the office processing the permit action for which notice is being given;

(ii) the name and address of the permittee or the permit applicant, and if different, the name of the facility or activity regulated by the permit;

(iii) a brief description of the business conducted at the facility or the activity described in the permit application;

(iv) the name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit, fact sheet, and the application; and

(v) a brief description of the comment procedures established by subsections (c) and (d) of this regulation and of the time and place of any hearing that will be held. The notice shall also include a statement of procedures to request a hearing, if a hearing has not already been scheduled, and other procedures by which the public may participate in the final permit decision.

(B) Public notices for hearings. In addition to the general public notice described in paragraph (3)(A) of this subsection, each public notice of a hearing shall contain the following:

(i) reference to the date of any previous public notices relating to the permit at issue; and

(ii) a brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

(continued)

(C) In addition to the general public notice described in paragraph (3)(A) of this subsection, each person identified in 40 CFR 124.10(c)(1)(i), (ii), (iii), and (iv) shall be mailed a copy of the fact sheet, the permit application, if any, and the draft permit, if any.

(c) Public comments and request for public hearings. During the public comment period provided under subsection (b) of this regulation, any interested person may submit written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised during the hearing. All comments shall be considered in making the final decision and shall be answered as provided in subsection (e) of this regulation.

(d) Public hearings; incorporation. 40 CFR section 124.12(a)(1) and (2), as in effect on July 1, 1991, are adopted by reference.

(e) Response to comments. A response to comments shall be issued at the time that any final permit decision is issued. The response to comments shall be available to the public and shall:

(1) specify which provision, if any, of the draft permit has been changed in the final permit decision, and the reasons for the change; and

(2) briefly describe and respond to all significant comments on the draft permit raised during the public comment period, or during any hearings. (Authorized by K.S.A. 65-171d; implementing K.S.A. 65-165, and K.S.A. 65-166; effective, E-74-32, June 14, 1974; effective May 1, 1975; amended May 1, 1987; amended Sept. 27, 1993.)

**28-16-150. Scope.** The provisions of K.A.R. 28-16-150 through 28-16-154, inclusive and any amendments to those regulations, shall apply to the issuance of each general permit for water pollution control. (Authorized by K.S.A. 65-165; implementing K.S.A. 65-165 and K.S.A. 65-171d; effective Sept. 27, 1993.)

**28-16-151. Definitions.** 40 CFR 122.2 as in effect on July 1, 1991 is adopted by reference. (Authorized by K.S.A. 65-165; implementing K.S.A. 65-165 and K.S.A. 65-171d; effective Sept. 27, 1993.)

**28-16-152. Coverage.** 40 CFR 122.28(a) as in effect July 1, 1991, as amended at 57 FR 11412, April 2, 1992 is adopted by reference. (Authorized by K.S.A. 65-165; implementing K.S.A. 65-165 and K.S.A. 65-171d; effective Sept. 27, 1993.)

**28-16-153. Administration.** 40 CFR 122.28(b)(1), (2), and (3)(i), (iii), (iv), and (v), as in effect on July 1, 1991, as amended at 57 FR 11412, April 2, 1992 are adopted by reference, with the following modifications or exceptions. (a) The provisions of 40 CFR 122.28(b)(1) shall be modified as follows: "(1) In general. General permits may be issued, modified, revoked and reissued, or terminated in accordance with K.A.R. 28-16-59 through 28-16-62 inclusive, and K.A.R. 28-16-154."

(b) The provisions of 40 CFR 122.28(b)(2)(i) shall be modified as follows: "(i) Except as provided in paragraphs (b)(2)(v) and (b)(2)(vi) of this section, each discharger or treatment works treating domestic sewage

seeking coverage under a general permit shall submit to the director a written notice of intent to be covered by the general permit. Any discharger or treatment works treating domestic sewage who fails to submit a notice of intent in accordance with the terms of the permit shall not be authorized to discharge, (or in the case of sludge disposal permit, to engage in a sludge use or disposal practice), under the terms of the general permit unless the general permit, in accordance with paragraph (b)(2)(v) of this section, contains a provision that a notice of intent is not required or the director notifies a discharger or treatment works treating domestic sewage that it is covered by a general permit in accordance with paragraph (b)(2)(vi) of this section. A complete and timely notice of intent (NOI) to be covered in accordance with general permit requirements, fulfills the requirements for permit applications for purposes of K.A.R. 28-16-59."

(c) The provisions of 40 CFR 122.28(b)(2)(ii) shall be modified as follows: "(ii) The contents of each notice of intent shall be specified in each general permit and shall require the submission of information necessary for adequate program implementation, including at a minimum, the legal name and address of the owner, the legal name and address of the operator if different from the owner, the facility name and address, the type of facility, the type of discharge(s), the number of discharge points, the location using the public land survey system of each discharge point, and the receiving stream(s). A general permit for storm water discharge associated with industrial activity from inactive mining, inactive oil and gas operations, or inactive landfills occurring on federal lands where an operator cannot be identified may contain alternative notice of intent requirements. Each notice of intent shall be signed in accordance with K.A.R. 28-16-59(e)."

(d) The provisions of 40 CFR 122.28(b)(3)(iii) shall be modified as follows: "(iii) Any owner or operator authorized by a general permit may request to be excluded from the coverage of the general permit by applying for an individual permit. The owner or operator shall submit an application under K.A.R. 28-16-59, with reasons supporting the request, to the director no later than 90 days after the publication of the general permit by a state in accordance with applicable state law. Each request shall be processed under applicable state procedures. The request shall be granted by issuing an individual permit if the reasons cited by the owner or operator are adequate to support the request." (Authorized by K.S.A. 65-165; implementing K.S.A. 65-165 and K.S.A. 65-171d; effective Sept. 27, 1993.)

**28-16-154. Incorporation.** 40 CFR 124.10(d)(1)(i) through (v) and (vii) as in effect on July 1, 1991, are adopted by reference except that the provisions of 40 CFR 124.10(d)(1)(v) shall be modified as follows: "(v) A brief description of the comment procedures required by K.A.R. 28-16-61(c) and (d) and the time and place of any hearing that will be held, including a statement of procedures to request a hearing, unless a hearing has already been scheduled, and other procedures by which the public may participate in the



final permit decision." (Authorized by K.S.A. 65-165; implementing K.S.A. 65-165 and K.S.A. 65-171d; effective Sept. 27, 1993.)

**Article 36.—FOOD SERVICE ESTABLISHMENTS,  
FOOD VENDING MACHINE COMPANIES AND  
LODGING ESTABLISHMENTS**

**28-36-30. Fees.** (a) The food service establishment license fee shall be \$70.

(b) The food service establishment license application fee shall be \$90. (Authorized by K.S.A. 36-507; implementing K.S.A. 36-503, amended by L. 1993 Ch. 196, sec. 1; effective, E-79-16, July 1, 1978; effective May 1, 1979; amended, E-82-21, Nov. 16, 1981; amended May 1, 1982; amended Dec. 30, 1991; amended Sept. 27, 1993.)

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 013770

State of Kansas

**Kansas Racing Commission**

**Permanent Administrative  
Regulations**

**Article 9.—PARIMUTUEL WAGERING**

**112-9-2. Mutuel facilities.** (a) Each organization licensee shall provide:

(1) A window for each teller-cashier with a clear, legible sign, visible to the public, and showing the number of the window; and

(2) a ticket-issuing machine for each teller or teller-cashier.

(b) Each organization licensee shall use ticket-issuing machines linked to a computer-based totalisator system that:

(1) Records the progressive, the aggregate, and the final total of dollars bet in each pool and on each wagering entry or mutuel field;

(2) computes the approximate and final odds in the win pool for each wagering entry in each race in intervals not greater than 90 seconds or at such other lesser intervals, and relays those odds to the infield display board, and if applicable, to other display devices;

(3) computes commissions, breaks and components thereof; and

(4) computes the pay-off prices.

(c) For the purpose of confirming the final record of parimutuel sales for each race, each organization licensee shall for win, place, show and feature pools:

(1) Either obtain a ticket-issuing machine take-off and teller history, or store on magnetic media the following information for each ticket-issuing machine:

(A) Each bet sold on each wagering entry or combination of entries; and

(B) the total number of bets sold on each entry and combination of entries and their dollar equivalent, by each individual ticket-issuing machine and in total; and

(2) produce upon request by the commission or its designated representatives a computer print-out that shows the information required in subparagraph (B).

(d) Each organization licensee shall provide an alternate system of electrical supply to provide an alternate system of electrical supply to provide sufficient power to operate the central processing unit or the unit that accepts or stores wagering data.

(e) Each organization licensee shall provide, for the purpose of locking ticket-issuing machines at the start of each race:

(1) one device located in an approved area within the stewards' or judges' stand that:

(A) is controlled by a commission representative;

(B) logically disables all ticket-issuing machines from issuing tickets on the current race; and

(C) stops betting on a race no later than the official start of that race; and

(2) one device located in the totalisator room for use as an emergency locking device.

(f) Each ticket shall be identified by a unique computer-generated ticket number. Where non-resettable, ticket-issuing machine counters are used, each counter shall be read and recorded before the start and after the finish of wagering for each race. Where the counts are accumulated by machine, the sales accumulators shall be set to zero after the sales have been recorded and before wagering on the next race begins. (Authorized by K.S.A. 74-8804; implementing K.S.A. 74-8804 and 84-8813; effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; amended, T-112-3-1-93, March 1, 1993; amended, T-112-6-15-93, June 15, 1993; amended Sept. 27, 1993.)

**112-9-30. Closing of wagering in a race.** (a) Prior to the official start of a race, the stewards or racing judges shall lock the parimutuel machines and shall close the wagering in the race, after which time no parimutuel tickets shall be sold for the race.

(b) Each organization licensee shall maintain in good order an electrical or other system approved by the commission for locking the parimutuel machines.

(c) It shall be the secondary responsibility of the mutuel manager to ensure that wagering is terminated.

(d) With prior approval from the commission, wagers placed on greyhounds only may be canceled for a period of time not to exceed five seconds after wagering is terminated. (Authorized by K.S.A. 74-8804 and implementing K.S.A. 74-8816 and 84-8818; effective, T-112-3-31-89, March 31, 1989; effective, June 26, 1989; amended, T-112-3-1-93, March 1, 1993; amended, T-112-6-15-93, June 15, 1993; amended Sept. 27, 1993.)

**Article 17.—COUNTY FAIR OR HORSEMEN'S  
NONPROFIT ORGANIZATION**

**112-17-15. Distribution of monies from county fair horse racing benefit fund.** Procedure for distribution of monies from the county fair horse racing benefit fund shall be as follows: (a) Each applicant shall submit an application for funds to the commission which shall include:

(continued)

(1) Name, address and telephone number of the applicant;

(2) total amount of funds requested by the applicant, as well as a statement of justification for the request;

(3) applicant's tax identification number;

(4) applicant's proposed budget for the race meeting covered by the application;

(5) detailed narrative specifically identifying amount of funds requested for:

(A) Reimbursement of the commission for the cost of stewards and assistant animal health officers performing services at race meetings conducted by the applicant;

(B) paying the costs of totalisator expenses incurred by the applicant;

(C) paying the costs of background investigations of members of the applicant that are required under the Kansas parimutuel racing act;

(D) purse supplements at race meetings conducted by the applicant;

(E) basic operating assistance grants to the applicant; and

(F) costs to the applicant for employment of key racing officials, as determined by the commission; and

(6) additional information as requested by the commission.

(b) Applications for funds during the fiscal year ending June 30, 1993, shall be submitted to the commission on or before June 30, 1993.

(c) Beginning with fiscal year July 1, 1993, through June 30, 1994, applications shall be submitted to the commission yearly, no later than December 31st of the calendar year preceding the race meeting for which funds are requested.

(d) Each application shall be reviewed and evaluated by commission staff for the purpose of making a recommendation to the commission.

(e) Each application shall be evaluated on the following criteria:

(1) The applicant's compliance with K.S.A. 74-8838;

(2) the adequacy of detail of the application; and

(3) the quality of justification stated in the application.

(f) Each applicant, to whom funds are distributed, shall provide audited financial statements within 60 days of the end of their fiscal year, including a statement of revenue and expenditures and a balance sheet. Within 45 days after the close of each race meeting, each applicant shall provide payment documentation of the precise expenditures covered by the funds. (Authorized by K.S.A. 74-8838; implementing K.S.A. 74-8838; effective, T-112-6-29-93, June 29, 1993; effective Sept. 27, 1993.)

Janet Chubb  
Executive Director

Doc. No. 013791

## State of Kansas

### Board of Agriculture

#### Permanent Administrative Regulations

#### Article 8.—NOXIOUS WEEDS

**4-8-14a. Definitions.** (a) "2,4-D" means (2,4-dichlorophenoxy)acetic acid.

(b) "Picloram" means 4-amino-3, 5, 6-tri-chloro-2-pyridinecarboxylic acid.

(c) "Dicamba" means 3,6-dichloro-2-methoxybenzoic acid.

(d) "Glyphosate" means N-(phosphonmethyl) glycine.

(e) "Fosamine" means ethyl hydrogen (aminocarbonyl) phosphonate.

(f) "Bromacil" means 5-bromo-6-methyl-3-(1-methylpropyl)-2,4(1H,3H)pyrimidinedione.

(g) "MSMA" means monosodium methanearsonate.

(h) "Sulfometuron" means 2-[[[(4,6-dimethyl-2-pyrimidinyl)amino]carbonyl] amino]sulfonyl]benzoic acid.

(i) "Chlorsulfuron" means 2-chloro-N-[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino] carbonyl]benzenesulfonamide.

(j) "Trifluralin" means 2,6-dinitro-N,N-dipropyl-4-(trifluoromethyl)benzenamine.

(k) "Fluazifop-P-Butyl" means (R)-butyl 2-[4[[5-(trifluoromethyl)-2-pyridinyl]oxy]phen-oxy]propanoate.

(l) "Sethoxydim" means 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one.

(m) "Imazapyr" means (±)-2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-3-pyridinecarboxylic acid.

(n) "Triclopyr" means [(3,5,6-trichloro-2-pyridinyl)oxy]acetic acid.

(o) "Tebuthiuron" means N-[5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl]-N,N'-dimethylurea.

(p) "Metsulfuron Methyl" means methyl 2-[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]amino]sulfonyl]benzoate.

(q) "Fenoxaprop-ethyl" means (±)-ethyl 2-[4-[(6-chloro-2-benzoxazolyl)oxy]phenoxy]propanoate.

(r) "Clopyralid" means (3,6-dichloro-2-pyridinecarboxylic acid).

(s) "Primisulfuron" shall mean 3-[4,6-Bis(difluoromethoxy) pyrimidin-2-yl]-1-(2-methoxycarbonylphenyl)sulfonyl)urea.

(t) "Nicosulfuron" shall mean 2-((( (4,6-Dimethoxy-pyrimidin-2-yl) aminocarbonyl)) aminosulfonyl))-N, N-dimethyl-3-pyridinecarboxamide. (Authorized by and implementing K.S.A. 2-1315; effective Oct. 21, 1991; amended Jan. 25, 1993; amended Sept. 27, 1993.)

**4-8-28. Adoption by reference.** Control practices contained in the "Official Johnsongrass Control Program" published by the Kansas state board of agriculture on March 17, 1993 is hereby adopted by reference and shall apply to the control and eradication of johnsongrass in the state of Kansas. Copies of this publication are available from the plant health division of the Kansas state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2-1315;

effective May 1, 1988; amended Jan. 25, 1993; amended Sept. 27, 1993.)

**4-8-32. Adoption by reference.** Control practices contained in the "Official Bur Ragweed Control Program" published by the Kansas state board of agriculture on March 17, 1993 is hereby adopted by reference and shall apply to the control and eradication of bur ragweed in the state of Kansas. Copies of this publication are available from the plant health division of the Kansas state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1988; amended Sept. 27, 1993.)

Sam Brownback  
Secretary of Agriculture

Doc. No. 013783

## State of Kansas

### Social and Rehabilitation Services

#### Permanent Administrative Regulations

#### Article 2.—GENERAL

**30-2-16. Permanency planning goals for title IV-E of the federal social security act.** (a) The agency's permanency planning goal for the federal fiscal year commencing on October 1, 1993 shall be to have no more than 450 children who have been in foster care placements in excess of 24 consecutive months receive federal funding during the course of the year.

(b) The following steps shall be taken by the agency to achieve the above stated goal.

(1) A reasonable effort shall be made to make adoption assistance available on behalf of eligible children; and

(2) a case review shall be initiated and a plan shall be developed for each child in the custody of the agency. The effective date of this regulation shall be October 1, 1993. (Authorized by and implementing K.S.A. 1992 Supp. 39-708c; effective, T-83-26, Sept. 22, 1982; effective May 1, 1983; amended, T-85-24, Sept. 18, 1984; amended May 1, 1985; amended, T-87-5, May 1, 1986; amended, T-87-29, Oct. 22, 1986; amended May 1, 1987; amended May 1, 1988; amended Sept. 26, 1988; amended July 30, 1990; amended Oct. 1, 1990; amended Oct. 28, 1991; amended Oct. 5, 1992; amended Oct. 1, 1993.)

#### Article 4.—PUBLIC ASSISTANCE PROGRAM

**30-4-52. Act in own behalf.** (a) Emancipated minor. An emancipated minor is a person who is age 16 or 17 and who is or has been married, or a person who is under the age of 18 and who has been given or acquired the right to manage personal affairs in one of the following ways:

(1) By court action which conferred the rights of majority on the minor;

(2) by an oral or written agreement which terminates the rights of parental control, the parents' right to claim the minor's earnings, and the parents' legal ob-

ligation to support the minor, unless the actions of the parties are contrary to the agreement; or

(3) by actions of the minor which terminate the rights mentioned in paragraph (2) above.

(b) Ability to act on own behalf. Each applicant or recipient shall be legally capable of acting on his or her own behalf. Incapacitated persons or minors shall not be eligible to receive assistance unless a guardian, conservator or a caretaker relative applies for assistance on that person's behalf. Emancipated minors shall be eligible to receive assistance on their own behalf. When there has been no court action or marriage and an emancipated minor becomes dependent on a parent for support or comes under parental control, the minor shall no longer be considered emancipated. The effective date of this regulation shall be October 1, 1993. (Authorized by K.S.A. 1992 Supp. 39-708c; implementing K.S.A. 1992 Supp. 39-708c and 39-709, as amended by 1993 SB 317; effective May 1, 1981; amended May 1, 1984; amended Jan. 4, 1993; amended Oct. 1, 1993.)

**30-4-63. KanWork program requirements.** Each assigned recipient, unless exempted, shall be required to participate in one or more components of the KanWork program. Any exempt recipient may volunteer for participation in the KanWork program. The geographic areas in the state and the public assistance programs in which KanWork requirements are to be enforced shall be designated by the secretary. The administration of the KanWork program shall be within the limits of appropriations. (a) Exemptions. The persons listed below shall be exempt from the KanWork requirements:

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

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

(3) any person who is under age 16 or 60 years of age or older;

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

(continued)

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

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

(7) any person age 16, 17 or 18 who attends full-time an elementary, secondary, vocational or technical school. Persons age 18 shall be reasonably expected to complete the program before attaining age 19. This exemption shall not apply to a person who attends full-time an elementary, secondary, vocational or technical school as a required KanWork activity;

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

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

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

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

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

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

(3) Education and training. Each assigned recipient shall participate in education and training activities

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) the person is the parent or other relative personally providing care for a child under age six and the employment requires the person to work more than 20 hours per week. The effective date of this regulation shall be October 1, 1993. (Authorized by and implementing K.S.A. 1992 Supp. 39-708c, 39-7,103; effective, T-30-7-29-88, July 29, 1988; effective Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-3-29-90, April 1, 1990; revoked, T-30-7-2-90, July 2, 1990; amended, T-30-7-2-90, July 2, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended Jan. 7, 1991; amended, T-30-6-10-91, July 1, 1991; amended, T-30-8-9-91, Aug. 30, 1991; amended Oct 28, 1991; amended Oct. 1, 1993.)

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

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

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

medical practitioner, the temporary exemption period shall be extended for a period not to exceed 15 days. For GA, a statement from a vocational rehabilitation counselor may be used to determine incapacity;

(3) any person who is under age 16 or 60 years of age or older;

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

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

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

(7) any person age 16, 17 or 18 who attends full-time an elementary, secondary, vocational or technical school. Persons age 18 shall be reasonably expected to complete the program before attaining age 19. This exemption shall not apply to a person who attends full-time an elementary, secondary, vocational or technical school as a required work program activity;

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

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

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

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

(1) Job search. Each assigned recipient shall participate in job search activities which may include agency-

(continued)

approved job clubs, supervised and unsupervised job search activities, job referral and placement services, and employment counseling.

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

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

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

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

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

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

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

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

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

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

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

(f) Good cause. The good cause criteria set forth in K.A.R. 30-4-63(f) shall be used in determining good cause for the work program requirements. The effective date of this regulation shall be October 1, 1993. (Authorized by and implementing K.S.A. 1992 Supp. 39-708c, 39-7,103; effective Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-3-29-90, April 1, 1990; revoked,

T-30-7-2-90, July 2, 1990; amended, T-30-7-2-90, July 2, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended Jan. 7, 1991; amended, T-30-6-10-91, July 1, 1991; amended, T-30-8-9-91, Aug. 30, 1991; amended Oct. 28, 1991; amended Oct. 1, 1993.)

**30-4-112. Income exempt from consideration as income and as a cash asset.** The following income shall be exempt, except as provided in K.A.R. 30-4-110(b):

(a) Grants and scholarships provided for educational purposes;

(b) the value of the coupon allotment under the food stamp program;

(c) the value of the U.S. department of agriculture donated foods;

(d) the value of supplemental food assistance received under the child nutrition act of 1966, as amended, and the special food service program for children under the national school lunch act, as amended;

(e) benefits received under title VII, nutrition program for the elderly, of the older Americans act of 1965, as amended;

(f) Indian funds distributed or held in trust, including interest and investment income accrued on such funds while held in trust and initial purchases made with such funds;

(g) distributions to natives under the Alaska native claims settlement act;

(h) payments provided to individual volunteers serving as foster grandparents, senior health aides and senior companions, and to persons serving in the service corps of retired executives and active corps of executives under titles II and III of domestic service act of 1973;

(i) payments to individual volunteers under title I, sec. 404(g) of Public Law 93-113 when the director of ACTION determines that the value of such payments, adjusted to reflect the number of hours such volunteers are serving, is less than the federal minimum wage;

(j) payments received under the uniform relocation assistance and real property acquisition policies act of 1970;

(k) death benefits from SSA, VA, railroad retirement, or other burial insurance policy when the benefit is used toward the cost of burial;

(l) a one-time payment or a portion of a one-time payment from a cash settlement for repair or replacement of property or for legal services, or medical costs or other required obligations to a third party, if the payment is expended or committed to be expended for the intended purpose within six months of its receipt;

(m) money which VA determines may not be used for subsistence needs held in trust by VA for a child;

(n) retroactive corrective assistance payments in the month received or in the following month;

(o) income directly provided by vocational rehabilitation;

(p) benefits from special government programs at the discretion of the secretary, including energy assistance programs, VA aid and attendance, and VA housebound allowances;

(q) assistance provided by another agency or organization that complements, but does not duplicate assistance provided by the agency;

(r) reimbursements for out-of-pocket expenses in the month received and the following month;

(s) proceeds from any bona fide loan requiring repayment;

(t) payments granted to certain U.S. citizens of Japanese ancestry and resident Japanese aliens under Title I of Public Law 100-383;

(u) payments granted to certain Aleuts under Title II of Public Law 100-383;

(v) agent orange settlement payments;

(w) foster care and adoption support payments;

(x) the amount of any earned income tax credit received. Such credit shall not be regarded as a cash asset in the month of receipt and the following month;

(y) federal major disaster and emergency assistance and comparable disaster assistance provided by state or local government or by disaster assistance organizations in conjunction with a presidentially declared disaster;

(z) payments granted to the Aroostook Band of Micmac Indians under Public Law 102-171; and

(aa) payments from the Radiation Exposure Compensation Trust Fund made by the Department of Justice. The effective date of this regulation shall be October 1, 1993. (Authorized by K.S.A. 1992 Supp. 39-708c; implementing K.S.A. 1992 Supp. 39-708c and 39-709, as amended by 1993 SB 317; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended May 1, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended Jan. 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 May 1, 1991; amended July 1, 1991; amended Jan. 2, 1992; amended Oct. 1, 1992; amended Oct. 1, 1993.)

**30-4-130. Types of payments.** Public assistance payments shall be issued in accordance with the provisions set forth below. (a) Money payment. Payments shall be in cash, or by check or warrant immediately redeemable at par, and shall be made with no restriction on the use of the funds. All payments shall be money payments, except:

(1) Payments pursuant to the ADC-FC and GA-FC programs;

(2) special allowances;

(3) protective payments; and

(4) subsistence allowances for GA clients residing in specialized living arrangements in which there is a current approved provider agreement with the secretary.

(b) Who may receive money payments. The following persons shall be eligible to receive money payments: caretaker relative, recipient, guardian, conservator, personal representative, or substitute payee. A minor shall not receive a money payment unless emancipated.

(c) Protective payments in the ADC and GA programs. If any caretaker relative persistently mismanages the money payment to the detriment of any child for whom assistance is claimed and if an approved service plan is on file, a protective payment, in lieu of a money payment to the caretaker relative, shall be issued to a substitute payee. Protective payments shall also be made when the caretaker relative has been removed from the assistance plan pursuant to K.A.R. 30-4-55(d), K.A.R. 30-4-55(f), K.A.R. 30-4-63(e), and K.A.R. 30-4-64(e). If a substitute payee is unavailable, a protective vendor payment shall be issued. If the caretaker relative has been removed and all reasonable efforts to identify a suitable protective payee have failed, protective payments shall not be required.

(d) Substitute payee.

(1) Appointment and dismissal. The agency shall have the responsibility for appointing and assisting each substitute payee, for terminating the payee's services when no longer needed, and for removal of any payee who is not giving satisfactory service. Such a payee shall be removed only after a careful evaluation of the payee's performance has been made.

(2) (A) Who may be substitute payee. Individuals selected to serve in this capacity may be a relative, friend, neighbor, or member of a religious or community organization. The following persons shall not serve as a substitute payee: The area director, worker supervisor, the worker determining financial eligibility, special investigative or resource staff, staff handling fiscal process for the client, or the landlord, grocers or vendors of goods or services dealing directly with the client.

(B) Exception. Payment may be made to a foster parent on behalf of a minor living in a foster care home with the minor's child in order to provide ADC for the child. Such a foster care home shall be licensed or approved as meeting licensing standards. This provision shall not be used in any other kind of public assistance case and may continue until the minor is released from custody of SRS or becomes emancipated.

(3) Criteria for selection. Each substitute payee shall demonstrate:

(A) An interest and concern for the welfare of the family;

(B) the ability to help the family with ordinary budgeting, experience in purchasing food, clothing and household equipment within a limited income, and knowledge of effective household practices;

(C) the ability to establish and maintain a positive relationship;

(D) that the substitute payee either lives near the caretaker relative or has transportation so that close contacts with the caretaker relative and child are maintained;

(E) that the substitute payee is a responsible and dependable person.

(4) Payee-recipient relationship. Each payee shall have authority to make decisions about the expenditures of the assistance payment. The payee may spend the money for the family or may supervise the reci-

(continued)

piant's use of it, or the payee may give a portion of the funds to the recipient to spend for certain expenses and may pay for other requirements for the recipient.

(5) Payee-agency relationship. Each payee shall have responsibility for assuring the agency that the money is spent for the children's benefit. The payee's responsibility to the agency shall be set forth in writing with a copy for the payee and one for the agency. This written agreement shall cover the plans for accounting, use of the assistance funds, and reporting on the general progress made. The agreement shall be supplemented by discussions of the payee's responsibility, the purpose of the plan, the nature and frequency of reports, the rights of the recipient, and the confidential nature of the relationship.

(6) Periodic review of cases. All money payment mismanagement cases shall be reviewed at least every six months to determine whether to:

(A) Restore the recipient to regular money payment status;

(B) continue the recipient on protective payment status; or

(C) develop another plan for the care of the child or children if necessary, including placement with another relative, seeking appointment of a guardian, or placement in a foster home.

(7) Discontinuance of protective payments. Protective payments, except money payment mismanagement cases, shall be discontinued only when the caretaker relative or recipient has complied with the appropriate program requirements which established the basis for the protective payment. Money payment mismanagement cases shall be discontinued when the caretaker relative has demonstrated an ability to manage the money payment or after a period of two years has lapsed, whichever comes first. However, payment may continue for such additional time as is reasonably necessary to complete a substitute plan for the care of the child.

(e) Special personal representative. A petition for the appointment of a personal representative shall be filed only if the need for an appointment is clearly established, and the agency has counseled with the applicant or recipient concerning the money management problems. Confidential reports shall be filed with the appropriate court as requested.

(1) Appointment of personal representative. A person shall be recommended to the court who is not an employee of the agency, who would not benefit directly from the assistance payment, and who meets the criteria set forth in paragraph (d)(2)(A) of this regulation for selection of a substitute payee.

(2) Dismissal of personal representative. A recommendation to the court that a personal representative be dismissed shall be made by the agency if the client demonstrates that he or she no longer requires a personal representative, or if the personal representative is failing to execute the responsibilities set forth in this section, in which instance a substitute personal representative shall be recommended by the agency.

(3) Responsibility of personal representative. Each personal representative shall be responsible to the

court, the agency and the recipient. An annual accounting shall be made by each personal representative to both the court and the agency. The agency or the court may require a more frequent accounting in the form and at the times prescribed by the agency or the court. Each personal representative shall maintain a confidential relationship with the applicant or recipient and shall consult with the applicant or recipient concerning the applicant's or recipient's requirements, resources, and the use of the money payment.

(4) Periodic review. The necessity of continuing the appointment of a personal representative shall be reviewed semiannually. Consideration shall be given to whether the recipient's ability to manage personal affairs has improved or if other changes in the recipient's circumstances or living arrangements make it possible for the recipient to manage without the help of a personal representative.

(5) Delivery of warrants. All money payments issued shall be delivered by mail to the address of the payee unless the payee requests otherwise. If the payee requests a different mode of delivery, the appropriateness of the request shall be considered by the agency. In appropriate instances, including emergencies or repeated thefts from the mailbox, the warrant shall be delivered in person to the payee by the agency. No materials shall be included in the envelope containing the warrant except those directly related to the administration of SRS programs. The effective date of this regulation shall be October 1, 1993. (Authorized by K.S.A. 1992 Supp. 39-708c; implementing K.S.A. 59-2801 *et seq.*, K.S.A. 1992 Supp. 39-708c and 39-709, as amended by 1993 SB 317; effective May 1, 1981; amended May 1, 1983; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended Jan. 2, 1990; amended T-30-6-10-91, July 1, 1991; amended Oct. 1, 1993.)

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

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

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

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

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



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

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

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

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

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

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

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

(11) "Change of ownership" means:

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

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

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

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

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

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

(13) "Common ownership" means that an entity holds a minimum of five percent ownership or equity in the provider facility and in the company engaged in business with the provider facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(28) "Diagnosis related group (DRG) daily rate" means the dollar amount assigned by the secretary to a diagnosis related group for purposes of computing reimbursement when a rate per day is required.

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

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

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

(32) "Discharging hospital" means, in instances of the transfer of a recipient, the hospital which dis-

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charges the recipient admitted from the last transferring hospital.

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

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

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

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

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

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

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

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

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

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

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

(A) Withstand repeated use;

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

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

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

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

(36) "Election period" means the period of time for the receipt of hospice care, beginning with the first day of hospice care as provided in the election statement and continuing through any subsequent days excluding any days of hospice care earlier than the date the election statement is signed.

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

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

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

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

(D) effective date of the election period; and

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

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

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

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

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

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

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

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

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

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

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

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

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

(50) "Hospital located in a rural area" means a facility located in an area outside of a metropolitan sta-

tistical area as defined by the executive office of management and budget under the health care financing administration.

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

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

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

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

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

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

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

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

(59) "Low-income utilization rate for hospitals" means the rate which is defined in accordance with the omnibus budget reconciliation act, public law 100-203, Section 4112, effective July 1, 1988, which is adopted by reference.

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

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

(62) "Medicaid home- and community-based services (HCBS)" means services provided in accordance with a federally-approved waiver to the Kansas med-

icaid state plan which are designed to prevent unnecessary utilization and to reduce health costs.

(63) "Medicaid home- and community-based services for persons with head injury trauma (HCBS/HI)" means services provided in accordance with a federally-approved waiver to the Kansas medicaid state plan that are designed to be alternatives to services in head injury rehabilitation facilities for individuals with external, traumatic head injuries.

(64) "Medicaid home- and community-based services for persons with mental retardation or other developmental disabilities (HCBS/MRDD)" means services provided in accordance with a federally-approved waiver to the Kansas medicaid state plan that are designed to be alternatives to services otherwise provided in intermediate care facilities for the mentally retarded (ICF/MR) for individuals who have mental retardation or other developmental disabilities.

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

(66) "Medical necessity" means a decision by a medical practitioner that a therapy, treatment, drug, item or service prescribed or provided is essential to treat or diagnose a specific physical or psychiatric condition.

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

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

(69) "Mental retardation" means significantly sub-average intellectual functioning which:

- (A) Is manifested before age 22; and
- (B) is evidenced by:

(i) A score of 70 or below on any standardized measure of intelligence; and

(ii) concurrently existing deficits in adaptive behavior.

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

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

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

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

(continued)

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

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

(75) "Orthotics and prosthetics" means devices which are:

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

(76) "Other developmental disabilities" means a condition or illness which:

- (A) Is manifested before age 22;
- (B) may reasonably be expected to continue indefinitely;
- (C) results in substantial limitations in any three or more of the following areas of life functioning:
  - (i) Self-care;
  - (ii) understanding and the use of language;
  - (iii) learning and adapting;
  - (iv) mobility;
  - (v) self-direction in setting goals and undertaking activities to accomplish those goals;
  - (vi) living independently; or
  - (vii) economic self-sufficiency; and
- (D) reflects the need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of extended or lifelong duration and are individually planned and coordinated.

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

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

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

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

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

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

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

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

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

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

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

(85) "Physical therapy" means treatment which:

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

(B) is rehabilitative and restorative in nature;

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

(D) is prescribed by the attending physician.

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

(87) "Plan of care" means a document which states the need for care, the estimated length of program, the prescribed treatment, modalities, and methodology to be used, and the expected results.

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

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

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

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

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

(93) "Primary care network" means a service delivery control system in which physicians, in independent or group practices, local health departments, or clinics act

as primary care providers and are responsible for initiating or approving specified medical services for participating recipients.

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

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

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

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

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

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

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

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

(102) "Related parties" means any relationship between two or more parties in which one party has the ability to influence another party to the transaction such that one or more of the transacting parties might fail to pursue its own separate interests fully. Related parties include those related by family, by business or financial association, or by common ownership or control. Transactions between related parties shall not be considered to have arisen through arms-length negotiations. Transactions or agreements that are illusory or a sham shall not be recognized.

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

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

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

(106) "Sampling" means the review process of obtaining a stratified random sample of a subset of cases for the universe of claims submitted by a specific provider for use in projecting the review results across

the entire universe of claims for that provider to determine an overpayment.

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

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

(109) "State-operated hospital" means an establishment operated by the state of Kansas with an organized medical staff of physicians, with permanent facilities that include inpatient beds, with medical services, including physician services and continuous registered professional nursing services for not less than 24 hours of every day, and which provides diagnosis and treatment for nonrelated patients.

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

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

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

(113) "Technology-assisted child" means a chronically ill or medically fragile child younger than 16 years whose illness or disability, in the absence of home care services, would require admission to or prolonged stay in a hospital. The technology-assisted child needs both a medical device to compensate for the loss of a vital body function and substantial continuous care by a nurse or other caretaker under the supervision of a nurse in order to avert death or further disability. A technology-assisted child shall require substantial and ongoing care by a nurse, and be dependent at least part of each day on mechanical ventilators for survival, require prolonged intravenous administration of nutritional substances or drugs, or require other medical devices to compensate for the loss of a vital body function.

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

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

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

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

(118) "Traumatic head injury" means non-degenerative, structural brain damage resulting in residual deficits and disability which have been acquired by external physical injury.

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

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

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

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

(b) The effective date of this regulation shall be October 1, 1993. (Authorized by and implementing K.S.A. 1992 Supp. 39-708c; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1988; amended, T-30-7-29-88, July 29, 1988; amended Sept. 26, 1988; amended Jan. 2, 1989; amended July 1, 1989; amended Jan. 2, 1990; amended, T-30-1-2-90, Jan. 2, 1990; amended, T-30-2-28-90, Jan. 2, 1990; amended Aug. 1, 1990; amended Jan. 7, 1991; amended, T-30-3-1-91, March 1, 1991; amended July 1, 1991; amended, T-30-8-9-91, Aug. 30, 1991; amended Oct. 28, 1991; amended April 1, 1992; amended May 1, 1992; amended July 31, 1992; amended May 3, 1993; amended Oct. 1, 1993.)

**30-5-71. Co-payment requirements.** (a) Except as set forth in subsection (b) of this regulation, program recipients shall be obligated to the provider for the following co-payment charges.

(1) Co-payment for inpatient general hospital and free-standing psychiatric facility services shall be \$325.00 per admission.

(2) Co-payment for outpatient general hospital services shall be \$1.00 per non-emergency visit in place of a doctor's office visit.

(3) Co-payment for other medical services subject to co-payment shall be based upon the following ranges:

average medicaid/medikan payment for services	maximum copayment chargeable to recipient
\$10.00 or less	\$ .50
\$10.01 to \$25.00	\$1.00
\$25.01 to \$50.00	\$2.00
\$50.01 or more	\$3.00

(4) Other medical services subject to co-payment are:

(A) Ambulatory surgical center services, per date of service;

(B) audiological services, excluding batteries, per date of service;

(C) community mental health center services, per individual psychotherapy visit;

(D) durable medical equipment, prosthetics and orthotics, per claim, and excluding the rental of durable medical equipment;

(E) home health services, per skilled nursing visit and excluding the rental of durable medical equipment;

(F) non-emergency ambulance services, per date of service;

(G) optometric or ophthalmologist services, per date of service;

(H) outpatient general hospital surgery, per date of service;

(I) prescribed drugs, per new or refill prescription;

(J) physician or physician extender services, per office visit;

(K) podiatric services, per office visit;

(L) psychological services, per office visit;

(M) dietician services, per date of service; and

(N) dental services, per date of service.

(O) federally qualified health center services, per encounter; and

(P) rural health clinic services per encounter.

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

(1) To residents in nursing facilities, including swing beds, intermediate care facilities for the mentally retarded, nursing facilities for mental health, and to recipients participating in the home and community-based services programs;

(2) to recipients who have reached the age of 18 but are not yet 22 years of age, or who are age 65 or older, who are inpatients in a state psychiatric facility;

(3) to recipients under age 18;

(4) to recipients enrolled in a medicaid funded health maintenance organization;

(5) for family planning purposes;

(6) for medical services relating to an injury incurred on the job during a community work experience project;

(7) that are related to pregnancy; and

(8) as emergency services. (Authorized by and implementing K.S.A. 1992 Supp. 39-708c; effective May 1, 1981; amended May 1, 1982; amended, T-83-38, Nov. 23, 1982; amended May 1, 1983; amended, T-84-36, Jan. 1, 1984; amended May 1, 1984; amended May 1, 1986; amended, T-87-20, Sept. 1, 1986; amended May 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended, T-30-12-28-89, Jan. 1, 1990; amended, T-30-2-28-90, Feb. 28, 1990; amended Aug. 1, 1990; amended Dec. 31, 1992; amended, T-\_\_\_\_, \_\_\_\_; amended Sept. 27, 1993.)

**30-5-73. Requirements for facilities to participate.**

(a) Medical services provided in community mental health centers, free-standing psychiatric facilities, state-operated hospitals, and general hospitals to be reimbursed by the medicaid/medikan program shall be un-

der the effective control of a physician as determined by the agency.

(b) Community mental health centers, free-standing psychiatric facilities, state-operated hospitals, and general hospitals providing medical services reimbursable by the medicaid/medikan program shall have utilization review programs approved by medicare or the agency. Utilization review programs and their implementation shall be subject to review by the secretary.

(c) Facilities offering medical services shall be licensed or certified by an appropriate Kansas state licensing or certification authority in order to be eligible for reimbursement by the medicaid/medikan program. The effective date of this regulation shall be October 1, 1993. (Authorized by and implementing K.S.A. 1992 Supp. 39-708c; effective May 1, 1981; amended May 1, 1986; amended, T-30-1-2-90, Jan. 2, 1990; amended, T-30-2-28-90, Jan. 2, 1990; amended Oct. 1, 1993.)

**30-5-81b. The basis of reimbursement for hospital services.** (a) Payment for hospital services provided to program participants shall be made to those hospitals filing cost reports with the Kansas department of social and rehabilitation services. Cost reports shall be due 30 days after the due date of the medicare cost report to the medicare fiscal intermediary.

(b) General hospitals; inpatient services. For covered services rendered to program recipients, each general hospital shall be reimbursed on the basis of the diagnosis related group reimbursement system pursuant to the provisions of K.A.R. 30-5-81t through 30-5-81v except as set forth below.

(c) General hospitals; outpatient services. For covered services rendered to program recipients, each general hospital shall be reimbursed based on the reimbursement methodology for comparable services rendered by non-hospital providers. For laboratory and radiology services, each general hospital shall be reimbursed its customary charges not to exceed the range maximum set forth in K.A.R. 30-5-85a plus 2%.

(d) General hospitals; long term care in swing bed hospitals. For covered services rendered to program recipients, each general hospital shall be reimbursed pursuant to 42 CFR 447.250 through 447.280, revised October 1, 1988, which are adopted by reference.

(e) State-operated hospitals. Each state-operated hospital shall be reimbursed the lesser of reasonable costs or customary charges for covered inpatient services rendered to program recipients. Each state-operated hospital shall be reimbursed reasonable fees as related to customary charges for covered outpatient services rendered to program recipients, except no fee shall be paid in excess of the range maximum. The range of charges shall provide the base for computations.

(f) Hospitals which are determined to be disproportionate share hospitals shall be reimbursed with a disproportionate share payment adjustment as determined in accordance with the Omnibus Budget Reconciliation Act, Public Law 100-203, section 4112, effective July 1, 1988. The effective date of this regulation shall be October 1, 1993. (Authorized by and implementing K.S.A. 1992 Supp. 39-708c; effective May

1, 1981; amended, E-82-6, May 1, 1981; modified, L. 1982, ch. 469, May 1, 1982; amended May 1, 1983; amended, T-84-7, March 29, 1983; amended May 1, 1984; amended, T-85-24, Sept. 18, 1984; amended May 1, 1985; amended, T-86-19, July 1, 1985; amended May 1, 1986; amended, T-87-44, Jan. 1, 1987; amended, T-88-6, March 4, 1987; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended, T-30-7-29-88, July 29, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended Aug. 1, 1990; amended Oct. 1, 1993.)

**30-5-100. Scope of dental services.** (a) Dental services shall be covered for recipients receiving a Kan Be Healthy dental screening.

(1) Both a Kan Be Healthy medical screening and a Kan Be Healthy dental screening shall be required for coverage of orthodontia services with the exception of emergency services.

(2) Prior authorization shall be required for designated services.

(3) Prior authorization shall be required for dental treatment plans estimated to exceed, during a calendar year, the range maximum established by the secretary.

(b) Dental services for medicaid recipients not participating in the Kan Be Healthy program shall be limited to the following treatments:

- (1) Oracanal fistula closure;
- (2) unilateral radical antrotomy;
- (3) biopsy of oral tissue;
- (4) radical excision of lesion;
- (5) excision of tumors;
- (6) removal of cysts and neoplasms;
- (7) partial ostectomy, guttering or saucerization;
- (8) surgical incision for drainage of abscess, removal of foreign bodies, skin, subcutaneous areolar tissue, metal plates, screws or wires, sequestrectomy for osteomyelitis, and maxillary sinusotomy for removal of tooth fragment or foreign body;
- (9) treatment of fractures;
- (10) closed reduction of dislocation, limitation of motion and related injections;
- (11) sutures;
- (12) oral skin grafts;
- (13) frenulectomy;
- (14) excision of pericoronal gingiva;
- (15) sialolithotomy;
- (16) excision of salivary gland;
- (17) sialodochoplasty;
- (18) closure of salivary fistula;
- (19) emergency tracheotomy;
- (20) first 30 minutes of general anesthesia, including materials and apparatus;
- (21) professional visits of consultation and hospital call; and
- (22) prior authorized procedures that stabilize an underlying life-threatening medical condition. (Authorized by and implementing K.S.A. 1992 Supp. 39-708c; effective May 1, 1981; amended May 1, 1983; amended, T-84-7, May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended, T-87-44, Jan. 1, 1987; amended, T-88-10, May 1, 1987; amended May 1, 1988; amended, T-30-7-29-88, July 29, 1988; amended Sept. 26, 1988;

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amended Jan. 2, 1989; amended Oct. 1, 1989; amended Aug. 1, 1990; amended Dec. 31, 1992; amended, T-\_\_\_\_, \_\_\_\_; amended Sept. 27, 1993.)

**30-5-105. Scope of hearing services.** Hearing services shall be covered for medicaid recipients. (a) Medical diagnosis, audiological testing, and the fitting and dispensing of hearing aids and appropriate accessories shall be covered.

(b) A medical diagnosis shall be made by an ear specialist or by a general practitioner when an ear specialist is not easily available.

(c) Audiological testing shall be performed by a physician, audiologist, or a hearing aid dealer. No payment separate from the payment for the hearing aid shall be made for audiological tests performed by a hearing aid dealer.

(d) Fitting, dispensing, and follow-up shall be performed by a hearing aid dealer.

(e) A hearing aid shall not be covered if the physician states that a medical condition contraindicates the effectiveness of an aid. The effective date of this regulation shall be October 1, 1993. (Authorized by and implementing K.S.A. 1992 Supp. 39-708c; effective May 1, 1981; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended May 1, 1987; amended Oct. 1, 1993.)

**30-5-109a. Reimbursement for free-standing psychiatric facilities.** Reimbursement for free-standing psychiatric facilities shall be pursuant to K.A.R. 30-5-81b as a general hospital. The effective date of this regulation shall be October 1, 1993. (Authorized by and implementing K.S.A. 1992 Supp. 39-708c; effective May 1, 1982; amended Oct. 1, 1993.)

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

(b) Reimbursement for inpatient rehabilitation services provided in a general hospital shall be based on the diagnosis related group system.

(c) Reasonable fees as related to customary charges shall be paid for other rehabilitation services, except no fee shall be paid in excess of the range maximum. The range of charges shall provide the base for computations. The effective date of this regulation shall be October 1, 1993. (Authorized by and implementing K.S.A. 1992 Supp. 39-708c; effective July 1, 1989; amended Jan. 7, 1991; amended, T-30-10-2-91, Oct. 2, 1991; amended Jan. 2, 1992; amended Oct. 1, 1993.)

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

**30-6-56. Transfer of property.** (a) Definitions.

(1) "Transfer of property" means any act, contract, or lease, which partially or totally passes the use, control, or ownership of property of an applicant or recipient to another person or corporation. A disclaimer of an inheritance shall constitute a transfer of resources.

(2) For purposes of this regulation, "institutionalized individual" means an applicant or recipient who is residing in a nursing facility, in a medical institution that is providing the individual a level of care equivalent to the care provided by a nursing facility, or in a home- and community-based services living arrangement.

(b) Eligibility limitation. An institutionalized individual shall not be eligible for coverage of institutional or home- and community-based services if the individual transferred property for less than fair market value within a 30-month time period prior to or after the date the individual received or was otherwise eligible to receive these services. Multiple transfers that occur within a calendar month shall be treated as a single transfer. Transfers occurring over several months which effectively reduce the period of ineligibility had the transfers been accomplished in one month shall be treated as a single transfer. The following transfers shall not affect eligibility under this provision:

(1) Transfers of property with an uncompensated value of less than the average monthly private pay rate of all nursing facilities in the state;

(2) transfers of property that occurred more than 30 months prior to or after the date the individual received or was otherwise eligible to receive institutional or home- and community-based services;

(3) transfers of property at or near fair market value. For purposes of this provision, adequate consideration shall be granted if the compensation received for a non-cash asset is equal to or greater than 75 percent of the market value;

(4) transfers of property with an uncompensated value which, when added to the value of other non-exempt resources, does not exceed the allowable resource limits;

(5) transfers of property that have been approved by the agency. If the transfer is for fair market value and is a bona fide transaction, the agency shall grant approval;

(6) a transfer of property executed pursuant to the division of assets provisions contained in K.A.R. 30-6-106;

(7) transfer of the institutionalized individual's home to:

(A) The spouse of the institutionalized individual;

(B) a child of the institutionalized individual who is under the age of 21 or who meets the blindness or disability criteria of K.A.R. 30-6-85;

(C) a sibling of the institutionalized individual who has an equity interest in such home and who was residing in the home for a period of at least one year immediately before the date the individual entered the institutional or home- and community-based services arrangement; or

(D) a child of the institutionalized individual other than the child described in item (7)(B) above, who was residing in the home for a period of at least two years immediately before the date the individual entered the institutional or home- and community-based services arrangement and who provided care to the institu-



tionalized individual which permitted the individual to reside at home; and

(8) a transfer of property to:

(A) The institutionalized individual's spouse or to another for the sole benefit of the individual's spouse, if such spouse does not transfer this property to another person other than the institutionalized individual for less than fair market value; or

(B) the institutionalized individual's child who meets the blindness or disability criteria of K.A.R. 30-6-85.

(c) Trust fund transfers. Except for trusts created for burial purposes under K.S.A. 16-303 and K.S.A. 16-321, a transfer of property, real or personal, to an irrevocable trust or similar irrevocable legal device shall be considered a transfer for less than fair market value since the person who created the trust does not retain the right to dissolve or amend the trust for purposes of obtaining the resources.

(d) Procedures. The procedures set forth below shall be used in determining an institutionalized individual's eligibility for medical assistance under the above provisions.

(1) A record shall be assembled in chronological order for each transfer of property.

(2) After securing the information listed above, the reason for the transfer shall be examined by the agency. In examining the reason for the transfer, a determination first shall be made as to whether fair market value was received. If the agency determines that fair market value was not received, it shall be presumed that the transfer was for the purpose of establishing eligibility, unless the person furnishes convincing evidence that the transfer was exclusively for some other purpose.

(3) The decision of the agency with respect to convincing evidence shall be governed by the following criteria:

(A) Any transfer of property shall be considered in the light of the circumstances at the time the transfer was made.

(B) The weight given to an institutionalized individual's statement that the transfer was not connected with that person's application for medical assistance shall be in proportion to the length of the interval between the transfer and the application.

(C) The difference in the equity transferred and the consideration received shall be such that it would be evident to the ordinary individual that full value had not been received.

(D) An institutionalized individual shall not be penalized for removal of the individual's name from the title or restricting access to the property if the individual can substantiate that the individual has no ownership interest in the property. Factors to be documented and considered shall include the source and use of the property. This provision shall not be applicable to jointly-owned resources between legally responsible persons.

(e) Period of ineligibility.

(1) If the agency determines that any institutionalized individual has transferred real or personal property without the approval of the agency and for less

than fair market value, or for the purpose of establishing medical assistance eligibility, the period of ineligibility shall be determined by the agency using the following formula.

(A) The uncompensated value of the property transferred in excess of the property's resource limit, less the difference between the value of the nonexempt resources of the applicant or recipient and the allowable nonexempt resource limit, shall be divided by the average monthly private pay rate of all nursing facilities in the state to determine the number of months of ineligibility.

(B) The period of ineligibility shall commence with the month in which the property was transferred for applicants and no later than the second month following the month of transfer for recipients giving timely and adequate notice.

(2) The period of ineligibility due to the transfer of property shall not in any event exceed 30 months from the month of the transfer of the property in question. The period of ineligibility shall be subject to re-evaluation on the basis of additional evidence or other justification for authorization of assistance.

(3) If there is evidence that a transfer was made for the purpose of making the individual eligible for assistance or for less than fair market value and later the property is reconveyed to the individual, or if there is an adjustment in the transfer through which the individual receives fair market value, the loss of the resource no longer exists. The individual shall, if otherwise qualified, be eligible for medical assistance.

(4) The period of ineligibility shall be initially waived or subsequently suspended if it is determined that the action to waive or suspend is necessary to avoid undue hardship. The effective date of this regulation shall be October 1, 1993. (Authorized by K.S.A. 1992 Supp. 39-708c; implementing K.S.A. 1992 Supp. 39-708c and 39-709, as amended by 1993 SB 317; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended, T-89-13, April 26, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended May 1, 1992; amended Jan. 4, 1993; amended May 3, 1993; amended Oct. 1, 1993.)

**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 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, recipient, or agency, an estimate or appraisal of its

(continued)

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 unless the probability of success in the legal action would be minimal for 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 of the trust; and

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

Paragraph (c)(2) 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, if 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 K.A.R. 30-6-79(c) shall be considered in determining eligibility.

(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, training, working, securing medical treatment or visiting shall not interrupt the period of time during which the couple is considered to be living together.

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

(g) The resources of an ineligible parent shall be considered in determining the eligibility of a minor child for the medical assistance program if the parent and child are living together, except that such resources shall not be considered for children in an institutional or home- and community-based services arrangement beginning with the month following the month the arrangement begins.

(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 to be income to the applicant or recipient, except for the proceeds from a contract for the sale of property.

(k) Income shall not be considered to be both income and 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 in determining eligibility.

(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 the amount of patient liability for persons in institutional living arrangements or spenddown for persons in home- and community-based services arrangements. The income allowance for the community spouse, when added to the income already available to that spouse, shall not exceed 150 percent 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 food stamp standard utility allowance, exceeds 30 percent of 150 percent of the federal poverty income guideline amount referred to above. The maximum monthly income allowance which can be provided under this provision shall be \$1,769.00. The \$1,769.00 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 be deducted from the income of the institutionalized spouse in determining the amount of patient liability for persons in institutional living arrangements or spenddown for persons in home- and community-based services arrangements. 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 150 percent 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 150 percent of the 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, based on the amount of property in excess of the community spouse property allowance as set forth in paragraph (m) (6) below whether or not such allowance will be made. If

the excess property is within the allowable resource standards of K.A.R. 30-6-107, the institutionalized spouse shall be eligible. In the month following the first month of eligibility for the institutionalized spouse, only the property of the institutionalized spouse shall be considered available in determining continuing eligibility, except for property to be transferred in accordance with paragraph (m)(6) below.

(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 \$70,740.00, but shall be no less than \$14,148.00. Both the \$14,148.00 and \$70,740.00 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 institutionalized spouse shall be deemed to be temporarily eligible during this time period if all other eligibility factors are met. The effective date of this regulation shall be October 1, 1993. (Authorized by and implementing K.S.A. 1992 Supp. 39-708c and 39-709, as amended by 1993 SB 317; 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-30-11-29-90, Jan. 2, 1991; amended Jan. 7, 1991; amended, T-30-12-28-90, Jan. 2, 1991; amended, T-30-3-1-91, March 1, 1991; amended May 1, 1991;

(continued)

amended July 1, 1991; amended, T-30-8-9-91, Aug. 30, 1991; amended Oct. 28, 1991; amended Jan. 2, 1992; amended, T-30-6-10-92, July 1, 1992; amended Oct. 1, 1992; amended Jan. 4, 1993; amended Oct. 1, 1993.)

**30-6-112. Income exempt from consideration as income and as a cash asset.** Exempted income shall be: (a) Grants and scholarships provided for educational purposes;

(b) the value of the coupon allotment under the food stamp program;

(c) the value of the U.S. department of agriculture-donated foods;

(d) the value of supplemental food assistance received under the child nutrition act of 1966, as amended, and the special food service program for children under the national school lunch act, as amended;

(e) benefits received under title VII, nutrition program for the elderly, of the older Americans act of 1965, as amended;

(f) Indian funds distributed or held in trust, including interest and investment income accrued on such funds while held in trust and initial purchases made with such funds;

(g) distributions to natives under the Alaska native claims settlement act;

(h) payments provided to individual volunteers serving as foster grandparents, senior health aides and senior companions, and to persons serving in the service corps of retired executives and active corps of executives under titles II and III of domestic service act of 1973;

(i) payments to individual volunteers under title I, sec. 404(g) of Public Law 93-113 when the director of ACTION determines that the value of such payments, adjusted to reflect the number of hours such volunteers are serving, is less than the federal minimum wage;

(j) payments received under the uniform relocation assistance and real property acquisition policies act of 1970;

(k) death benefits from SSA, VA, railroad retirement, or other burial insurance policy when the benefit is used toward the cost of burial;

(l) money held in trust by VA for a child which VA determines may not be used for subsistence needs;

(m) retroactive corrective assistance payments in the month received or in the following month;

(n) income directly provided by vocational rehabilitation;

(o) benefits from special government programs at the discretion of the secretary, including energy assistance programs, VA aid and attendance, and VA household allowances;

(p) reimbursements for out-of-pocket expenses in the month received and the following month;

(q) proceeds from any bona fide loan requiring repayment;

(r) payments granted to certain U.S. citizens of Japanese ancestry and resident Japanese aliens under Title I of Public Law 100-383;

(s) payments granted to certain eligible Aleuts under Title II of Public Law 100-383;

(t) agent orange settlement payments;

(u) federal major disaster and emergency assistance and comparable disaster assistance provided by state or local government or by disaster assistance organizations in conjunction with a presidentially declared disaster;

(v) payments granted to the Aroostook Band of Micmac Indians under Public Law 102-171;

(w) payments from the Radiation Exposure Compensation Trust Fund made by the Department of Justice;

(x) for non-SSI, a one-time payment or a portion of a one-time payment from a cash settlement for the repair or replacement of property or for legal services, medical costs or other required obligations to a third party, if the payment is expended or committed to be expended for the intended purpose within six months of its receipt;

(y) for non-SSI, assistance provided by another agency or organization that complements but does not duplicate assistance provided by the agency;

(z) for non-SSI, foster care and adoption support payments;

(aa) for non-SSI, the amount of any earned income tax credit received. Such credit shall not be regarded as a cash asset in the month of receipt and in the following month;

(bb) for SSI, a one-time payment or a portion of a one-time payment from a cash settlement for the repair or replacement of property or for legal services, medical costs or other required obligations to a third party, if the payment is expended or committed to be expended for the intended purpose within nine months of its receipt. This time period may be extended for good cause;

(cc) for SSI, in kind support, vouchers, or cash assistance for food, clothing, or shelter provided by public or private organizations or agencies, if the assistance is based on need;

(dd) for SSI, income necessary for fulfillment of an approved plan to achieve self-support established for a blind or disabled person;

(ee) for SSI, interest which is paid on excluded burial funds and left to accumulate;

(ff) for SSI, housing assistance from federal housing programs operated by state and local subdivisions;

(gg) for SSI, any portion of any financial assistance funded under title IV of the higher education act of 1965, as amended, or under bureau of Indian affairs student assistance programs which is made available for tuition, fees, books, supplies, transportation and miscellaneous personal supplies;

(hh) for SSI, payments occasioned by the death of another person to the extent that the payments have been expended or committed to be expended for purposes of the deceased person's last illness and burial;

(ii) for SSI, payments received from a state-administered victims' compensation fund. Such payments shall not be regarded as a cash asset for the nine months following the month of receipt; and

(jj) for SSI, relocation assistance provided by a state or local government which is comparable to assistance

provided under title II of the uniform relocation assistance and real property acquisitions act of 1970. Such assistance shall not be regarded as a cash asset for the nine months following the month of receipt. The effective date of this regulation shall be October 1, 1993. (Authorized by and implementing K.S.A. 1992 Supp. 39-708c and 39-709, as amended by 1993 SB 317; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 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 Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended Jan. 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 May 1, 1991; amended July 1, 1991; amended Jan. 2, 1992; amended Oct. 1, 1992; amended Oct. 1, 1993.)

#### Article 46.—CHILD ABUSE AND NEGLECT

**30-46-10. Definitions.** (a) "Abuse" means any act or failure to act, which results in death, physical harm, emotional harm or presents imminent risk of harm to a person under age 18.

(b) "Alleged perpetrator" means the person identified in the initial report or during the investigation as the person suspected of perpetrating a reported act of abuse, neglect or sexual abuse.

(c) "Caregiver" means a person, other than a parent or custodian, who exercises significant authority over and responsibility for a child. A caregiver includes, but is not limited to, a family member, a relative, a friend, or employees or volunteers in a facility where the child resides or receives care.

(d) "Child abuse neglect central registry" means an electronic file of name-based information with regard to individuals confirmed as victims or perpetrators of child abuse, neglect or sexual abuse.

(e) "Confirmed abuse, neglect or sexual abuse" means that a report of abuse, neglect or sexual abuse has been validated by a preponderance of the evidence.

(f) "Confirmed perpetrator" means the person who has been determined by a preponderance of the evidence to have committed a confirmed act of abuse, neglect, or sexual abuse.

(g) "Custodian" means a person or agency who has by court order, statute or common law been vested with the authority to determine placement and care of a child and to make decisions for a child.

(h) "Emotional abuse" means impairment of a child's social, emotional or intellectual functioning to

an observable degree due to pervasive negative behaviors.

(i) "Family" means any group of persons who act as a family system with or without a legal or biological relationship.

(j) "Investigation" means the gathering and assessing of information sufficient to determine if a child has been abused, neglected or sexually abused.

(k) "Medical neglect of disabled infants with life threatening conditions" includes, but is not limited to, the withholding of medically indicated treatment from a disabled infant with a life-threatening condition.

(l) "Neglect" means acts or omissions on the part of a person responsible for the care of the child that result in harm to a child or present an imminent risk of harm and includes the failure of the person responsible for the care of a child to:

(1) Provide the child with food, clothing or shelter necessary to sustain the life or health of the child;

(2) provide adequate supervision of a child or to remove a child from a situation that requires judgment or actions beyond the child's level of maturity, physical condition or mental abilities and that results in bodily injury or a substantial risk of imminent harm to the child; or

(3) use resources available to treat a diagnosed condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, correct or substantially diminish a crippling condition, lengthen the life span or prevent the condition from worsening.

(m) "Physical abuse" means non-accidental or intentional action which results in bodily injury or which presents an imminent risk of death or of bodily injury.

(n) "Report" means information received by the agency which alleges that a child is in need of care, including suspected child abuse, neglect or sexual abuse.

(o) "Sexual abuse" means any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person. Sexual abuse includes allowing, permitting or encouraging a child to engage in prostitution or to be photographed, filmed or depicted in obscene or pornographic material. The effective date of this regulation shall be October 1, 1993. (Authorized by and implementing K.S.A. 1992 Supp. 39-708c, 38-1522, et seq., K.S.A. 65-516; effective Jan. 2, 1989; amended Jan. 2, 1990; amended Oct. 1, 1993.)

Donna Whiteman  
Secretary of Social and  
Rehabilitation Services

Doc. No. 013784

**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 1992 Supplement to the *Kansas Administrative Regulations*.

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**

Reg. No.	Action	Register
1-2-30	Amended	V. 12, p. 902
1-2-34	New	V. 11, p. 1016
1-2-81	Revoked	V. 11, p. 278
1-5-28	Amended	V. 12, p. 902
1-6-2	Amended	V. 11, p. 278
1-6-31	Amended	V. 11, p. 1016
1-6-32	Amended	V. 11, p. 278
1-8-7	Amended	V. 11, p. 1017
1-9-4	Amended	V. 11, p. 1017
1-9-5	Amended	V. 12, p. 902
1-9-13	Amended	V. 11, p. 1020
1-9-18	Amended	V. 11, p. 1020
1-9-19a	Amended	V. 11, p. 279
1-9-21	Amended	V. 12, p. 903
1-9-23	Amended	V. 12, p. 903
1-16-2	Amended	V. 12, p. 721, 864
1-16-2a	Amended	V. 12, p. 721, 864
1-16-2b	Amended	V. 12, p. 721, 864
1-16-2d	Amended	V. 12, p. 721, 864
1-16-2f	Revoked	V. 12, p. 722, 865
1-16-2k	Amended	V. 12, p. 722, 865
1-16-18	Amended	V. 12, p. 6, 54
1-16-18a	Amended	V. 12, p. 7, 55
1-16-22	Amended	V. 12, p. 865
1-18-1a	Amended	V. 12, p. 865
1-21-1	Amended	V. 12, p. 865
1-21-2	Amended	V. 12, p. 866
1-21-3	Revoked	V. 12, p. 866
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1-21-11	Revoked	V. 12, p. 866
1-21-12	Amended	V. 12, p. 866
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1-22-5	Revoked	V. 12, p. 722, 867
1-28-1	Revoked	V. 12, p. 867
1-28-2	Revoked	V. 12, p. 867
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1-46-1	Amended	V. 11, p. 1195
1-46-3	Amended	V. 11, p. 1195
1-50-2	Revoked	V. 12, p. 867

**AGENCY 2: MUNICIPAL ACCOUNTING BOARD**

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2-3-3	Revoked	V. 12, p. 887

**AGENCY 4: BOARD OF AGRICULTURE**

Reg. No.	Action	Register
4-4-900	Amended	V. 11, p. 1895
4-4-923	Amended	V. 11, p. 1895
4-4-924	Amended	V. 11, p. 1895
4-4-931	Amended	V. 11, p. 1896
4-4-932	Amended	V. 11, p. 1896
4-4-933	Amended	V. 11, p. 1896
4-4-934	Amended	V. 11, p. 1897
4-4-935	Amended	V. 11, p. 1897
4-4-956	New	V. 11, p. 1897
4-7-716	Amended	V. 11, p. 555
4-7-719	Amended	V. 11, p. 63
4-8-14a	Amended	V. 11, p. 1898

4-8-27	Amended	V. 11, p. 555
4-8-28	New	V. 11, p. 1898
4-8-33	Amended	V. 11, p. 1898
4-8-40	Amended	V. 11, p. 1898
4-8-41	New	V. 11, p. 555
4-10-1	Amended	V. 11, p. 1898
4-13-36	Amended	V. 11, p. 1899
4-13-38	Amended	V. 11, p. 1899
4-13-41	Amended	V. 11, p. 1900
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4-13-62	Amended	V. 11, p. 1900
4-13-63	Amended	V. 11, p. 1901
4-15-2	Amended	V. 11, p. 555
4-16-1a	Amended	V. 11, p. 1901
4-16-1c	Amended	V. 11, p. 1901
4-16-7a	Amended	V. 11, p. 1901

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4-16-305	New	V. 11, p. 556, 557
4-17-1a	Amended	V. 11, p. 1901
4-17-1c	Amended	V. 11, p. 1902
4-17-5a	Amended	V. 11, p. 1902
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4-17-305	New	V. 11, p. 557, 558

**AGENCY 5: BOARD OF AGRICULTURE— DIVISION OF WATER RESOURCES**

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5-45-4	Amended	V. 11, p. 361-363
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5-45-17	New	V. 11, p. 364, 365

**AGENCY 7: SECRETARY OF STATE**

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7-23-8	New	V. 11, p. 1257, 1296
7-29-1	Amended	V. 11, p. 1369, 1423
7-32-1	Amended	V. 11, p. 1117, 1143

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

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14-10-11	Amended	V. 11, p. 1930
14-10-12	Amended	V. 11, p. 1931
14-13-1	Amended	V. 11, p. 1931
14-13-2	Amended	V. 11, p. 1932
14-13-13	Amended	V. 11, p. 1933
14-14-1	Amended	V. 11, p. 1934
14-14-11	Amended	V. 11, p. 1711
14-16-20	Revoked	V. 11, p. 1041
14-19-14	Amended	V. 11, p. 1935
14-19-15	Amended	V. 11, p. 1936
14-20-14	Amended	V. 11, p. 1937
14-20-15	Amended	V. 11, p. 1938
14-20-16	Amended	V. 11, p. 1938
14-21-1	Amended	V. 11, p. 1939
14-21-2	Amended	V. 11, p. 1940
14-21-3	Amended	V. 11, p. 1941
14-22-1	Amended	V. 11, p. 1941
14-22-2	Amended	V. 11, p. 1942
14-22-3	Amended	V. 11, p. 1943

**AGENCY 17: STATE BANKING DEPARTMENT**

Reg. No.	Action	Register
17-11-21	Amended	V. 12, p. 1176
17-15-1	Amended	V. 12, p. 311
17-16-8	Amended	V. 12, p. 314
17-21-1	through	
17-21-8	New	V. 11, 1040
17-21-1	Amended	V. 12, p. 314
17-21-2	Amended	V. 12, p. 314
17-22-1	Amended	V. 12, p. 1015

**AGENCY 19: KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT**

Reg. No.	Action	Register
19-1-1	Amended	V. 11, p. 714
19-1-11	Amended	V. 11, p. 714
19-3-2	Amended	V. 11, p. 714
19-4-2	Amended	V. 11, p. 715
19-20-2	Amended	V. 11, p. 715
19-27-2	Amended	V. 11, p. 715
19-29-2	Amended	V. 11, p. 716
19-29-4	Amended	V. 11, p. 717
19-29-5	New	V. 11, p. 717
19-30-4	Amended	V. 11, p. 717
19-40-3a	Amended	V. 11, p. 718
19-40-4	New	V. 11, p. 1369
19-40-5	New	V. 11, p. 718
19-41-1	Amended	V. 11, p. 718
19-60-3	Amended	V. 11, p. 719
19-61-1	Amended	V. 11, p. 720
19-61-2	Amended	V. 11, p. 720
19-61-3	Revoked	V. 11, p. 720
19-62-1	Amended	V. 11, p. 721
19-62-2	Amended	V. 11, p. 721
19-63-2	Amended	V. 11, p. 721
19-63-3	Amended	V. 11, p. 721
19-63-4	Amended	V. 11, p. 722
19-63-6	New	V. 11, p. 722

**AGENCY 21: KANSAS HUMAN RIGHTS COMMISSION**

Reg. No.	Action	Register
21-34-1	through	
21-34-21	New	V. 11, p. 357-360
21-34-1	through	
21-34-21	New	V. 11, p. 504-507
21-60-1	through	
21-60-23	New	V. 11, p. 1084-1091, 1153-1160
21-80-1	through	
21-80-10	New	V. 11, p. 1764-1766

**AGENCY 22: STATE FIRE MARSHAL**

Reg. No.	Action	Register
22-1-2	Amended	V. 12, p. 444
22-1-3	New	V. 12, p. 444
22-1-4	New	V. 12, p. 444
22-1-5	New	V. 12, p. 445
22-1-6	New	V. 12, p. 445
22-2-1	Revoked	V. 12, p. 445
22-3-1	Revoked	V. 12, p. 445
22-3-2	Revoked	V. 12, p. 445
22-4-1	Revoked	V. 12, p. 445
22-5-3	Amended	V. 12, p. 445
22-6-8	New	V. 12, p. 976
22-6-10	Revoked	V. 12, p. 445
22-6-17	Revoked	V. 12, p. 445
22-7-1	Revoked	V. 12, p. 445
22-7-2	Revoked	V. 12, p. 445
22-7-3	Revoked	V. 12, p. 445
22-7-5	Revoked	V. 12, p. 445
22-7-6	through	
22-7-12	New	V. 12, p. 445-447
22-8-1	Revoked	V. 12, p. 448
22-10-3a	Revoked	V. 12, p. 448
22-10-10	Revoked	V. 12, p. 448
22-10-12	Revoked	V. 12, p. 448
22-10-13	Revoked	V. 12, p. 448
22-10-14	Revoked	V. 12, p. 448
22-10-17	Revoked	V. 12, p. 448
22-10-18	New	V. 12, p. 448
22-10-19	New	V. 12, p. 448
22-13-35	Revoked	V. 12, p. 449
22-18-3	Amended	V. 12, p. 449
22-19-1	Amended	V. 12, p. 450
22-19-2	Amended	V. 12, p. 450
22-19-3	Amended	V. 12, p. 451
22-19-4	Revoked	V. 12, p. 451
22-19-5	New	V. 12, p. 451
22-20-1	Revoked	V. 12, p. 451
22-22-1	New	V. 12, p. 451

AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT		
Reg. No.	Action	Register
25-2-2	Revoked	V. 11, p. 1742
25-2-5	Revoked	V. 11, p. 1742
25-4-1	Amended	V. 11, p. 1643, 1702
25-4-4	Amended	V. 11, p. 164
AGENCY 26: DEPARTMENT ON AGING		
Reg. No.	Action	Register
26-5-5	Amended	V. 12, p. 1118
26-5-6	Amended	V. 12, p. 1118
26-8-1 through 26-8-14	New	V. 11, p. 1041-1043
26-8-1	Amended	V. 12, p. 1119, 1150
26-8-3	Amended	V. 12, p. 1120, 1152
26-8-4	Amended	V. 12, p. 1120, 1152
26-8-7	Amended	V. 12, p. 1120, 1152
AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT		
Reg. No.	Action	Register
28-1-2	Amended	V. 12, p. 315
28-1-18	Amended	V. 12, p. 1057
28-4-350	Amended	V. 12, p. 1042
28-4-351	Amended	V. 12, p. 1042
28-4-352	Amended	V. 12, p. 1043
28-4-353	Amended	V. 12, p. 1043
28-4-353a	New	V. 12, p. 1045
28-4-353b	New	V. 12, p. 1046
28-4-354	Amended	V. 12, p. 1047
28-4-355	Amended	V. 12, p. 1048
28-4-355a	New	V. 12, p. 1049
28-4-355b	New	V. 12, p. 1049
28-4-356	Amended	V. 12, p. 1051
28-4-357	Amended	V. 12, p. 1053
28-4-358	Amended	V. 12, p. 1054
28-4-359	Amended	V. 12, p. 1054
28-4-360	Amended	V. 12, p. 1057
28-14-2	Amended	V. 11, p. 1797
28-15-11	Amended	V. 12, p. 725
28-15-12	New	V. 12, p. 57
28-15-13	Amended	V. 12, p. 727
28-15-14	Amended	V. 11, p. 1233
28-15-15	Revoked	V. 11, p. 1236
28-15-15a	New	V. 11, p. 1236
28-15-20	Amended	V. 11, p. 1237
28-15-21	New	V. 12, p. 728
28-16-29	Revoked	V. 11, p. 1260
28-16-30 through 28-16-36	New	V. 11, p. 1260, 1261
28-17-6	Amended	V. 12, p. 1020
28-17-12	Amended	V. 11, p. 1543, 1584
28-17-20	Amended	V. 12, p. 1020
28-19-17	Amended	V. 11, p. 608
28-19-17a through 28-19-17l	Amended	V. 11, p. 608, 609
28-19-17m through 28-19-17q	New	V. 11, p. 609, 610
28-19-19	Amended	V. 11, p. 610
28-19-73	Amended	V. 11, p. 612
28-23-82	Amended	V. 12, p. 1058
28-24-1	New	V. 11, p. 1798
28-24-2	New	V. 11, p. 1798
28-24-4 through 28-24-16	New	V. 11, p. 1798-1800
28-25-1 through 28-25-15	New	V. 12, p. 1058, 1059
28-29-28 through 28-29-36	New	V. 11, p. 614-620, 758-764
28-29-84	New	V. 12, p. 435, 487
28-29-85	New	V. 12, p. 436, 488
28-30-6	Amended	V. 12, p. 730
28-31-8a	Revoked	V. 11, p. 232
28-31-10a	New	V. 11, p. 232
28-34-1	Revoked	V. 12, p. 780
28-34-1a	New	V. 12, p. 780
28-34-2	Amended	V. 12, p. 781
28-34-3b	New	V. 12, p. 781
28-34-5	Revoked	V. 12, p. 782

28-34-5a	New	V. 12, p. 782
28-34-6	Revoked	V. 12, p. 782
28-34-6a	New	V. 12, p. 782
28-34-8	Revoked	V. 12, p. 783
28-34-8a	New	V. 12, p. 783
28-34-9a	Amended	V. 12, p. 784
28-34-10	Revoked	V. 12, p. 784
28-34-10a	New	V. 12, p. 784
28-34-16	Revoked	V. 12, p. 785
28-34-16a	New	V. 12, p. 785
28-34-17	Revoked	V. 12, p. 785
28-34-17a	New	V. 12, p. 785
28-34-17b	New	V. 12, p. 786
28-34-20	Revoked	V. 12, p. 787
28-34-20a	New	V. 12, p. 787
28-34-32a	Revoked	V. 12, p. 787
28-34-32b	New	V. 12, p. 787
28-34-125	Revoked	V. 12, p. 787
28-35-135	Amended	V. 12, p. 1176
28-35-143	Revoked	V. 12, p. 1176
28-35-147	Amended	V. 11, p. 130
28-35-180a	Amended	V. 12, p. 1176
28-35-211b	Revoked	V. 12, p. 1176
28-35-212a	Amended	V. 12, p. 1176
28-35-212b	New	V. 12, p. 1176
28-35-213a	Amended	V. 12, p. 1176
28-35-214a	Amended	V. 12, p. 1176
28-35-215a	Amended	V. 12, p. 1176
28-35-217a	Amended	V. 12, p. 1176
28-35-218a	Amended	V. 12, p. 1176
28-35-219a	Amended	V. 12, p. 1176
28-35-220a	Amended	V. 12, p. 1176
28-35-221a	Amended	V. 12, p. 1176
28-35-221b	New	V. 12, p. 1176
28-35-222a	Amended	V. 12, p. 1176
28-35-223a	Amended	V. 12, p. 1176
28-35-224a	Amended	V. 12, p. 1176
28-35-225a	Amended	V. 12, p. 1176
28-35-226a	Amended	V. 12, p. 1177
28-35-228a	Amended	V. 12, p. 1177
28-35-229a	Amended	V. 12, p. 1177
28-35-230a	Amended	V. 12, p. 1177
28-35-230b	New	V. 12, p. 1177
28-35-231b	Amended	V. 12, p. 1177
28-35-233a	Amended	V. 12, p. 1177
28-35-234a	Amended	V. 12, p. 1177
28-35-242	Amended	V. 12, p. 1177
28-35-245	Revoked	V. 12, p. 1177
28-35-246	Revoked	V. 12, p. 1177
28-35-247	Amended	V. 12, p. 1177
28-35-248	Revoked	V. 12, p. 1177
28-35-249	Amended	V. 12, p. 1177
28-35-250	Revoked	V. 12, p. 1177
28-35-250a	New	V. 12, p. 1177
28-35-251	Amended	V. 12, p. 1177
28-35-253	New	V. 12, p. 1177
28-35-254	New	V. 12, p. 1177
28-35-255	New	V. 12, p. 1177
28-35-276	Amended	V. 12, p. 1177
28-35-282	Amended	V. 12, p. 1177
28-35-284	Amended	V. 12, p. 1177
28-35-285	Amended	V. 12, p. 1177
28-35-287	Amended	V. 12, p. 1177
28-35-288	Amended	V. 12, p. 1177
28-35-341 through 28-35-363	New	V. 12, p. 1177, 1178
28-36-21	Amended	V. 12, p. 1059
28-38-18 through 28-38-23	Amended	V. 12, p. 437, 438
28-38-23	New	V. 12, p. 439
28-38-29	Amended	V. 11, p. 846
28-53-1	Amended	V. 11, p. 846
28-53-2	Amended	V. 11, p. 846
28-59-7	Amended	V. 11, p. 1643
28-61-1 through 28-61-10	New	V. 11, p. 1743-1748

AGENCY 30: SOCIAL AND REHABILITATION SERVICES		
Reg. No.	Action	Register
30-2-16	Amended	V. 11, p. 1295
30-4-52	Amended	V. 11, p. 1749
30-4-55	Amended	V. 11, p. 1750
30-4-72	Amended	V. 11, p. 1010, 1044
30-4-73	Amended	V. 12, p. 386
30-4-85a	Amended	V. 12, p. 575

30-4-90	Amended	V. 12, p. 264, 576
30-4-101	Amended	V. 11, p. 1011, 1045
30-4-109	Amended	V. 11, p. 1263
30-4-112	Amended	V. 11, p. 1263
30-4-122a	Amended	V. 12, p. 578
30-4-140a	Amended	V. 11, p. 365
30-5-58	Amended	V. 12, p. 387
30-5-59	Amended	V. 12, p. 392
30-5-60	Amended	V. 12, p. 393
30-5-64	Amended	V. 11, p. 372
30-5-65	Amended	V. 11, p. 372
30-5-70	Amended	V. 12, p. 394
30-5-71	Amended	V. 11, p. 1751
30-5-80	New	V. 11, p. 989
30-5-86	Amended	V. 11, p. 1752
30-5-95	Amended	V. 11, p. 205
30-5-100	Amended	V. 11, p. 1752
30-5-100a	Amended	V. 11, p. 1752
30-5-110	Amended	V. 11, p. 373
30-5-114	Amended	V. 11, p. 1265
30-5-151	Amended	V. 12, p. 266, 579
30-5-159	Amended	V. 11, p. 1753
30-5-160	Amended	V. 11, p. 1753
30-5-161	Amended	V. 11, p. 1753
30-5-169	Amended	V. 11, p. 1753
30-5-171	Revoked	V. 11, p. 1753
30-5-173	New	V. 11, p. 1753
30-5-173a	New	V. 11, p. 1753
30-6-52	Amended	V. 11, p. 1753
30-6-53	Amended	V. 11, p. 1754
30-6-55	Amended	V. 11, p. 374
30-6-56	Amended	V. 12, p. 395
30-6-72	Amended	V. 11, p. 1012, 1046
30-6-73	Amended	V. 11, p. 1265
30-6-86	Amended	V. 11, p. 1756
30-6-103	Amended	V. 11, p. 1757
30-6-106	Amended	V. 11, p. 1757
30-6-109	Amended	V. 11, p. 1268
30-6-112	Amended	V. 11, p. 1269
30-6-113	Amended	V. 12, p. 396
30-6-150	Amended	V. 12, p. 398
30-7-100 through 30-7-104	New	V. 11, p. 990-992
30-7-100	Amended	V. 12, p. 398
30-9-13	Revoked	V. 11, p. 992
30-9-18 through 30-9-22	Revoked	V. 11, p. 992
30-10-1a	Amended	V. 11, p. 1481
30-10-1b	Amended	V. 11, p. 1483
30-10-1c	Amended	V. 11, p. 1484
30-10-2	Amended	V. 11, p. 1484
30-10-3	Revoked	V. 11, p. 1485
30-10-4	Revoked	V. 11, p. 1485
30-10-6	Amended	V. 11, p. 1761
30-10-7	Amended	V. 11, p. 1761
30-10-8	Revoked	V. 11, p. 1485
30-10-11	Amended	V. 11, p. 1762
30-10-15a	Amended	V. 11, p. 1485
30-10-15b	Amended	V. 11, p. 1486
30-10-17	Amended	V. 11, p. 1487
30-10-18	Amended	V. 11, p. 1488
30-10-19	Amended	V. 11, p. 1490
30-10-20	Amended	V. 11, p. 1490
30-10-23a	Amended	V. 11, p. 1490
30-10-23b	Amended	V. 11, p. 1491
30-10-23c	Amended	V. 11, p. 1491
30-10-25	Amended	V. 11, p. 1492
30-10-28	Amended	V. 11, p. 1493
30-10-29	Amended	V. 11, p. 1493
30-10-200	Amended	V. 11, p. 207
30-10-210	Amended	V. 11, p. 209
30-10-212	Amended	V. 11, p. 210
30-10-214	Amended	V. 11, p. 1270
30-10-217	Amended	V. 11, p. 210
30-10-219	Amended	V. 11, p. 211
30-31-7	Amended	V. 12, p. 901, 975

AGENCY 36: DEPARTMENT OF TRANSPORTATION		
Reg. No.	Action	Register
36-13-30 through 36-13-34	Amended	V. 11, p. 657-662
36-13-36	Revoked	V. 11, p. 663
36-13-37	Amended	V. 11, p. 663

(continued)

36-13-38	New	V. 11, p. 664
36-13-39	New	V. 11, p. 664
36-37-1 through 36-37-6	New	V. 12, p. 309, 310
36-38-1	New	V. 12, p. 310
36-38-2	New	V. 12, p. 310
36-39-1 through 36-39-6	New	V. 12, p. 1088-1090

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-1-37	Amended	V. 11, p. 1801
40-2-12	Amended	V. 11, p. 1801
40-3-47	Amended	V. 11, p. 1967
40-3-49	New	V. 11, p. 1803
40-4-35	Amended	V. 11, p. 82
40-4-37	Amended	V. 11, p. 1803
40-4-37a	New	V. 11, p. 1804
40-4-37b	New	V. 11, p. 1804
40-4-37c	New	V. 11, p. 1804
40-4-37d	New	V. 11, p. 1968
40-4-37e	New	V. 11, p. 1804
40-4-37f	New	V. 11, p. 1805
40-4-37g	New	V. 11, p. 1805
40-4-37h	New	V. 11, p. 1805
40-4-37i	New	V. 11, p. 1806
40-4-37j	New	V. 11, p. 1807
40-4-37k	New	V. 11, p. 1808
40-4-37l	New	V. 11, p. 1809
40-4-37m	New	V. 11, p. 1810
40-4-37n	New	V. 11, p. 1810
40-4-37o	New	V. 11, p. 1810
40-4-37p	New	V. 11, p. 1810
40-4-37r	New	V. 11, p. 1811
40-4-40	New	V. 11, p. 1811
40-7-7	Amended	V. 11, p. 1968
40-7-7a	New	V. 11, p. 1812
40-7-13	Amended	V. 11, p. 1969
40-7-19	Amended	V. 11, p. 1812
40-7-20a	Amended	V. 11, p. 1969
40-8-7	Amended	V. 11, p. 1971
40-9-118	Amended	V. 11, p. 1812
40-14-10	New	V. 11, p. 1971

**AGENCY 44: DEPARTMENT OF CORRECTIONS**

Reg. No.	Action	Register
44-2-103	New	V. 12, p. 822
44-6-120	Amended	V. 11, p. 230
44-6-124	Amended	V. 12, p. 1154
44-6-125	Amended	V. 11, p. 231
44-6-135	Amended	V. 11, p. 231
44-6-146	New	V. 12, p. 1154
44-7-104	Amended	V. 11, p. 1830
44-7-113	Amended	V. 11, p. 316
44-7-115	New	V. 11, p. 316
44-7-116	New	V. 12, p. 1155
44-12-101	Amended	V. 11, p. 316
44-12-102	Amended	V. 11, p. 316
44-12-104	Amended	V. 11, p. 316
44-12-105	Amended	V. 11, p. 317
44-12-201	Amended	V. 11, p. 317
44-12-202	Amended	V. 11, p. 317
44-12-204	Amended	V. 11, p. 317
44-12-205	Amended	V. 11, p. 317
44-12-208	Amended	V. 11, p. 317
44-12-209	Amended	V. 11, p. 317
44-12-301	Amended	V. 11, p. 317
44-12-307	Amended	V. 11, p. 317
44-12-308	Amended	V. 11, p. 317
44-12-309	Amended	V. 11, p. 317
44-12-312	Amended	V. 11, p. 317
44-12-313	Amended	V. 11, p. 318
44-12-314	Amended	V. 11, p. 318
44-12-315	Amended	V. 11, p. 318
44-12-316	Revoked	V. 11, p. 318
44-12-317	Amended	V. 11, p. 318
44-12-319	Amended	V. 11, p. 318
44-12-321	Amended	V. 11, p. 318
44-12-323	Amended	V. 11, p. 318
44-12-324	Amended	V. 11, p. 319
44-12-325	Amended	V. 11, p. 319
44-12-326	Amended	V. 11, p. 319
44-12-328	New	V. 11, p. 319
44-12-401	Amended	V. 11, p. 319
44-12-501	Amended	V. 11, p. 319

44-12-502	Amended	V. 11, p. 319
44-12-503	Amended	V. 11, p. 319
44-12-505b	New	V. 11, p. 320
44-12-601	Amended	V. 11, p. 320
44-12-602	Amended	V. 11, p. 321
44-12-701	Revoked	V. 11, p. 321
44-12-901	Amended	V. 11, p. 321
44-12-902	Amended	V. 11, p. 322
44-12-1001	Amended	V. 11, p. 322
44-12-1002	Amended	V. 11, p. 322
44-12-1101	Amended	V. 11, p. 322
44-12-1201	Amended	V. 11, p. 322
44-12-1202	Amended	V. 11, p. 322
44-12-1301	Amended	V. 11, p. 323
44-12-1302	Amended	V. 11, p. 323
44-12-1303	Amended	V. 11, p. 323
44-12-1304	Revoked	V. 11, p. 323
44-12-1306	Amended	V. 11, p. 323
44-12-1307	Amended	V. 11, p. 324
44-13-101	Amended	V. 11, p. 324
44-13-101a	Amended	V. 11, p. 325
44-13-103	Amended	V. 11, p. 325
44-13-104	Amended	V. 11, p. 325
44-13-106	Amended	V. 11, p. 325
44-13-115	Revoked	V. 11, p. 325
44-13-201	Amended	V. 11, p. 325
44-13-201b	New	V. 11, p. 326
44-13-202	Amended	V. 11, p. 327
44-13-203	Amended	V. 11, p. 327
44-13-301	Revoked	V. 11, p. 327
44-13-302	Revoked	V. 11, p. 327
44-13-302a	New	V. 11, p. 327
44-13-303	Revoked	V. 11, p. 328
44-13-304	Amended	V. 11, p. 328
44-13-401	Amended	V. 11, p. 328
44-13-401a	Amended	V. 11, p. 328
44-13-402	Amended	V. 11, p. 328
44-13-403	Amended	V. 11, p. 328
44-13-404	Amended	V. 11, p. 330
44-13-405	Revoked	V. 11, p. 331
44-13-405a	Amended	V. 11, p. 331
44-13-406	Amended	V. 11, p. 331
44-13-407	Revoked	V. 11, p. 332
44-13-408	Amended	V. 11, p. 332
44-13-501	Amended	V. 11, p. 332
44-13-502	Revoked	V. 11, p. 332
44-13-502a	New	V. 11, p. 332
44-13-503	Revoked	V. 11, p. 332
44-13-504	Revoked	V. 11, p. 333
44-13-506	Amended	V. 11, p. 333
44-13-507	Amended	V. 11, p. 333
44-13-601	Amended	V. 11, p. 333
44-13-603	Amended	V. 11, p. 333
44-13-610	Amended	V. 11, p. 333
44-13-701	Amended	V. 11, p. 333
44-13-702	Amended	V. 11, p. 334
44-13-703	Amended	V. 11, p. 334
44-13-704	Amended	V. 11, p. 334
44-13-705	Amended	V. 11, p. 334
44-13-706	Amended	V. 11, p. 334
44-13-707	Amended	V. 11, p. 335
44-15-101	Amended	V. 11, p. 335
44-15-102	Amended	V. 11, p. 335
44-15-105a	New	V. 11, p. 336
44-16-104	Amended	V. 11, p. 337

**AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—**

DIVISION OF WORKERS' COMPENSATION		
Reg. No.	Action	Register
51-24-1	Amended	V. 11, p. 212
51-24-4	Amended	V. 11, p. 212
51-24-8	New	V. 11, p. 213
51-24-9	New	V. 11, p. 213
51-24-10	New	V. 11, p. 214

**AGENCY 54: KANSAS STATE LIBRARY**

Reg. No.	Action	Register
54-1-23	New	V. 11, p. 1894

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-1-102	Amended	V. 12, p. 348
60-1-103	Amended	V. 12, p. 348
60-3-101	Amended	V. 12, p. 348
60-3-111	New	V. 12, p. 349
60-4-101	Amended	V. 12, p. 489
60-4-103	Amended	V. 12, p. 489
60-7-108	New	V. 12, p. 349

60-8-101	Amended	V. 12, p. 489
60-9-104	Revoked	V. 11, p. 83
60-9-105	Amended	V. 12, p. 349
60-9-107	New	V. 11, p. 83
60-11-103	Amended	V. 12, p. 350
60-11-114	New	V. 11, p. 85
60-11-118	Amended	V. 12, p. 350
60-11-119	Amended	V. 12, p. 489
60-12-105	New	V. 11, p. 85
60-13-101	Amended	V. 12, p. 489
60-13-113	New	V. 11, p. 85

**AGENCY 63: BOARD OF MORTUARY ARTS**

Reg. No.	Action	Register
63-1-3	Amended	V. 12, p. 631
63-1-4	Amended	V. 12, p. 632
63-3-10	Amended	V. 12, p. 632
63-3-11	Amended	V. 12, p. 632
63-3-19	Amended	V. 12, p. 633
63-3-20	Amended	V. 11, p. 133
63-3-21	New	V. 11, p. 133
63-4-1	Amended	V. 12, p. 633

**AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY**

Reg. No.	Action	Register
65-4-1		
through 65-4-5	New	V. 11, p. 470, 471
65-4-3	Amended	V. 12, p. 630
65-4-4	Amended	V. 12, p. 630
65-5-1		
through 65-5-8	New	V. 11, p. 472, 473
65-6-8	Revoked	V. 11, p. 473
65-6-11	Revoked	V. 11, p. 474
65-6-12	Revoked	V. 11, p. 474
65-6-16	Revoked	V. 11, p. 474
65-6-25	Revoked	V. 11, p. 474
65-6-30	Revoked	V. 11, p. 474
65-6-33	Revoked	V. 11, p. 474
65-6-36	Revoked	V. 11, p. 474
65-6-37	Revoked	V. 11, p. 474
65-7-1	Revoked	V. 11, p. 474
65-7-2	Revoked	V. 11, p. 474
65-7-4	Revoked	V. 11, p. 474
65-7-8	Revoked	V. 11, p. 474
65-7-9	Revoked	V. 11, p. 474
65-7-11	Revoked	V. 11, p. 474
65-7-12	Revoked	V. 11, p. 474
65-7-13	Revoked	V. 11, p. 474
65-7-14	Revoked	V. 11, p. 474
65-8-1		
through 65-8-4	New	V. 11, p. 474, 475
65-9-1		
through 65-9-5	New	V. 11, p. 475, 476
65-10-1	New	V. 11, p. 476
65-10-2	New	V. 11, p. 477
65-10-3	New	V. 11, p. 477
65-11-1	New	V. 11, p. 477
65-11-2	New	V. 11, p. 477
65-11-3	New	V. 11, p. 477

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

Reg. No.	Action	Register
66-6-1	Amended	V. 12, p. 10
66-6-3	Revoked	V. 12, p. 10
66-6-4	Amended	V. 12, p. 10
66-6-6	Amended	V. 12, p. 11
66-6-7	Revoked	V. 12, p. 11
66-6-8	Amended	V. 12, p. 11
66-6-9	Amended	V. 12, p. 11
66-7-1	Amended	V. 11, p. 408
66-7-2	Amended	V. 11, p. 408
66-8-1	Amended	V. 11, p. 409
66-8-2		
through 66-8-5	Amended	V. 12, p. 11, 12
66-8-6	Amended	V. 11, p. 409
66-9-1	Amended	V. 12, p. 12
66-9-2	Amended	V. 12, p. 12
66-9-3	Revoked	V. 12, p. 12
66-9-4	Amended	V. 12, p. 12
66-9-5	New	V. 12, p. 12
66-10-1	Amended	V. 12, p. 13
66-10-2	Revoked	V. 12, p. 13



66-10-3	Amended	V. 12, p. 13
66-10-4	Amended	V. 12, p. 13
66-10-5	Amended	V. 12, p. 13
66-10-6	Revoked	V. 12, p. 13
66-10-7	Revoked	V. 12, p. 13
66-10-8	Revoked	V. 12, p. 13
66-10-9	Amended	V. 11, p. 409
66-10-10	Amended	V. 12, p. 13
66-10-10a	New	V. 12, p. 43
66-10-11	Amended	V. 12, p. 14
66-10-12	Amended	V. 12, p. 14
66-11-1	Amended	V. 11, p. 411
66-11-2	Amended	V. 12, p. 14
66-11-3	Amended	V. 12, p. 14
66-12-1	New	V. 11, p. 412
66-13-1	Amended	V. 12, p. 14

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-2-20	Amended	V. 11, p. 1611
68-7-12	Amended	V. 11, p. 1611
68-7-12a	New	V. 12, p. 186
68-7-19	New	V. 12, p. 187
68-11-1	Amended	V. 11, p. 1612
68-12-2	Amended	V. 12, p. 187
68-14-1 through 68-14-7	New	V. 11, p. 665, 666
68-20-18	Amended	V. 12, p. 187
68-20-19	Amended	V. 12, p. 188

**AGENCY 69: BOARD OF COSMETOLOGY**

Reg. No.	Action	Register
69-3-2	Amended	V. 11, p. 1749
69-3-11	Amended	V. 11, p. 1749
69-6-5	Amended	V. 11, p. 1749
69-7-1	Revoked	V. 11, p. 1800
69-7-2	Revoked	V. 11, p. 1800
69-7-3	Revoked	V. 11, p. 1800
69-7-4	Revoked	V. 11, p. 1800
69-7-5	Revoked	V. 11, p. 1800
69-7-7	Revoked	V. 11, p. 1800
69-7-14	Revoked	V. 11, p. 1800
69-7-16	Revoked	V. 11, p. 1800
69-7-22	Revoked	V. 11, p. 1800
69-7-23	Revoked	V. 11, p. 1800
69-7-25	Revoked	V. 11, p. 1800
69-7-26	Revoked	V. 11, p. 1800
69-7-27	Revoked	V. 11, p. 1800
69-11-1	Amended	V. 11, p. 1749

**AGENCY 71: KANSAS DENTAL BOARD**

Reg. No.	Action	Register
71-1-16	New	V. 12, p. 439
71-1-17	New	V. 12, p. 439
71-3-3	Amended	V. 12, p. 532

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-4-7	Amended	V. 11, p. 847
74-5-2	Amended	V. 12, p. 1039
74-5-103	Amended	V. 11, p. 848
74-5-104	Amended	V. 11, p. 848
74-5-202	Amended	V. 12, p. 1039
74-5-203	Amended	V. 12, p. 1040
74-5-405	Amended	V. 12, p. 1040
74-5-406	Amended	V. 12, p. 1040
74-6-1	Amended	V. 12, p. 1040
74-6-2	Amended	V. 12, p. 1041
74-8-2	Amended	V. 12, p. 1041
74-8-5	Amended	V. 12, p. 1041
74-14-1	New	V. 12, p. 1041
74-14-2	New	V. 12, p. 1041

**AGENCY 75: CONSUMER CREDIT COMMISSIONER**

Reg. No.	Action	Register
75-6-11	Amended	V. 11, p. 1176
75-6-24	Amended	V. 11, p. 908
75-6-26	Amended	V. 11, p. 1176

**AGENCY 80: KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM**

Reg. No.	Action	Register
80-8-1 through 80-8-7	New	V. 12, p. 980, 981

**AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER**

Reg. No.	Action	Register
81-3-1	Amended	V. 12, p. 788
81-3-3	Amended	V. 12, p. 790

81-3-4	New	V. 12, p. 790
81-5-3	Amended	V. 12, p. 790
81-5-8	Amended	V. 12, p. 791
81-5-9	Amended	V. 12, p. 791
81-5-10	New	V. 12, p. 791
81-7-1	Amended	V. 12, p. 791
81-7-2	New	V. 12, p. 794
81-11-11	Amended	V. 12, p. 794

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-1-228	Amended	V. 12, p. 147
82-1-232	Amended	V. 12, p. 148
82-3-401	Amended	V. 12, p. 376
82-3-401a	New	V. 12, p. 377
82-4-1	Amended	V. 12, p. 439
82-4-3	Amended	V. 12, p. 440
82-4-6d	Amended	V. 12, p. 441
82-4-8a	Amended	V. 12, p. 441
82-4-20	Amended	V. 12, p. 442
82-4-27a	Amended	V. 12, p. 442
82-4-27c	Amended	V. 11, p. 812
82-4-27e	Amended	V. 11, p. 812
82-4-27g	New	V. 11, p. 812
82-4-29	Amended	V. 12, p. 443
82-4-34	Revoked	V. 12, p. 443
82-4-35a	Amended	V. 12, p. 443
82-4-37	Amended	V. 12, p. 443
82-4-38	Revoked	V. 12, p. 443
82-4-39	Amended	V. 12, p. 443

**AGENCY 86: REAL ESTATE COMMISSION**

Reg. No.	Action	Register
86-1-13	Amended	V. 11, p. 1230
86-3-23	New	V. 11, p. 1832
86-3-24	Revoked	V. 12, p. 980
86-3-24	New	V. 11, p. 1832

**AGENCY 88: BOARD OF REGENTS**

Reg. No.	Action	Register
88-8-2	Amended	V. 11, p. 1675
88-8-9	New	V. 11, p. 1675
88-9-3	Amended	V. 11, p. 1675
88-10-4	Amended	V. 12, p. 631
88-11-5	Amended	V. 12, p. 631
88-13-4	Amended	V. 11, p. 1675
88-13-11	Amended	V. 11, p. 1675
88-18-3	Amended	V. 11, p. 1676
88-18-8	Amended	V. 11, p. 1676
88-19-2	Amended	V. 11, p. 1676
88-19-4	Amended	V. 11, p. 1676
88-20-3	Amended	V. 11, p. 1676
88-20-9	Amended	V. 11, p. 1677
88-21-3	Amended	V. 11, p. 1677
88-21-8	Amended	V. 11, p. 1677
88-22-1 through 88-22-10	New	V. 12, p. 93, 94

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-1-27d	New	V. 11, p. 765
91-1-30	Amended	V. 12, p. 579
91-1-80	Amended	V. 12, p. 580
91-1-102a	New	V. 12, p. 581
91-1-104b	New	V. 12, p. 582
91-1-104c	New	V. 12, p. 582
91-1-110a	Amended	V. 12, p. 582
91-1-110c	New	V. 12, p. 583
91-1-112c	New	V. 12, p. 583
91-1-112d	New	V. 12, p. 584
91-1-113b	New	V. 12, p. 584
91-5-2	Amended	V. 11, p. 1144
91-5-7	Amended	V. 11, p. 1584
91-12-22	Amended	V. 12, p. 585
91-12-23	Amended	V. 12, p. 589
91-12-24a	Amended	V. 12, p. 590
91-12-27	Amended	V. 12, p. 590
91-12-28	Amended	V. 12, p. 591
91-12-30	Amended	V. 12, p. 591
91-12-33	Amended	V. 12, p. 591
91-12-37	Amended	V. 12, p. 591
91-12-40	Amended	V. 12, p. 592
91-12-41	Amended	V. 12, p. 593
91-12-44	Amended	V. 12, p. 594
91-12-47	Amended	V. 12, p. 595
91-12-51	Amended	V. 12, p. 596

91-12-53	Amended	V. 12, p. 596
91-12-54	Amended	V. 12, p. 597
91-12-55	Amended	V. 12, p. 598
91-12-59	Amended	V. 12, p. 598
91-12-61	Amended	V. 12, p. 598
91-12-64	Amended	V. 12, p. 599
91-12-65	Amended	V. 12, p. 600

**AGENCY 92: DEPARTMENT OF REVENUE REGISTER**

Reg. No.	Action	Register
92-12-112	New	V. 11, p. 559
92-51-34	Amended	V. 11, p. 559
92-52-9	Amended	V. 11, p. 559
92-52-9a	New	V. 11, p. 560

**AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION REGISTER**

Reg. No.	Action	Register
93-5-1	New	V. 11, p. 554

**AGENCY 98: KANSAS WATER OFFICE REGISTER**

Reg. No.	Action	Register
98-5-2	Amended	V. 12, p. 351
98-5-3	Amended	V. 12, p. 352
98-5-5	Amended	V. 12, p. 353

**AGENCY 100: BOARD OF HEALING ARTS REGISTER**

Reg. No.	Action	Register
100-11-1	Amended	V. 11, p. 1039, 1117
100-46-6	New	V. 12, p. 679
100-47-1	Amended	V. 12, p. 679
100-49-5	New	V. 11, p. 1084
100-60-3	Revoked	V. 11, p. 2007
100-60-4	Amended	V. 11, p. 2007
100-60-5	Amended	V. 11, p. 2007
100-60-6	Amended	V. 11, p. 2007
100-60-8 through 100-60-14	Amended	V. 11, p. 2008, 2009

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-5-1 through 102-5-12	New	V. 12, p. 189-194

**AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES REGISTER**

Reg. No.	Action	Register
105-3-2	Amended	V. 12, p. 976, 1013
105-3-9	Amended	V. 11, p. 1832
105-5-2	Amended	V. 12, p. 976, 1013
105-5-6	Amended	V. 12, p. 977, 1013
105-5-7	Amended	V. 12, p. 977, 1014
105-5-8	Amended	V. 12, p. 977, 1014
105-5-9	New	V. 12, p. 1014
105-9-5	New	V. 12, p. 1014

**AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES REGISTER**

Reg. No.	Action	Register
109-1-1	Amended	V. 11, p. 131
109-2-5	Amended	V. 12, p. 1015
109-2-8	Amended	V. 12, p. 1016
109-5-1	Amended	V. 12, p. 1018
109-9-5	New	V. 11, p. 133
109-10-2	New	V. 12, p. 1091
109-11-4	Amended	V. 12, p. 1019

**AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING REGISTER**

Reg. No.	Action	Register
110-4-1 through 110-4-4	New	V. 11, p. 1176-1178, 1258-1260
110-5-1 through 110-5-6	New	V. 11, p. 1370, 1371, 1703, 1704

**AGENCY 111: THE KANSAS LOTTERY REGISTER**

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	Amended	V. 11, p. 136
111-2-7	Revoked	V. 10, p. 1210

*(continued)*

111-2-13	Revoked	V. 10, p. 881	111-4-237			111-4-408	Amended	V. 12, p. 912
111-2-14	New	V. 9, p. 30	through			111-4-409	Amended	V. 11, p. 1473, 1474
111-2-15	Revoked	V. 10, p. 881	111-4-240	Revoked	V. 11, p. 413	111-4-411	Amended	V. 11, p. 1474
111-2-16	Revoked	V. 10, p. 1210	111-4-241			111-4-412	Amended	V. 11, p. 1475
111-2-17	Revoked	V. 10, p. 1210	through			111-4-413	Amended	V. 11, p. 1475
111-2-18	Revoked	V. 11, p. 413	111-4-244	New	V. 9, p. 1812	111-4-414		
111-2-19	Revoked	V. 11, p. 413	111-4-245			through		
111-2-20	New	V. 11, p. 199	through			111-4-428	New	V. 11, p. 981-982
111-2-21	New	V. 11, p. 1471	111-4-248	New	V. 10, p. 200	111-4-414	Amended	V. 11, p. 1150
111-2-22	New	V. 11, p. 1972	111-4-249			111-4-429		
111-2-23	New	V. 12, p. 113	through			111-4-432	New	V. 11, p. 1118
111-2-24	Amended	V. 12, p. 912	111-4-256	Revoked	V. 12, p. 113, 114	111-4-433		
111-2-25	New	V. 12, p. 677	111-4-257			through		
111-2-26	New	V. 12, p. 1113	through			111-4-436	New	V. 11, p. 1150, 1151
111-3-1	Amended	V. 10, p. 1210	111-4-286	Revoked	V. 11, p. 413, 414	111-4-437		
111-3-6	Amended	V. 12, p. 677	111-4-287			through		
111-3-9	Revoked	V. 11, p. 1793	111-4-300	New	V. 10, p. 883-886	111-4-444	New	V. 11, p. 1475-1477
111-3-10			through			111-4-445		
111-3-31	New	V. 7, p. 201-206	111-4-291			through		
111-3-11	Amended	V. 8, p. 299	111-4-300	Revoked	V. 12, p. 114	111-4-453	New	V. 11, p. 1794-1796
111-3-12	Amended	V. 10, p. 12	111-4-301			111-4-454		
111-3-13	Amended	V. 11, p. 1148	through			111-4-457	New	V. 11, p. 1944
111-3-14	Amended	V. 10, p. 12	111-4-307	New	V. 10, p. 1015, 1016	111-4-458		
111-3-16	Amended	V. 9, p. 1566	111-4-301	Amended	V. 12, p. 1115	through		
111-3-19			111-4-303	Amended	V. 12, p. 1115	111-4-461	New	V. 11, p. 1972, 1973
through			111-4-304	Amended	V. 12, p. 1115	111-4-462		
111-3-22	Amended	V. 9, p. 30	111-4-306	Amended	V. 12, p. 1115	through		
111-3-20	Amended	V. 11, p. 1148	111-4-308			111-4-465	New	V. 12, p. 115
111-3-21	Amended	V. 11, p. 1148	through			111-4-466		
111-3-22	Amended	V. 11, p. 1148	111-4-320	New	V. 10, p. 1214, 1215	through		
111-3-23	Revoked	V. 10, p. 883	111-4-308	Amended	V. 10, p. 1472	111-4-473	New	V. 12, p. 316, 317
111-3-25	Amended	V. 11, p. 1149	111-4-311	Amended	V. 10, p. 1472	111-4-470	Amended	V. 12, p. 522
111-3-26	Amended	V. 11, p. 1149	111-4-312	Amended	V. 10, p. 1472	111-4-474		
111-3-27	Amended	V. 11, p. 1149	111-4-318			through		
111-3-29	Revoked	V. 11, p. 1149	111-4-321	Revoked	V. 12, p. 114	111-4-488	New	V. 12, p. 522-524
111-3-31	Amended	V. 8, p. 209	111-4-322			111-4-489		
111-3-32	Amended	V. 10, p. 883	through			111-4-492	New	V. 12, p. 861
111-3-33	New	V. 7, p. 1434	111-4-331	New	V. 10, p. 1411-1413	111-4-493		
111-4-1			111-4-328			111-4-496	New	V. 12, p. 913
through			through			111-4-499	New	V. 12, p. 914
111-4-5	Revoked	V. 12, p. 113	111-4-335	Revoked	V. 12, p. 114	111-4-500	New	V. 12, p. 914
111-4-5a	Revoked	V. 12, p. 113	111-4-336			111-4-501		
111-4-6			through			through		
through			111-4-345	New	V. 10, p. 1526-1528	111-4-512		V. 12, p. 1115-1118
111-4-15	Revoked	V. 12, p. 113	111-4-336			111-5-1		
111-4-66			through			through		
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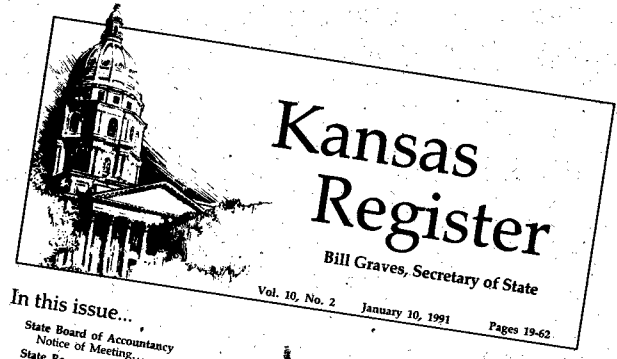
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