



Kansas Register

Bill Graves, Secretary of State

Vol. 13, No. 2

January 13, 1994

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State of Kansas

Attorney General

Opinion No. 93-158

Personal and Real Property—Real Estate Brokers and Salespersons—Licensure Required; Exemptions; Government Officer or Employee; Public Utilities. Jean Duncan, Administrative Officer, Kansas Real Estate Commission, Topeka, December 22, 1993.

If a company which contracts with a water district to negotiate easements stands in relation to the water district as an independent contractor, a person hired by such company is a company employee and not a water district employee. Accordingly, such person does not fall within the real estate broker and salesperson licensure requirement exemption for an employee of a political subdivision of the state of Kansas or the exemption for an employee of a public utility. Cited herein: K.S.A. 1992 Supp. 58-3035, as amended by L. 1993, ch. 241, § 1; 58-3036; 58-3037. CN

Opinion No. 93-159

State Boards, Commissions and Authorities—Regulation of Psychologists—Licensure of Psychologists; Definitions. Representative Jim Garner, 11th District, Coffeyville, December 22, 1993.

Neurofeedback, as the research and practice is defined herein, is within the practice of psychology gov-

erned by K.S.A. 74-5302 *et seq.* Whether the research and practice in question is exempted from the licensure requirements governing the practice of psychology depends upon the specific circumstances of the research and the qualifications of the person conducting the neurofeedback. Cited herein: K.S.A. 65-6301; 74-5302; 74-5340; 74-5344; K.A.R. 102-1-1; 102-1-11. GE

Opinion No. 93-160

Agriculture—County Extension; Extension Districts—Governing Body, Terms, Composition and Election. Ted D. Ayres, General Counsel, Kansas Board of Regents, December 22, 1993.

County extension councils, in establishing an extension district, have no authority to place term limitations or other qualifications on candidates for the office of extension district board member. The governing body of an established extension district may, however, make appointments to program development committees as it sees fit. The costs associated with an extension district election are to be reimbursed by the extension district in accordance with K.S.A. 2-624(c)(4) and K.S.A. 25-2201 *et seq.* Cited herein: K.S.A. 2-623; 2-624; 2-625; 25-119; 25-2201; Kan. Const., art. 2, sec. 18; art. 15, sec. 1. JLM

Robert T. Stephan
Attorney General

Doc. No. 614341

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235-N, State Capitol
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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 \$5,373,538.27 in the underground petroleum storage tank release trust fund and \$7,813,534.45 in the aboveground petroleum storage tank release trust fund at December 31, 1993.

Susan M. Seltsam
Secretary of Administration

Doc. No. 014338

State of Kansas

Secretary of State

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 8:30 a.m. Monday, February 14, in the conference room of the Secretary of State's Office, Room 231-N, State Capitol, 300 S.W. 10th Ave., Topeka, to consider proposed new Kansas Administrative Regulation 7-23-13, pertaining to the data format of voter registration information transmitted to the Secretary of State's office for use in the central voter registration database. This regulation is proposed for adoption on a permanent basis.

K.A.R. 7-23-13 specifies the format for voter registration data, and also prescribes the dates when voter registration data must be sent to the Secretary of State. The Secretary of State's office will be required to acquire hardware and software, and counties will be required to convert voter registration data and acquire software. Each unit of government will incur postage costs and will absorb personnel costs. Counties will also see a reduction in revenue from the sale of voter registration data. That amount will vary from county to county.

This 30-day notice of public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulation. Comments may be submitted prior to the hearing to Jenny Chaulk Wentz, Legal Counsel, Office of the Secretary of State, 2nd Floor, State Capitol, 300 S.W. 10th Ave., Topeka 66612.

All interested parties will be given a reasonable opportunity at the hearing to present their views. It may be necessary to request each participant to limit any oral presentation to five minutes. Any person requiring visual or communication aid or assistance, building access assistance or other similar assistance should contact this office so appropriate arrangements can be made.

Copies of the regulation and its fiscal impact statement may be obtained at the address above or by calling (913) 296-2114.

Bill Graves
Secretary of State

Doc. No. 014343

State of Kansas

Kansas Judicial Council

Notice of Meetings

The Kansas Judicial Council and its advisory committees will meet according to the following schedule at the Kansas Judicial Center, 301 W. 10th, Topeka:

Date	Committee	Time	Location
Jan. 14	Family Law	9:30 a.m.	Room 259
Jan. 20	Civil Code	9:00 a.m.	Room 259
Jan. 21	PIK	9:30 a.m.	Room 259
Jan. 28	Judicial Council	9:00 a.m.	Room 259
Feb. 18	PIK	9:30 a.m.	Room 259
Feb. 25	Probate Law	9:30 a.m.	Room 259

Justice Kay McFarland
Chair

Doc. No. 014329

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 31,000 cubic yard detention dam, Site 8-8 in Nemaha County, will be received by the Nemaha-Brown Watershed Joint District No. 7 at the district office, 125 W. 4th, P.O. Box 70, Holton 66436, until 2 p.m. January 27, and then opened. A copy of the invitation for bids and plans and specifications can be obtained at the district office, (913) 364-4309.

Kenneth F. Kern
Executive Director

Doc. No. 014331

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 "on-call" architectural services for the Department of Corrections. Interested firms should be capable of assisting department personnel on miscellaneous small architectural projects for two to three years. The contract will commence July 1, 1994.

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 January 28. 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. 014337

State of Kansas

**Department of Administration
Division of Facilities Management**

Notice of Call for Available Property

The state of Kansas is issuing a "Call for Available Property" in the Horton area. This issuance represents a state agency request for property of three to five acres to design, build or own a new or remodeled facility in the Horton area.

Information regarding a description of property, total square feet, cost per square foot, whether public utilities will be furnished, and name and address of the contact person should be sent to the Division of Facilities Management, Room 653-S, Landon State Office Building, 900 S.W. Jackson, Topeka 66612-2210. For information, contact Blanche Parks, Lease Administrator, at (913) 296-1318, by January 27.

Orion M. Jordan, Director
Division of Facilities Management

Doc. No. 014345

State of Kansas

**Department of Health
and Environment**

Notice of Meeting

The Department of Health and Environment will meet at 9 a.m. Tuesday, January 25, in the Kansas Historical Society auditorium, 120 W. 10th, 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; and the Pittsburg Office of Surface Mining. 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 agenda for the open meeting includes:

- Secretary's Remarks
- Adoption of Rules and Regulations
 - Article 19. Ambient Air Quality Standards and Air Pollution Control
K.A.R. 28-19-17b, 28-19-17c,
28-19-17f, 28-19-17m, and 28-19-73
 - Article 29. Solid Waste Management
K.A.R. 28-29-6a
 - Article 46. Underground Injection Control Regulations
K.A.R. 28-46-1 through 28-46-44
- Report from Division of Health
- Report from Division of Environment
- Other Items

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 014340

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 59,000 cubic yard detention dam, Site 35 in Greenwood County, will be received by the Walnut-West Creeks Watershed District No. 72 at the Soil Conservation Service Office, 311 N. Main (Courthouse), Eureka 67045, until 8 p.m. February 9, and then opened. A copy of the invitation for bids and plans and specifications can be obtained at the Soil Conservation Service Office, (316) 583-6461, or from Ed Fry, Contracting Officer, Route 1, Hamilton, (316) 678-3317, after January 15.

Kenneth F. Kern
Executive Director

Doc. No. 014328

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 April 1, 1994 through September 30, 1994, inclusive; to determine the deliverability and acreage attributable to each of the wells therein; and to fix gas production percentages and quotas for the wells within the fields. Evidence will be received for the above purposes and for determining and fixing allowables for each of the wells in the following fields during above 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
- Shepard Conglomerate Gas Field in Stafford County

The hearing will be at 9 a.m. Thursday, March 17, in the third floor hearing room, 300 Colorado Derby Building, 202 W. 1st, Wichita. All transporters of gas produced from the above fields must furnish at the hearing their nominations from the fields for the calendar months included in the proration period.

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. 014342

State of Kansas

Information Network of Kansas

Notice of Meeting

The Information Network of Kansas Board will meet at 10 a.m. Friday, January 21, at the Holiday Inn & Holidome, 530 Richards Drive, Manhattan. The meeting is open to the public.

Charles R. Warren
President, Kansas Inc.

Doc. No. 014332

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-AG-94-1/2

Name and Address of Applicant	Legal Description	Receiving Water
Hinchman Ranch Feedlot C. C. Hutchinson P.O. Box 156 Council Grove, KS 66846	N/2, Sec. 34, T17S, R9E, Morris County	Neosho River Basin

Kansas Permit No. A-NEMR-B004

The feedlot has capacity for approximately 999 cattle and a contributing drainage area of approximately 13.7 acres. This is an existing facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 10.0 acre-foot.

Compliance Schedule: The waste management plan developed by Agricultural Engineering Associates and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquids and solids with applications to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 4 acre-inch per acre per year and solids shall be applied at no greater than 20 ton per acre.

Name and Address of Applicant	Legal Description	Receiving Water
Premium Pork, Inc. Route 1, Box 160 Kensington, KS 66951	NE/4, Sec. 35 and SW/4, Sec. 25, T1S, R16W, Phillips County	Solomon River Basin

Kansas Permit No. A-SOPL-H002 Fed. Permit No. KS-0082198

The proposed expanded facility will have the capacity for approximately 7,000 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: A livestock management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Public Notice No. KS-94-1

Name and Address of Applicant	Waterway	Type of Discharge
Johnson County Unified Wastewater Districts Little Bull Creek SSD #1 10881 Lowell, Suite 100 Overland Park, KS 66210 Johnson County, Kansas	Little Bull Creek via Bain Creek	Secondary wastewater treatment facility

Kansas Permit No. M-MC45-0002 Fed. Permit No. KS-0082872

Description of Facility: This facility is designed for the treatment of domestic sewage. This is a modified permit. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

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 February 11 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number and the name of applicant as listed when preparing comments.

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. 014347

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 33,000 cubic yard detention dam, Site A-30 in Nemaha County, will be received by the Delaware Watershed Joint District No. 10 at the district office, 125 W. 4th, Holton 66436, until 1:30 p.m. January 27, and then opened. A copy of the invitation for bids and plans and specifications can be obtained at the district office, (913) 364-4309.

Kenneth F. Kern
Executive Director

Doc. No. 014330

State of Kansas

Board of Pharmacy

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted from 9 to 10 a.m. Sunday, April 10, in the Club/Terrace Meeting Room at the Club House Inn, 515 S. Webb Road, Wichita, to consider the adoption of proposed changes in existing rules and regulations of the Board of Pharmacy.

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 Tom Hitchcock, Executive Secretary, Board of Pharmacy, Room 513, Landon State Office Building, 900 S.W. Jackson, 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.

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

K.A.R. 68-1-1a. Application for registrations or permits; form and contents; filing; acceptance; withdrawal; board action. This regulation is proposed to allow the agency to send out renewal notices for registrations or permits earlier than 30 days prior to expiration and may change the late penalty fee charged for a registration or permit issued. The amendments are not mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program. There is no anticipated economic impact on the board, other governmental agencies, registrants or the general public.

K.A.R. 68-1-1f. Foreign graduates. This regulation is proposed to raise the passing score for the test of English as a foreign language (TOEFL) to 570 and includes the required passing score of 240 for the test of spoken English (TSE). The amendments are not mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program. There is no anticipated economic

impact on the board, other governmental agencies or registrants, but additional schooling and testing in English could be required for that segment of the general public who are foreign graduates and who wish to become licensed as pharmacists.

K.A.R. 68-7-14. Prescription labels. This regulation is proposed to allow the name of a physician's assistant or advanced registered nurse practitioner to be included along with the name of their responsible practitioner on a prescription label. The amendments are not mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program. There is no anticipated economic impact on the board, other governmental agencies, registrants or the general public.

K.A.R. 68-11-1. Fees for examination and licensure as a pharmacist. This regulation is proposed to increase the fee required for licensure examination and licensure renewal of the pharmacist. Increase of revenue for operation is directed by K.S.A. 65-1645(d). The amendments are not mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program. There is no anticipated economic impact on other governmental agencies or the general public, but revenue for the board will increase by the requirement of initial and renewal licensure of a pharmacist.

K.A.R. 68-11-2. Fees for premises registrations and permits. This regulation is proposed to increase the fees required for registration of a pharmacy, manufacturer, or wholesale distributor registered with the Board of Pharmacy. Increase of revenue for operation is directed by K.S.A. 65-1645(d). The amendments are not mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program. There is no anticipated economic impact on other governmental agencies or the general public, but increased revenue will permit the board to maintain an annual balance. The increase of fees will fall upon the three registrant categories as denoted above.

K.A.R. 68-20-9. Fees for registration and reregistration. This regulation is proposed to consolidate fees, with no fee increase, that are currently required for location and activity to manufacture and perform research or instructional activities with controlled substances. It will also eliminate a nominal filing fee. The amendment is not mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program. There is no anticipated economic impact on other governmental agencies or the general public, but revenue for the Board of Pharmacy will nominally decrease with the elimination of the filing fee currently required of some registrants as denoted above.

Copies of the regulations and their economic impact statements may be obtained from the Board of Pharmacy at the address above, (913) 296-4056.

Tom C. Hitchcock
Executive Secretary

Doc. No. 014336

State of Kansas

**Office of Judicial Administration
Supreme Court Docket**

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

Tuesday, January 18, 1994

9:00 a.m.

Case No.	Case Name	Attorneys	County
69,029	Kansas Human Rights Commission, Appellant, v. Topeka Golf Association, <i>et al.</i> , Appellees.	Judy Fowler William E. Enright	Shawnee
		On Petition for Review	
69,506	In the Matter of the Guardianship of Nolynn Glendon Williams, a Minor Child.	Elizabeth Lea Henry Warren M. Wilbert	Sedgwick
(69,262) (69,263) (69,264) (Consolidated)	State of Kansas, Appellee, v. Marcus J. Tuggle, Appellant.	Robert T. Stephan, Atty. Gen. Debra S. Byrd, Asst. Dist. Atty.	Sedgwick
68,697	State of Kansas, Appellee, v. Irvin Timley, Appellant.	Milo M. Unruh, Jr. Robert T. Stephan, Atty. Gen. Debra S. Byrd, Asst. Dist. Atty. Reid T. Nelson, Asst. Appellate Defender	Sedgwick
69,734	Samuel Ronald Bright, Appellee, v. Cargill, Incorporated, <i>et al.</i> , Appellants.	Darrell L. Warta Tim J. Moore J. Douglas McCalla	Sedgwick
70,012	Debra G. Herman, Appellant, v. Western Financial Corporation, <i>et al.</i> , Appellees.	James Borthwick William R. Smith Kirk W. Lowry	Shawnee
67,757	Oloyd Carmicheal, Appellant, v. State of Kansas, Appellee.	Andrew F. Sears Julie Gorenc, Asst. Appellate Defender	On Petition for Review
68,850	Kevin J. La Bona, Appellant, v. State of Kansas, Appellee.	Robert T. Stephan, Atty. Gen. Debra S. Byrd, Asst. Dist. Atty. Steven R. Zinn, Deputy Appellate Defender	On Petition for Review

Wednesday, January 19, 1994

9:00 a.m.

Case No.	Case Name	Attorneys	County
69,679	Katherine Oberzan, Appellant, v. William Smith, M.D., Appellee.	Timothy A. Short Janet M. Simpson	Cherokee

(continued)

69,396	In the Matter of the Marriage of Rachel G. Welliver, Appellant, v. Edwin D. Welliver, Appellee.	Ronald L. Gold	Johnson
68,931	State of Kansas, Appellant, v. Robert L. Soddors, Appellee.	Ronald W. Nelson Robert T. Stephan, Atty. Gen. Paul J. Morrison, Dist. Atty.	On Petition for Review
68,894	State of Kansas, Appellee, v. Aaron Pennington, Appellant.	Michael Bartee Robert T. Stephan, Atty. Gen. Paul J. Morrison, Dist. Atty.	Johnson
		Reid T. Nelson, Asst. Appellant Defender	
1:30 p.m.			
69,354	In the Matter of the Adoption of J.H.G., A Minor Child.	Sharon Wright Kellstrom Charles D. Green	Riley
69,777	Kansas Department of Health and Environment, Appellant, v. Kansas Insurance Guaranty Association, Appellee.	Timothy J. Sear Thomas M. Franklin L. Patricia Casey	Shawnee
(68,775) (69,425) (Consolidated)	In the Matter of the Marriage of E. Christine Redington, Appellee, v. James J. Redington, Appellant.	G. Craig Robinson Norman G. Manley	Butler
			On Petition for Review
69,379	State of Kansas, Appellee, v. William Jackson, Appellant.	F. Greg Mathias Robert T. Stephan, Atty. Gen. Lawrence M. Wright, Co. Atty.	Franklin
		Benjamin C. Wood, Special Appellate Defender	

Thursday, January 20, 1994

9:00 a.m.

Case No.	Case Name	Attorneys	County
69,110	Floyd E. Lindenman, <i>et al.</i> , Appellants, v. Sam Umscheid, Kansas Department of Health and Environment, <i>et al.</i> , Appellees.	John H. Fields Marvin Stottlemire Kenneth E. Holm Maurice J. Ryan R. Wayne Lampson	Wyandotte
69,065	State of Kansas, Appellee, v. Tonio Hernandez Rodriguez, Appellant.	Robert T. Stephan, Atty. Gen. John P. Wheeler, Jr., Co. Atty.	Finney
70,590	State of Kansas, Appellant, v. Patrick L. Scherzer, Appellee.	Julie Gorenc, Asst. Appellate Defender Robert T. Stephan, Atty. Gen. John K. Bork, Asst. Atty. Gen.	Wyandotte
69,278	State of Kansas, Appellee, v. Craig Anderson, Appellant.	Jay H. Vader Robert T. Stephan, Atty. Gen. Timothy J. Chambers, Co. Atty.	Reno
		Steven R. Zinn, Deputy Appellate Defender	

1:30 p.m.

69,257	State of Kansas, Appellee, v. Terrence R. Johnson, Appellant.	Robert T. Stephan, Atty. Gen. Nick A. Tomasic, Dist. Atty.	Wyandotte
69,156	State of Kansas, Appellee, v. Frederick Nolan Dale, Jr., Appellant.	Rebecca E. Woodman, Asst. Appellate Defender Robert T. Stephan, Atty. Gen. Timothy J. Chambers, Co. Atty.	Reno
69,019	State of Kansas, Appellee, v. Kenneth E. Morris, Appellant.	Steven R. Zinn, Deputy Appellate Defender Robert T. Stephan, Atty. Gen. John J. Gillett, Co. Atty. M. Kristine Paredes, Asst. Appellate Defender	Wilson

Friday, January 21, 1994

9:00 a.m.

Case No.	Case Name	Attorneys	County
70,018	Anthony D. Chiles, Petitioner, v. State of Kansas, Respondent.	Jessica R. Kunen, Chief Appellate Defender Robert T. Stephan, Atty. Gen. John J. Knoll, Asst. Atty. Gen.	Original
68,936	State of Kansas, Appellee, v. Oscar L. Douglas, Appellant.	Robert T. Stephan, Atty. Gen. Joan M. Hamilton, Dist. Atty. Rebecca E. Woodman, Asst. Appellate Def.	Shawnee
69,614	In the Matter of Laurence Michael Jarvis, Respondent.	Stanton A. Hazlett, Deputy Disc. Adm. Laurence Michael Jarvis, <i>pro se</i> David R. Hills	Original
70,551	In the Matter of the Kent O. Docking, Respondent.	Stanton A. Hazlett, Deputy Disc. Adm. Kent O. Docking, <i>pro se</i> Chris Miller	Original
70,467	In the Matter of Jeffrey F. Spears, Respondent.	Martha M. Snyder, Deputy Disc. Adm. Jeffrey F. Spears, <i>pro se</i>	Original
70,482	In the Matter of John C. Herman, Respondent.	Stanton A. Hazlett, Deputy Disc. Adm. John C. Herman, <i>pro se</i> Mark F. Anderson	Original
70,501	In the Matter of John E. Fierro, Respondent.	Stanton A. Hazlett, Deputy Disc. Adm. John E. Fierro, <i>pro se</i> Robert G. Frey	Original

Carol G. Green
Clerk of the Appellate Courts

Doc. No. 014333

State of Kansas

Department of Commerce and Housing

Notice of Hearing on 1994 Low Income Housing Tax Credit Program

The Division of Housing, Kansas Department of Commerce and Housing, will conduct a public hearing at 10 a.m. Monday, January 31, at Security Benefit Tower, 4th Floor, Room West B, 700 S.W. Harrison, Topeka, to solicit public comment on the proposed 1994 Low Income Housing Tax Credit Program. A copy of the proposed 1994 State Allocation Plan may be obtained by calling (913) 296-2686.

In order to be considered, all comments must be submitted in writing before February 1 to Fred Bentley, LIHTC Program Administrator, KDOC&H, 700 S.W. Harrison, Suite 1300, Topeka 66603.

Bob Knight
Secretary of Commerce
and Housing

Doc. No. 14339

State of Kansas

Department of Commerce and Housing

Notice to Private Activity Bond Applicants

Applications for allocation of 1994 Private Activity Bond (PAB) authority are now being accepted for qualified uses, as defined by the Internal Revenue Code of 1986, and amendments thereof, with the exception of qualified mortgage bonds. Notice on allocation application procedures for qualified mortgage bonds will be made at a later date.

The state of Kansas annually receives \$150 million of federal authority for the issuance of federally tax-exempt private activity bonds. Historically, the major uses of this federal authority have included "qualified small issues bonds" used for construction and equipping of manufacturing facilities and beginning farmer programs; "exempt facility bonds" used by for-profit entities providing a public benefit, i.e., certain waste treatment facilities and qualified residential rental projects; and "qualified mortgage bonds" issued to benefit first-time homebuyers. Allocations awarded by the Secretary of Commerce and Housing are subject to the provisions of K.S.A. 74-5060 and the limitations of the state volume cap.

For more information, or to obtain application materials, contact Steve Kelly, Kansas Department of Commerce and Housing, 700 S.W. Harrison, 13th Floor, Topeka 66603-3712, (913) 296-5298.

Bob Knight
Secretary of Commerce
and Housing

Doc. No. 014348

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1992 Supp. 75-4210. 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 1993 Session Laws of Kansas, Chapter 207.

Effective 1-17-94 through 1-23-94

Term	Rate
0-90 days	3.00%
3 months	3.05%
6 months	3.23%
12 months	3.58%
24 months	4.07%
36 months	4.45%
48 months	4.79%

Sally Thompson
State Treasurer

Doc. No. 014344

State of Kansas

The Kansas Lottery

Temporary Administrative Regulations

Article 3.—INSTANT GAME RULES

111-3-1. Definitions. The following definitions apply to all instant ticket games: (a) "Bare arm technique" means a type of drawing in which the person drawing the winning ticket from the receptacle or drum wears a short-sleeved (sleeve not extending past the elbow) or a no-sleeve shirt which exposes the drawer's bare arm.

(b) "Book" means a pack of fanfolded instant game tickets which are attached to each other by perforations, which perforations the retailer tears when selling a ticket from the book. The books are packed in plastic shrinkwrapping which shall be removed by the retailer so that the retailer can apply the retailer's name and number to each ticket prior to sale. Each book shall consist of 300 instant game tickets fanfolded by fives.

(c) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. The book-ticket number is a book number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 299. The book-ticket number is printed in gray/black ink on the bottom right portion of the front of each instant game ticket.

(d) "Claimant" means a holder of a ticket who presents it for payment of a prize.

(e) "Co-sponsor drawings" are the acts of drawing for prizes which may be held subsequent to the lottery drawings.

(f) "Co-sponsor(s)" means the person, retailer or organization designated by the executive director to assist in organizing and participating in the lottery drawings.

(g) "Drawings" are the acts of drawing prizes conducted by the Kansas lottery.

(h) "Drum" means a container which can be sealed and rotated for the purpose of mixing, and into which instant tickets are placed for the purpose of drawing preliminary and/or final drawing winners.

(i) "Executive director" means the executive director of the Kansas lottery, or the person designated by the executive director.

(j) "Instant game" means a lottery game in which a ticket is purchased by a player and the player can immediately determine whether he or she has won a prize by removing the removable covering on the ticket and comparing the exposed play numbers or symbols with those specified as winners in the published game rules for that instant game.

(k) "Lottery retailer" or "retailer" means a person or business authorized by the lottery to sell lottery tickets.

(l) "Lottery security" means the lottery security officer or a certified law enforcement officer(s) designated by the executive director or the person designated by the executive director.

(m) "Non-Winning ticket" means any valid Kansas instant game lottery ticket not eligible to win a prize under any instant game rules.

(n) "Participant" means any person, player, or contestant participating in a lottery game and anyone designated by a prize winner to appear on his or her behalf for any lottery game including any lottery drawing or televised draw show. In the event the prize winner or his or her designee fails to appear for a drawing or televised draw show, the executive director may designate an adult who may be a member of his staff to participate on behalf of the non-appearing prize winner. Any prize won by a participant appearing through a designee shall be payable to and delivered to the prize winner as provided by these rules and regulations.

(o) "Play area" is the portion of the front of each instant game ticket where the play or game symbols appear. It is covered by a removable layer of material which is intended to be removed ("scratched off") by the player to reveal the play or game symbols.

(p) "Play symbols" or "game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket holder is entitled to a prize.

(q) "Play symbols captions" or "game symbol captions" are the words or portions of words printed beneath each play or game symbol in the play area and are used to repeat or explain the play or game symbol. The play or game symbol caption associated with each play or game symbol is designated by the rules of the game.

(r) Prize tiers:

(1) "Low-tier prize" means a lottery instant game prize not exceeding \$25.00.

(2) "Mid-tier prize" means a lottery instant game prize of more than \$25.00 but not exceeding \$599.99.

(3) "High-tier prize" means a lottery instant game prize in excess of \$599.99.

(s) "Receptacle" means a container in which non-winning Kansas instant game lottery tickets are placed and from which the drawings are made. Receptacles shall be sealable and capable of being mixed.

(t) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer.

(u) "Special event" means a drawing or other method of awarding an additional prize or prizes within a group of lottery instant game winners as defined by the rules for a particular instant game.

(v) "Ticket holder" or "holder" means the person who has possession of an unsigned ticket or the person whose signature appears in the area upon a ticket designated for signature.

(w) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. The ticket validation number appears under the removable covering on the front of each instant ticket. (Authorized by and implementing K.S.A. 74-8710; effective, T-88-39, Oct. 15, 1987; amended, T-89-7, Feb. 26, 1988; amended, T-111-12-28-89, Dec. 21, 1989; amended, T-111-10-10-90, Sept. 15, 1990; amended, T-111-12-21-90, Dec. 14, 1990; amended, T-111-8-2-91, July 19, 1991; amended, T-111-12-20-93, Dec. 16, 1993.)

111-3-11. Ticket sales. (a) The price of any instant tickets sold by a retailer shall be \$1.00 unless a different price is established by game rules adopted by the Kansas lottery commission for a specific game.

(b) To the extent feasible, retailers shall sell their tickets in numerical order of the book-ticket numbers. No retailer shall promote or sell tickets in a manner contrary to the principal that every ticket has an equal and random chance of winning a prize.

(c) Tickets shall be sold only by retailers with a current lottery retailer instant game contract in effect with the Kansas lottery. Tickets shall be sold only at the retailer's location which has been approved by the Kansas lottery.

(d) Tickets shall not be sold to any person under the age of 18 years. Retailers may require persons purchasing tickets to produce proof of their age. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and 74-8718(a); effective, T-89-4, Jan. 22, 1988; amended, T-111-2-10-89, Feb. 10, 1989; amended, T-111-12-20-93; Dec. 16, 1993.)

Gregory P. Ziemak
Executive Director

Doc. No. 014316

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.S.T. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information:

Monday, January 24, 1994

97968

Department of Human Resources—Computer display terminals, Memorex Telex 1472

98000

Parsons State Hospital—Furnish and install fiber optic cable

Tuesday, January 25, 1994

30172

University of Kansas Medical Center—March (1994) meat products

30174

Statewide—Bakery products

30178

Youth Center at Topeka—Blue jeans

97990

Department of Social and Rehabilitation Services—Racks for microcomputers

97999

Department of Social and Rehabilitation Services—Furnish and install desktop video production system

98015

Kansas State University—Corn

Wednesday, January 26, 1994

30149

Statewide—Apple Talk Gateway equipment

30150

Statewide—IBM PC compatible ethernet interface cards

30151

Statewide—Macintosh ethernet interface cards

30173

University of Kansas—March (1994) meat products

97989

Kansas Lottery—Laser printers and accessories, IBM 4028, Wichita and Great Bend

97995

Department of Human Resources—LP gas forklift

97996

University of Kansas—Electrostatic color plotter

Thursday, January 27, 1994

30170

Statewide—March (1994) meat products

30176

Fort Hays State University—Lock cylinders, key blanks and padlocks

30179

Statewide—Frozen bakery products

98001

University of Kansas—Lumber

98002

Department of Administration, Division of Information Systems and Communications—Network performance monitor software

Friday, January 28, 1994

A-7166 Rev.

Larned State Hospital—Replace roof on garages and salt storage building

30177

University of Kansas Medical Center—Plumbing materials

98007

Kansas Highway Patrol—Front deck mower, Salina

98010

University of Kansas Medical Center—Methadone HCL powder

98011

University of Kansas Medical Center—CT injector

98012

University of Kansas Medical Center—Orthopedic surgical instrument

Monday, January 31, 1994

98008

Kansas Highway Patrol—Window coverings, Salina

Tuesday, February 1, 1994

A-7282

Wichita State University—Roof replacement, McKinley Hall

Wednesday, February 2, 1994

A-7201

Youth Center at Atchison—Replace light fixtures in Bert Nash Building-Gymnasium

Monday, February 14, 1994

30186

Department of Wildlife and Parks—Grazing permit, Cedar Bluff public land

30187

Department of Wildlife and Parks—Lease of farmland, Wilson wildlife area

Tuesday, February 15, 1994

30171

Statewide—Multiple twinax line boosters

Request for Proposals

Thursday, January 27, 1994

30057 Rev.

Hiawatha lease/purchase for the Department of Social and Rehabilitation Services

30175

Analysis of retirement benefit equity of retirement programs for Kansas State University

Tuesday, February 8, 1994

30184

Independent assessment of the MR/DD Medicaid waiver for the Department of Social and Rehabilitation Services

Friday, February 11, 1994

30185

Structured-living residential program for male offenders for the Department of Corrections

Jack R. Shipman
Director of Purchases

Doc. No. 014346

State of Kansas

**Department of Health
and Environment**

**Permanent Administrative
Regulations**

**Article 39.—LICENSURE OF ADULT
CARE HOMES**

28-39-79. (Authorized by K.S.A. 39-932, K.S.A. 1983 Supp. 39-936; implementing K.S.A. 1983 Supp. 39-936; effective, T-84-22, Aug. 30, 1983; effective May 1, 1984; revoked Feb. 28, 1994.)

28-39-80. (Authorized by K.S.A. 39-932, K.S.A. 1983 Supp. 39-936; implementing K.S.A. 1983 Supp. 39-936; effective, T-84-22, Aug. 30, 1983; effective May 1, 1984; revoked Feb. 28, 1994.)

28-39-81. (Authorized by K.S.A. 75-5625; implementing K.S.A. 65-1,120; effective May 1, 1984; amended Aug. 13, 1990; revoked Feb. 28, 1994.)

28-39-81a. (Authorized by K.S.A. 75-5625; implementing K.S.A. 1983 Supp. 65-1,121, 65-1124; effective May 1, 1984; revoked Feb. 28, 1994.)

28-39-81b. (Authorized by K.S.A. 75-5625; implementing K.S.A. 1983 Supp. 65-1,121; 65-1124; effective May 1, 1984; revoked Feb. 28, 1994.)

28-39-164. Definitions. (a) "Adult care home" means any facility that meets the definition in K.A.R. 28-39-144.

(b) "Direct individual care" means assistance provided in activities of daily living. These activities include, but are not limited to, grooming, eating, toileting, transferring, and ambulation.

(c) "Direct supervision" means supervision that is provided in the facility for one-on-one consultation, instruction, and assistance as needed.

(d) "Clinical instruction" means training in a simulated laboratory or other setting in which the trainee demonstrates knowledge and skills while performing tasks on an individual under the direct supervision of the course instructor.

(e) "Home health aide trainee I" means an individual in the process of completing part I of a 90-hour home health aide course as prescribed in K.A.R. 28-39-171.

(f) "Home health aide trainee II" means an individual who has successfully completed part I of a 90-hour

home health aide course or a 90-hour nurse aide course prescribed in K.A.R. 28-39-171 or K.A.R. 28-39-165 or whose training has been endorsed pursuant to K.A.R. 28-39-173.

(g) "Home health agency" means any agency that meets the definition in K.S.A. 65-5101(b).

(h) "Licensing agency" means the secretary of the Kansas department of health and environment.

(i) "Nurse aide trainee I" means an individual in the process of completing part I of a 90-hour nurse aide course as prescribed in K.A.R. 28-39-165.

(j) "Nurse aide trainee II" means an individual who has successfully completed part I of a 90-hour nurse aide course prescribed in K.A.R. 28-39-165, or whose training has been endorsed pursuant to K.A.R. 28-29-167. (Authorized and implementing K.S.A. 39-932 and K.S.A. 65-5109; effective Feb. 28, 1994.)

28-39-165. Nurse aide training program. (a) Requirements. Unlicensed employees who provide direct individual care to residents shall:

(1) Successfully complete at least a 90-hour nurse aide course which has been approved by the licensing agency; and

(2) pass a state examination as prescribed in K.A.R. 28-39-168.

(b) Certification. Each person shall be issued a nurse aide certificate by the licensing agency and shall be listed on a public registry upon successful completion of the requirements specified in subsection (a).

(c) Trainee employment.

(1) Each nurse aide trainee I in an approved 90-hour course shall successfully complete part 1 of the course to demonstrate initial competency prior to being employed or used as a nurse aide trainee II. Only a nurse aide trainee II may provide direct individual care to residents and only under the direct supervision of a registered nurse or licensed practical nurse.

(2) Each nurse aide trainee in an approved 90-hour course shall be certified as a nurse aide by the licensing agency, upon successful completion of the requirements specified in subsections (a) and (b), within four months from the beginning date of the initial course in order to continue employment providing direct individual care. Nurse aide trainee status for employment shall be for one four-month period only.

(d) 90-hour nurse aide course.

(1) Each nurse aide course shall be prepared and administered in accordance with the guidelines established by the licensing agency in the "Kansas 90-hour nurse aide curriculum guidelines," effective June 1983, and the "certified nurse aide training instructor manual," effective December 1990, which are hereby adopted by reference.

(2) Each nurse aide course shall consist of a combination of clinical and classroom instruction. At least 50 percent of part 1 and part 2 of the course curriculum shall be provided as clinical instruction.

(3) Each nurse aide course shall be sponsored by:

(A) a community college, area technical school, or a proprietary school approved or accredited by the Kansas department of education;

(continued)

- (B) an adult care home;
- (C) a licensed distinct-part long term care hospital unit; or
- (D) an educational institution which is under the jurisdiction of the state board of regents.

(4) Clinical instruction shall be conducted in one or a combination of the following locations:

- (A) adult care home; or
- (B) a licensed distinct-part long term care hospital unit.

(5) An adult care home shall not sponsor or provide clinical instruction for a 90-hour nurse aide course if that adult care home has been subject to sanctions under medicare certification regulations listed in the federal register, vol. 56, no. 187, 483.151(b)(2), page 48919, as in effect on April 1, 1992, which is hereby adopted by reference. (Authorized by K.S.A. 39-932; implementing K.S.A. 1992 Supp. 39-936; effective Feb. 28, 1994.)

28-39-166. Nurse aide course instructor. (a) Approval and qualifications.

(1) Each person who intends to be a course instructor shall submit a completed instructor approval application form to the licensing agency at least three weeks prior to offering an initial course and shall receive approval as an instructor prior to offering an initial course.

(2) Each course instructor shall be a registered nurse with a minimum of two years licensed nursing experience, with at least one of these years as a full-time licensed nurse in either or a combination of an adult care home or distinct-part long term care unit. "Licensed nursing experience" refers to experience as a registered nurse or licensed practical nurse. Each course instructor shall have completed a course in teaching adults or have experience in teaching adults or supervising nurse aides.

(b) Course instructor and course sponsor responsibilities.

(1) Each course instructor and course sponsor shall be responsible for ensuring that the following requirements are met.

(A) A completed course approval application form shall be submitted to the licensing agency at least three weeks prior to offering a course. Approval shall be obtained from the licensing agency at the beginning of each course whether the course is being offered initially or subsequent to a previous approval. Any change in course content shall require approval.

(B) Course objectives shall be accomplished.

(C) Only persons in health professions having appropriate skills and knowledge shall be selected to conduct any part of the training. Each person shall have at least one year of experience in the field in which they are providing training.

(D) Any person providing a part of the training shall do so only under the direct supervision of the course instructor.

(E) The provision of direct individual care to residents by a nurse aide trainee shall be limited to clinical experiences which are for the purpose of learning nurs-

ing skills under the direct supervision of the course instructor.

(F) During the clinical instruction, the course instructor shall perform no other duties but the provision of direct supervision to the trainees.

(G) Each nurse aide trainee in the 90-hour nurse aide course shall demonstrate competency in all of the skills identified on the part I guideline skills competency checklist prior to the checklist being signed and dated by the course instructor as evidence of successful completion of part I of the course.

(H) The course shall be prepared and administered in accordance with the guidelines in the "Kansas 90-hour nurse aide curriculum guidelines" and the "certified nurse aide training instructor manual" as adopted in paragraph (d)(1) of K.A.R. 28-39-165.

(2) Any course instructor or course sponsor who does not fulfill the requirements of this regulation may be disciplined by the licensing agency by any one of, or any combination of, the following methods:

- (A) Being placed on probation for one year;
- (B) being required to show proof of compliance;
- (C) being required to undergo periodic evaluations; and

(D) being disapproved from teaching or sponsoring a course for a two-year period. (Authorized by K.S.A. 39-932; implementing K.S.A. 1992 Supp. 39-936; effective Feb. 28, 1994.)

28-39-167. Out-of-state and allied health training endorsement for nurse aide. (a) Each person who meets any one of the following conditions shall be deemed to have met the requirements of K.A.R. 28-39-165 by passing a state examination as prescribed in K.A.R. 28-39-168.

(1) The person received nurse aide training from another state and is listed on another state's registry as a nurse aide.

(2) The person is currently licensed or the license has expired within the last 24 months from approval date to take the state examination, but has not been suspended or revoked as a registered nurse, licensed practical nurse, or licensed mental health technician.

(3) The person has received training from an accredited nursing or mental health technician training program within the last 24 months from approval date to take the state examination. Training shall have included a basic skills component comprised of personal hygiene, nutrition and feeding, safe transfer and ambulation techniques, normal range of motion and positioning, and a supervised clinical rotation in geriatrics.

(b) Each person qualified under subsection (a) shall receive an identification slip from the licensing agency to take the state examination. Upon receiving an identification slip from the licensing agency to take the state examination, each person may be employed by an adult care home as a nurse aide trainee II to provide direct individual care under the direct supervision of a registered nurse or a licensed practical nurse. Each person employed as a nurse aide trainee II shall be certified as a nurse aide by the licensing agency, upon successful completion of the requirements specified in

K.A.R. 28-39-165(a) and (b), within one four-month period starting from the date of approval, in order to continue employment providing direct individual care. (Authorized by K.S.A. 39-932; implementing K.S.A. 1992 Supp. 39-936; effective Feb. 28, 1994.)

28-39-168. State nurse aide examination. (a) Each person has a maximum of three attempts per year from the beginning date of the course, or approval date of the endorsement to pass the state examination after successfully completing an approved 90-hour course pursuant to K.A.R. 28-39-165 or completing training that has been endorsed pursuant to K.A.R. 28-39-167.

(1) If the state examination is not passed within one year from the starting date of taking an approved 90-hour course, the entire course must be retaken to be eligible to take the state examination.

(2) If the state examination is not passed on the first attempt by a person whose training has been endorsed pursuant to K.S.A. 28-39-167, the person shall successfully complete an approved 90-hour nurse aide course pursuant to K.A.R. 28-39-165 to retake the state examination.

(3) The state examination shall be comprised of 100 multiple-choice questions for persons who have successfully completed an approved 90-hour nurse aide course or completed training that has been endorsed pursuant to K.A.R. 28-39-167. A score of 70 percent or better constitutes a passing score.

(b) Certification application fee.

(1) Each nurse aide trainee shall pay a nonrefundable certification application fee of \$10.00 prior to taking the state examination. A nonrefundable certification application fee shall be required each time the examination is scheduled to be taken.

(2) Each course instructor shall collect the certification application fee for each nurse aide trainee eligible to take the state examination and shall submit the fees, class roster, certification forms, and accommodation request forms to the licensing agency.

(c) Each person who is eligible to take the state examination and has submitted the certification application fee and certification form shall be issued an identification slip which shall be presented at the state examination site in order to take the state examination.

(d) Examination accommodation.

(1) Any reasonable examination accommodation or auxiliary aid to address a disability may be requested by any person who meets the requirements to take the state examination.

(2) Each person requesting an examination accommodation shall submit an accommodation request form along with a certification form to the instructor. The instructor shall forward these forms to the licensing agency at least three weeks prior to the desired examination date. Each instructor shall verify the need for the accommodation by signing the accommodation request form.

(3) Each person whose second language is English shall be allowed to use a bilingual dictionary while taking the state examination. (Authorized by K.S.A. 39-932; implementing K.S.A. 1992 Supp. 39-936; effective Feb. 28, 1994.)

28-39-169. Medication aide. (a) Each medication aide shall be a nurse aide certified by the licensing agency or a qualified mental retardation professional as defined in 42 CFR 483.430(a) as published in the federal register, vol. 53, no. 107, effective June 3, 1988; and shall have successfully completed a course in medication administration as prescribed by the licensing agency.

(b) Each nurse aide who has a Kansas certificate and has successfully been prescreened and tested for reading comprehension, shall be eligible to enroll in a medication aide course. Each qualified mental retardation professional employed by an intermediate care facility who has successfully been prescreened and tested for reading and comprehension shall be eligible to enroll in a medication aide course.

(c) A qualified mental retardation professional who is not a nurse aide and has successfully completed a course in medication administration as prescribed by the licensing agency shall be allowed to administer medications only to residents in an intermediate care facility for the mentally retarded.

(d) The medication aide course shall be prepared and administered in accordance with the guidelines prescribed by the licensing agency in the "Kansas nursing home medication aide curriculum," effective February 1982, which is hereby adopted by reference.

(e) The course shall be sponsored by:

(1) A community college, technical school, or proprietary school approved or accredited by the Kansas department of education; or

(2) an educational institution which is under the jurisdiction of the state board of regents.

(f) No correspondence course shall be accepted as a medication aide course.

(g) Each course sponsor and course instructor shall be responsible for ensuring that the following requirements are met.

(1) Each trainee shall be prescreened and tested for reading comprehension of the written English language at an eighth grade reading level prior to enrolling in the course.

(2) Each instructor shall be a registered nurse with two years of registered nursing experience.

(3) Each course shall consist of classroom and clinical instruction, and shall include the administration of the state examination.

(4) Course objectives shall be accomplished.

(5) The clinical instruction involving the provision of administering medications shall be under the direct supervision of the course instructor.

(6) During the clinical instruction, the course instructor shall perform no other duties but the provision of direct supervision to the trainees.

(7) Only persons who meet the qualifications specified in subsection (a) and (c) shall take the course.

(8) A class roster and certification forms shall be submitted to the licensing agency and notification shall be given to the licensing agency of any trainee who has successfully completed the course and state examination.

(continued)

(9) A certificate of completion of medication administration training with the trainee's identification number shall be assigned and verified by the licensing agency and issued to each trainee who successfully completed a course and state examination.

(10) The course shall be prepared and administered in accordance with the guidelines in the "Kansas nursing home medication aide curriculum" as adopted under subsection (d) of this regulation.

(h) Any course provider or course instructor who does not fulfill the requirements of this regulation may be disciplined by the licensing agency by any one of, or any combination of, the following methods:

- (1) Being placed on probation for one year;
- (2) being required to show proof of compliance;
- (3) being required to undergo periodic evaluations; and
- (4) being disapproved from providing a course for a two-year period. (Authorized by K.S.A. 75-5625; implementing K.S.A. 65-1,120; effective Feb. 28, 1994.)

28-39-170. Medication aide continuing education.

(a) Each person who has a certificate of completion of medication administration training pursuant to K.A.R. 28-39-169 shall complete a program of 10 hours of continuing education as approved by the licensing agency every two years as a requirement for updating a certificate.

(b) The continuing education requirement shall include:

(1) A five-hour component for review of the basic principles and skills essential for the administration, care, and handling of medications which are for oral ingestion or for external application; and

(2) five hours of education on topics of current, relevant information as follows:

- (A) Biological effects of medications on the elderly person;
- (B) over-medication and drug abuse;
- (C) drug-drug and food-drug interactions;
- (D) drug classification update; and
- (E) regulations and other legal considerations.

(c) A program of continuing education shall be sponsored by:

(1) A community college, technical school, or proprietary school approved or accredited by the Kansas department of education;

(2) an educational institution which is under the jurisdiction of the state board of regents;

- (3) an adult care home;
- (4) a distinct-part long term care hospital unit; or
- (5) a professional health care related association approved by the licensing agency.

(d) Each course instructor shall be a registered nurse with two years of registered nursing experience.

(e) Each person who intends to be a course instructor shall submit a completed instructor approval application form to the licensing agency at least three weeks prior to offering an initial course and shall receive approval as an instructor prior to offering an initial course.

(f) Each sponsor and course instructor of continuing education shall be responsible for ensuring that the following requirements are met.

(1) A completed course approval application form shall be submitted to the licensing agency at least three weeks prior to offering a course and course approval shall be received before beginning the course.

(2) A class roster of names and a certification form for each medication aide who has successfully completed the program shall be submitted to the licensing agency.

(3) If clinical instruction in administering medications is in the program, administering of medications shall be under the direct supervision of the course instructor.

(e) Each sponsor or instructor who does not fulfill the requirements herein stated may be disciplined by the licensing agency by any one of, or any combination of, the following methods:

- (1) Being placed on probation for one year;
- (2) being required to show proof of compliance;
- (3) being required to undergo periodic evaluations; and
- (4) being disapproved from providing a course for a two-year period.

(f) A correspondence course or a course that has not received prior approval shall not be accepted as a medication aide continuing education course.

(g) Each certified medication aide is responsible for notifying the licensing agency of any address or name changes.

(h) Certificate update.

(1) Each medication aide who meets the following conditions shall receive a medication aide update certificate issued by the licensing agency:

(i) Completion of 10 hours of approved continuing education as prescribed in subsection (b); and

(ii) submission of a completed application form and a nonrefundable certification application fee of \$10.00 to the licensing agency prior to the date of expiration of the certificate.

(2) Each medication aide update certificate issued shall be valid for a period of two years from the date of issue. (Authorized by K.S.A. 75-5625; implementing K.S.A. 65-1124; effective Feb. 28, 1994.)

28-39-171. Home health aide training program. (a) Requirements. Each home health aide, whose assigned primary responsibilities are those functions provided in the curriculum and home health aide training required under this regulation shall:

(1) Successfully complete at least a 90-hour home health aide course which has been approved by the licensing agency; or

(2) successfully complete at least a 90-hour nurse aide course and the corresponding written state examination pursuant to K.A.R. 28-39-165 and a 20-hour home health aide modular course as approved by the licensing agency; and

(3) pass a state examination as prescribed in K.A.R. 28-39-174.

(b) Certification. Each person who successfully completes the requirements specified in subsection (a) shall

be issued a home health aide certificate by the licensing agency and shall be listed on a public registry.

(c) Trainee employment.

(1) Each home health aide trainee I in an approved 90-hour course shall successfully complete part I of the course to demonstrate initial competency prior to providing home health aide services as a home health aide trainee II. Only a home health aide trainee II or nurse aide trainee II shall be allowed to provide home health aide services to clients on behalf of the home health agency and only under the supervision of a registered nurse.

(2) Each home health aide trainee in an approved 90-hour course shall be certified as a home health aide by the licensing agency, upon successful completion of the requirements specified in subsection (a) and (b), within four months from the beginning date of the initial course in order to continue employment providing home health aide services. Home health aide trainee status for employment shall be for one four-month period only.

(d) 90-hour home health aide course.

(1) Each home health course shall be prepared and administered in accordance with the guidelines established by the licensing agency in the "Kansas 90-hour home health aide curriculum guidelines," effective December 1992, and the "certified home health aide training instructor manual," effective June 1993, which are hereby adopted by reference.

(2) Each home health course shall consist of a combination of clinical and classroom instruction. At least 12 hours of part I and 15 hours of part II of the course curriculum shall be provided as clinical instruction.

(3) Each home health course shall be sponsored by:

(A) A community college, area technical school, or a proprietary school approved or accredited by the Kansas department of education;

(B) a home health agency; or

(C) an educational institution which is under the jurisdiction of the state board of regents.

(4) Clinical instruction shall be conducted in one of, or any combination of, the following locations:

(A) A client's residence where prior consent was given;

(B) a simulated laboratory setting;

(C) a hospital licensed by the licensing agency to provide home health aide services;

(D) a distinct-part hospital long term care unit; or

(E) an adult care home.

(5) A home health agency shall not sponsor or provide clinical instruction for a 90-hour or 20-hour home health aide course if that home health agency has been subject to sanctions under medicare certification regulations listed in the federal register, vol. 56, no. 138, 484.36(a)(2)(i), pages 32974 and 32975, as in effect on August 19, 1991, which is hereby adopted by reference.

(e) 20-hour home health aide modular course.

(1) Any person issued a nurse aide certificate by the licensing agency or enrolled in a 90-hour nurse aide course pursuant to K.A.R. 28-39-165 may enroll in a 20-hour home health aide modular course upon suc-

cessfully being prescreened and tested for reading comprehension.

(2) Each 20-hour modular course shall follow the conditions established in subsection (d)(3) and (d)(4) of this regulation.

(3) Each 20-hour modular course shall be prepared and administered in accordance with the guidelines established by the licensing agency in the "Kansas 20-hour home health aide curriculum guidelines," effective July 1, 1983, which is hereby adopted by reference, and the "certified home health aide training instruction manual," as adopted under paragraph (d)(1) of K.A.R. 28-39-171. (Authorized by K.S.A. 65-5109, implementing K.S.A. 65-5115; effective Feb. 28, 1994.)

28-39-172. Home health aide course instructors.

(a) Approval and qualifications for 90-hour and 20-hour courses.

(1) Each person who intends to be a course instructor shall submit a completed instructor approval application form to the licensing agency at least three weeks prior to offering an initial course and shall receive approval as an instructor prior to offering an initial course.

(2) Each course instructor shall be a registered nurse with a minimum of two years licensed nursing experience, with at least one of these years as a full-time licensed nurse in the provision of home health care services. "Licensed nursing experience" refers to experience as a registered nurse or licensed practical nurse.

(b) Course instructor and course sponsor responsibilities.

(1) Each course instructor and course sponsor shall be responsible for ensuring that the following requirements are met.

(A) Each trainee in a 20-hour or 90-hour home health aide course shall be pre-screened and tested for reading comprehension of the written English language at an eighth grade reading level prior to enrolling in the course.

(B) A completed course approval application form shall be submitted to the licensing agency at least three weeks prior to offering a course. Approval of the course must be obtained from the licensing agency at the beginning of each course whether the course is being offered initially or subsequent to a previous approval. Any change in course content shall require approval.

(C) Course objectives shall be accomplished.

(D) Only persons in health professions having appropriate skills and knowledge shall be selected to conduct any part of the training. Each person shall have at least one year of experience in the field in which they are providing training.

(E) Any person providing a part of the training shall do so only under the direct supervision of the course instructor.

(F) The provision of patient care by a home health aide trainee shall be limited to clinical experiences which are for the purpose of learning nursing skills under the direct supervision of the course instructor.

(continued)

(G) During the clinical instruction, the course instructor shall perform no other duties but the provision of direct supervision to the trainees.

(H) Each home health aide trainee in the 90-hour home health aide course shall demonstrate competency in all of the skills identified on the part I guideline skills competency checklist prior to the checklist being signed and dated by the course instructor as evidence of successful completion of part I of the course; and

(I)(i) The 90-hour home health aide course shall be prepared and administered in accordance with the guidelines in the "Kansas 90-hour home health aide curriculum guidelines" and the "certified home health aide training instructor manual," as adopted in paragraph (d)(1) of K.A.R. 28-39-171.

(ii) The 20-hour home health aide course shall be prepared and administered in accordance with the guidelines in the "Kansas 20-hour home health aide curriculum" and the "certified home health aide training instruction manual," as adopted in paragraph (e)(3) of K.A.R. 28-39-171.

(2) Any course instructor or course sponsor who does not fulfill the requirements of this regulation may be disciplined by the licensing agency by any one of, or any combination of, the following methods:

(A) Being placed on probation for one year;

(B) being required to show proof of compliance;

(C) being required to undergo periodic evaluations; and

(D) being disapproved from teaching or sponsoring a course for a two-year period. (Authorized by K.S.A. 65-5109; implementing K.S.A. 65-5115; effective Feb. 28, 1994.)

28-39-173. Allied health training endorsement for home health aide. (a) Each person who meets any one of the following conditions shall be deemed to have met the requirements of K.A.R. 28-39-171 by passing a state examination as prescribed in K.A.R. 28-39-174.

(1) The persons currently licensed or the license has expired within the last 24 months from approval date to take the state examination, but has not been suspended or revoked as a registered nurse, licensed practical nurse, or licensed mental health technician.

(2) The person has received training from an accredited nursing or mental health technician training program within the last 24 months from approval date to take the state examination. Training shall have included a basic skills component comprised of personal hygiene, nutrition and feeding, safe transfer and ambulation techniques, normal range of motion and positioning, and a supervised clinical rotation in geriatrics.

(b) Each person qualified under subsection (a) shall receive an identification slip from the licensing agency to take the state examination. Upon receiving an identification slip from the licensing agency to take the state examination, each person may be employed by a home health agency as a home health aide trainee II to provide patient care on behalf of the home health agency. Each person employed as a home health aide trainee II shall be certified as a home health aide by the licensing agency, upon successful completion of the re-

quirements specified in K.A.R. 28-39-171(a) and (b), within one four-month period starting from the date of approval, in order to continue employment providing home health aide services on behalf of the home health agency. (Authorized by K.S.A. 65-5109; implementing K.S.A. 65-5115; effective Feb. 28, 1994.)

28-39-174. State home health aide examinations.

(a) Each person has a maximum of three attempts per year from the beginning date of the course, or approval date of the endorsement to pass the state written examination after successfully completing an approved 90-hour course or 20-hour course pursuant to K.A.R. 28-39-171 or completing training that has been endorsed pursuant to K.A.R. 28-39-173.

(1) If the state examination is not passed within one year from the starting date of taking an approved 90-hour course or the 20-hour course, the entire course must be retaken to be eligible to take the state examination again.

(2) If the state examination is not passed on the first attempt by a person whose training has been endorsed pursuant to K.A.R. 28-39-173, the person shall successfully complete an approved 90-hour course pursuant to K.A.R. 28-39-171 to retake the state examination.

(3) The state examination shall be comprised of 100 multiple-choice questions for persons who have successfully completed an approved 90-hour course or completed training that has been endorsed pursuant to K.A.R. 28-39-173. The state examination shall be comprised of 30 multiple-choice questions for persons who have successfully completed an approved 20-hour modular course. A score of 70 percent or better constitutes a passing score.

(b) Examination application fee.

(1) Each home health aide trainee shall pay a non-refundable examination application fee of \$10.00 prior to taking the state written examination. A nonrefundable examination application fee shall be required each time the examination is scheduled to be taken.

(2) Each course instructor shall collect the examination application fee for each home health aide trainee eligible to take the state written examination and shall submit the fees, class roster, and certification forms to the licensing agency.

(c) Each person who is eligible to take the state examination and has submitted the examination application fee and certification form shall be issued an identification slip which shall be presented at the state examination site in order to take the state written examination.

(d) Examination accommodation.

(1) Any reasonable examination accommodation or auxiliary aid to address a disability may be requested by any person who meets the requirements to take the state examination.

(2) No examination shall be given orally or by a sign language interpreter since reading and reading written instructions or directions is an essential job task of a home health aide.

(3) Each person requesting an examination accommodation shall submit an accommodation request form

along with a certification form to the instructor. The instructor shall forward these forms to the licensing agency at least three weeks prior to the desired examination date. Each instructor shall verify the need for the accommodation by signing the accommodation request form. (Authorized by K.S.A. 65-5109; implementing K.S.A. 65-5115; effective Feb. 28, 1994.)

Article 51.—HOME HEALTH AGENCY LICENSURE

28-51-100. Definitions. (a) "Administrator" means a person who has training and experience in health services administration and at least one year of supervisory or administrative experience in health care, or an appropriate qualified health professional.

(b) "Admission note" means a dated notation that is written by a professional member of the health team after the initial assessment of a patient and that documents the relevant diagnoses, the patient's health history, environmental, safety, and social factors of the patient's home, the patient's nutritional requirements, medications, and treatments, and the patient's physical and mental levels of functioning.

(c) "Appropriate qualified health professional" means a physician, a registered nurse, a physical therapist, an occupational therapist, a respiratory therapist, a speech therapist, a dietitian, or a social worker.

(d) "Branch office" means a location or site from which a home health agency provides services within a portion of the total geographic area served by the parent agency. The branch office shall be part of the home health agency and shall be located sufficiently close to share administration, supervision, and services in a manner that renders it unnecessary for the branch to independently meet the conditions of licensure as a home health agency. Each branch office shall be within 100 miles of the parent agency.

(e) "Bylaws" means a set of rules adopted by a home health agency for governing the agency's operation.

(f) "Clinical record" means a legal document containing facts which:

- (1) Provide a basis for planning and implementing the patient's care program;
- (2) indicate the patient's status and response to treatment;
- (3) serve as a record of communication for the professional groups responsible for the patient's care; and
- (4) serve as a repository of data which can be used to review and evaluate the care provided.

(g) "Dietitian" means a person who is licensed by the Kansas department of health and environment as a dietitian.

(h) "Discharge summary report" means a concise statement, signed by the appropriate health care giver, reflecting the care, treatment, and response of the patient in accordance with the patient's plan of care, and final disposition at the time of discharge.

(i) "Home health aide" means an individual who has a home health aide certificate issued by the licensing agency pursuant to K.A.R. 28-39-171.

(j) "Home health aide trainee" means an individual who is in the process of completing a home health

aide training program as prescribed in K.A.R. 28-39-171 or K.A.R. 28-39-173 and has not been issued a home health aide certificate by the licensing agency.

(k) "Licensing agency" means the Kansas department of health and environment.

(l) "Occupational therapist" means a person who meets the definition of an occupational therapist under 42 CFR 484.4 as in effect on August 14, 1989.

(m) "Occupational therapist assistant" means a person who meets the definition of an occupational therapy assistant under 42 CFR 484.4, as in effect August 14, 1989.

(n) "Parent home health agency" means a home health agency that develops and maintains administrative control of subunits or branch offices or both.

(o) "Physical therapist" means a person who is registered with the Kansas board of healing arts as a physical therapist.

(p) "Physical therapist assistant" means a person who is certified by the Kansas board of healing arts as a physical therapist assistant.

(q) "Physician" means a person licensed in Kansas or an adjoining state to practice medicine and surgery.

(r) "Plan of care" means a plan based on the patient's diagnosis and the assessment of the patient's immediate and long range needs and resources. The plan of care is established in consultation with the home health services team which may include the physician, pertinent members of the agency staff, the patient, and members of the patient's family. If the plan of care includes procedures and services which, according to professional practice acts, require a physician's authorization, the plan of care shall be signed by a physician and shall be renewed every 62 days.

(s) "Progress note" means a dated, written notation by a member of the home health services team summarizing the facts about the patient's care and response during a given period of time.

(t) "Registered nurse" means a person who is licensed by the Kansas state board of nursing as a registered professional nurse.

(u) "Respiratory therapist" means a person who has been registered by the national board of respiratory therapy or who is a graduate of a respiratory therapist program approved by the council on medical education of the American medical association.

(v) "Social worker" means a person who is licensed by the Kansas behavioral sciences regulatory board as a social worker.

(w) "Speech therapist" means a person who:

(1) Prior to January 1, 1994, meets the definition of a speech pathologist under 42 CFR 484.4, as in effect on August 14, 1989; and

(2) after January 1, 1994, is licensed by the Kansas department of health and environment as a speech-language pathologist.

(x) "Summary report" means a concise statement, signed by the appropriate health care giver, that reflects the care and treatment given and the response by the patient.

(continued)

(y) "Supervision" means authoritative procedural guidance which is given by a qualified person of the appropriate discipline. Supervision includes initial direction and periodic inspection of the act of accomplishing the function or activity. (Authorized by and implementing K.S.A. 65-5109; effective, T-86-23, July 1, 1985; amended May 1, 1987; amended Feb. 28, 1994.)

28-51-101. Licensing procedure. (a) License application. Each application for an initial home health agency license shall be filed on forms provided by the licensing agency before the agency begins treating patients. A license shall remain in effect unless suspended or revoked by the licensing agency.

(b) Annual report and fees. Each licensed agency shall file an annual report and annual fee upon uniform dates and forms provided by the licensing agency.

(c) Change of administrator. Each licensee shall notify the licensing agency, in writing, within five days following the effective date of a change of administrator. The notification shall include the name, address, and qualifications of the new administrator.

(d) New services. Each licensee shall notify the licensing agency whenever it begins offering a new service covered under these regulations.

(e) Change of address or name. Each licensee shall notify the licensing agency, in writing, within five days following the change of address or name of the home health agency. The home health agency shall forward the previously issued license certificate to the licensing agency with a request for an amended license certificate reflecting the new address.

(f) Change of ownership. Each home health agency involved in a change of ownership shall comply with the provisions of K.S.A. 65-5104(e).

(g) Plan of correction. A license shall be granted if:

(1) The applicant is found to be in substantial compliance with these regulations; and

(2) the applicant submits an acceptable plan for correcting any deficiencies cited.

(h) Annual statistical report. Each home health agency shall submit an annual statistical report. (Authorized by K.S.A. 65-5109; implementing K.S.A. 65-5103, 65-5104, and 65-5106; effective, T-86-23, July 1, 1985; effective May 1, 1986; amended Feb. 28, 1994.)

28-51-102. License fee. (a) Each initial license application for an agency shall be accompanied by a fee in the amount of \$100.00.

(b) The annual report for each licensed agency shall be accompanied by a fee determined in accordance with the following schedule. The visits shall be all those performed by the agency during the calendar year prior to submittal of the annual report.

Visits	Fee
0-500	\$ 25.00
501-1,000	60.00
1,001-2,000	120.00
2,001-3,000	170.00
3,001-4,000	220.00
4,001-5,000	280.00
5,001-6,000	330.00

6,001-7,000	380.00
7,001-8,000	440.00
8,001-10,000	490.00
10,001-20,000	550.00
Over 20,000	580.00

(c) If an agency performs services on an hourly basis, four hours of service shall be considered the equivalent of one visit. All home visits made by county or regional public health department personnel that are public health services, as determined by the secretary of health and environment, shall not be required to be included in the number of visits used to determine the annual fee. (Authorized by K.S.A. 65-5109; implementing K.S.A. 65-5103; effective, T-86-23, July 1, 1985; effective May 1, 1986; amended Feb. 28, 1994.)

28-51-103. Organization and administration.

(a) Governing body. Each home health agency shall have a governing body or a clearly defined body having legal authority to operate the agency. The governing body shall:

(1) Have bylaws or their equivalent which shall be renewed annually;

(2) employ a qualified administrator as defined in K.A.R. 28-51-100(a);

(3) adopt, revise, and approve procedures for the operation and administration of the agency as needed;

(4) provide the name and address of each officer, director, and owner of the agency to the licensing agency;

(5) disclose corporate ownership interests of 10 percent or more to the licensing agency; and

(6) disclose past home health agency ownership or management, including the name of the agency, its location, and current status, to the licensing agency.

(b) Administrator. The administrator shall be responsible for the management of the agency to the extent authority is delegated by the governing body. A qualified person shall be designated to act in the absence of the administrator. The administrator shall have at least the following responsibilities:

(1) Organize and direct the agency's ongoing functions;

(2) act as a liaison between the governing body and staff;

(3) employ qualified personnel in accordance with job descriptions;

(4) provide written personnel policies and job descriptions that are made available to all employees;

(5) maintain appropriate personnel records, administrative records, and all policies and procedures of the agency;

(6) provide orientation for new staff, regularly scheduled inservice education programs, and opportunities for continuing education of the staff;

(7) ensure the completion, maintenance, and submission of such reports and records as required by the secretary of health and environment; and

(8) ensure that each patient admitted to the home health agency receives, in writing, the patient's bill of rights listed at K.A.R. 28-51-111.

(c) Personnel records. Current personnel records shall be maintained for each employee. The personnel records for an employee shall include:

(1) The title of that employee's position and a description of the duties and functions assigned to that position;

(2) the qualifications for the position;

(3) evidence of licensure or certification if required;

(4) performance evaluations made within six months of employment and annually thereafter;

(5) documentation of reference checks and a personal interview prior to employment; and

(6) evidence of good general health and a negative tuberculin skin test or chest X-ray upon employment. Subsequent periodic health assessments or physical examinations shall be given in accordance with agency policies.

(d) Personnel under hourly or per visit contracts. There shall be a written contract between the agency and personnel under hourly or per visit arrangements. The contract shall include the following provisions:

(1) A statement that patients are accepted for care only by the primary home health agency;

(2) a description of the services to be provided;

(3) a statement that each employee shall conform to all applicable agency policies, including those related to qualifications;

(4) a statement that the employee shall be responsible for participating in the development of plans of care;

(5) a description of the manner in which services will be controlled, coordinated, and evaluated by the primary agency;

(6) the procedures for submitting clinical and progress notes, scheduling patient care, and conducting periodic patient evaluations; and

(7) the procedures for determining charges and reimbursement.

(e) Abuse, neglect, or exploitation. Each employee of the agency shall be responsible for reporting in accordance with agency policies and K.S.A. 39-1430 et. seq., and amendments thereto, any evidence of abuse, neglect, or exploitation of any patient served by the agency. (Authorized by K.S.A. 65-5109; implementing K.S.A. 65-5104; effective, T-86-23, July 1, 1985; effective May 1, 1986; amended Feb. 28, 1994.)

28-51-104. Home health services. (a) General provisions. Each home health agency shall accept a patient only when the agency reasonably expects that the patient's medical, rehabilitation, and social needs can be met adequately by the agency in the patient's place of residence.

(b) Provision of services.

(1) Patient care shall follow a written plan which is periodically reviewed by the supervising nurses or other appropriate health professionals.

(2) All personnel providing services to the same patient shall maintain a liaison with the supervising professional to assure that their efforts effectively complement one another and support the objectives as outlined in the plan of care.

(3) For each patient receiving professional services, including the services of a registered nurse, physical therapy, occupational therapy, speech therapy, and dietary consultation, a written summary report shall be sent to the attending physician every 62 days. Services under arrangement with another agency shall be sub-

ject to a written contract conforming to these requirements.

(4) A registered nurse shall be available or on call to the staff during all hours that nursing or home health aide services are provided.

(c) Supervision of home health aide services.

(1) A physician, a registered nurse, or an appropriate qualified health professional shall visit each patient's home every two weeks to supervise home health aide services when skilled nursing or other therapy services, or both are also being furnished to a patient.

(2) This visit may be made less often if only home health aide services are being furnished to a patient and this is documented in the clinical record. A supervisory visit shall then be made at least every 60 days. (Authorized by K.S.A. 65-5109; implementing K.S.A. 65-5104; effective, T-86-23, July 1, 1985; effective May 1, 1986; amended Feb. 28, 1994.)

28-51-108. Home health aide services. (a) Each home health aide shall be supervised by a registered nurse and shall be given written instructions for patient care prepared by an appropriate, qualified health professional.

(b) A home health aide shall not perform acts beyond the scope of the "Kansas 90-hour home health aide curriculum" as established under K.A.R. 28-39-171, unless specific and adequate training has been given and documented by the attending physician or supervising registered nurse. (Authorized by and implementing K.S.A. 65-5104; effective, T-86-23, July 1, 1985; effective May 1, 1986; amended March 12, 1990; amended Feb. 28, 1994.)

28-51-110. Clinical records. (a) General provisions. A clinical record containing pertinent past and current findings shall be maintained in accordance with accepted professional standards for each patient receiving home health services.

(b) Content of record. Each patient's clinical record shall contain at least the following:

(1) The patient's plan of care;

(2) the name of the patient's physician;

(3) drug, dietary, treatment, and activity orders;

(4) signed and dated admission and clinical notes that are written the day the service is rendered and incorporated at least weekly;

(5) copies of summary reports sent to the physician;

(6) copies of progress notes; and

(7) the discharge summary.

(c) Retention. Clinical records shall be retained in a retrievable form for at least five years after the date of the last discharge of the patient. If the home health agency discontinues operation, provision shall be made for retention of records.

(d) Safeguard against loss or unauthorized use. Written policies and procedures shall be developed regarding use and removal of records and the conditions for release of information. The patient's or guardian's written consent shall be required for release of information not required by law. (Authorized by K.S.A. 65-5109; implementing K.S.A. 65-5104; effective, T-86-23, July 1, 1985; effective May 1, 1986; amended Feb. 28, 1994.)

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28-51-111. Patients' bill of rights. The governing body shall establish a bill of rights that will be equally applicable to all patients. At a minimum, the following provisions shall be included in the patients' bill of rights.

(a) Each patient shall have the right to choose care providers and the right to communicate with those providers.

(b) Each patient shall have the right to participate in planning of the patient's care and the right to appropriate instruction and education regarding the plan.

(c) Each patient shall have a right to request information about the patient's diagnosis, prognosis, and treatment, including alternatives to care and risks involved, in terms that the patient and the patient's family can readily understand so that they can give their informed consent.

(d) Each patient shall have the right to refuse home health care and to be informed of possible health consequences of this action.

(e) Each patient shall have the right to care that is given without discrimination as to race, color, creed, sex, or national origin.

(f) Each patient shall be admitted for service only if the agency has the ability to provide safe, professional care at the level of intensity needed.

(g) Each patient shall have the right to reasonable continuity of care.

(h) Each patient shall have the right to be advised in advance of the disciplines that will furnish care and the frequency of visits proposed to be furnished.

(i) Each patient shall have the right to be advised in advance of any change in the plan of care before the change is made.

(j) Each patient shall have the right to confidentiality of all records, communications, and personal information.

(k) Each patient shall have the right to review all health records pertaining to them unless it is medically contraindicated in the clinical record by the physician.

(l) Each patient denied service for any reason shall have the right to be referred elsewhere.

(m) Each patient shall have the right to voice grievances and suggest changes in services or staff without fear of reprisal or discrimination.

(n) Each patient shall have the right to be fully informed of agency policies and charges for services, including eligibility for, and the extent of payment from third-party reimbursement sources, prior to receiving care. Each patient shall be informed of the extent to which payment may be required from the patient.

(o) Each patient shall have the right to be free from verbal, physical, and psychological abuse and to be treated with dignity.

(p) Each patient shall have the right to have his or her property treated with respect.

(q) Each patient shall have the right to be advised in writing of the availability of the licensing agency's toll-free complaint telephone number. (Authorized by K.S.A. 65-5109; implementing K.S.A. 65-5104; effective, T-86-23, July 1, 1985; effective May 1, 1986; amended Feb. 28, 1994.)

28-51-112. Home health aide training program.

(a) Each individual employed or contracted by a home

health agency who is not licensed or professionally registered to provide home health services but who assists, under supervision, in the provision of home health services and who provides related health care to patients shall meet the training requirements of K.A.R. 28-39-171 through K.A.R. 28-39-174.

(b) This provision does not include individuals providing only attendant care services as defined at K.S.A. 65-6201 and amendments thereto. (Authorized by K.S.A. 65-5109; implementing K.S.A. 65-5115; effective, T-86-23, July 1, 1985; effective May 1, 1986; amended Feb. 28, 1994.)

Article 66.—LOCAL ENVIRONMENTAL PROTECTION GRANT PROGRAM

28-66-1. Definitions. As used in K.A.R. 28-66-1 through 28-66-4 unless otherwise specified:

(a) "Base grant" means state water plan fund monies allocated to the Kansas department of health and environment and awarded to local entities for the purpose of developing and implementing a local environmental protection plan for a term which coincides with the state fiscal year.

(b) "Core program" means services that shall be provided by each local entity that is awarded a base grant, and which include the following:

(1) The development and implementation of an annual local environmental protection plan;

(2) the development, implementation, and enforcement of an environmental code which has been approved by the secretary of KDHE and which establishes standards for the management of on-site wastewater systems for the treatment and disposal of domestic sewage only;

(3) the development, implementation and enforcement of an environmental code which has been approved by the secretary of KDHE and which establishes standards for the management water supply wells which do not meet the definition of a public water supply well pursuant to K.S.A. 65-162a (b);

(4) information, education, and technical assistance; and

(5) organization and coordination of a local environmental protection committee to provide advice and counsel to the local entity on the content and administration of the local environmental protection plan.

(c) "KDHE" means the Kansas department of health and environment.

(d) "Local environmental protection plan" means a document revised annually by the local entity which includes objectives and workplans intended to implement the environmental protection strategy of the state water plan and which serves as the application for a base grant.

(e) "Local entity" means a county health department formed pursuant to K.S.A. 19-3701 et seq. and amendments thereto, other local entity formed under the power of the board of county commissioners to conduct any of the business of the county pursuant to K.S.A. 1992 Supp. 19-101a, or a multi-county entity formed pursuant to K.S.A. 12-2901 et seq. and amendments thereto.

(f) "Program guidelines" means a document prepared by KDHE by April 1 of each year which establishes program priorities, grant application and pro-

gram reporting procedures, and other pertinent grant instructions for the next state fiscal year.

(g) "Secretary" means the secretary of KDHE.

(h) "Supplemental program" means any of the following:

(1) The development and implementation of a plan for subdivision water and wastewater pursuant to K.S.A. 1992 Supp. 12-747, K.S.A. 65-3311 and amendments thereto;

(2) the development and implementation of a solid waste management plan pursuant to K.S.A. 65-3405 and amendments thereto;

(3) the development and implementation of a hazardous waste management plan that is consistent with K.S.A. 65-3430 and amendments thereto;

(4) participation in the development and implementation of a nonpoint source pollution control plan which identifies the activities and responsibilities of the local environmental protection program in the management of nonpoint pollutant sources; and

(5) the development and implementation of a public water supply protection plan which at a minimum:

(A) specifies the duties of local government agencies, the public water supplier and other local entities in the development and implementation of a public water supply protection plan;

(B) defines the public water supply protection area;

(C) identifies all potential contaminant sources within the defined public water supply protection area;

(D) identifies management practices which may be implemented to prevent contamination of the public water supply by each identified contaminant source, including but not limited to information and education, technical assistance, financial assistance, and the use of local ordinances;

(E) establishes a contingency plan to provide an alternate source of drinking water for each public water supply in the case that the public water supply becomes contaminated;

(F) requires that for any new public water supply all potential contaminant sources within the expected protection area be identified and management practices for each contaminant source identified; and

(G) provides for public participation in the development of any public water supply protection plan.

(i) "Target grant" means funding which may be awarded to a local entity in addition to a base grant for the purpose of conducting an approved program objective for which base grant funds are not sufficient. (Authorized by and implementing K.S.A. 75-5657; effective Feb. 28, 1994.)

28-66-2. Base grants. (a) A local entity may apply for a local environmental protection base grant each year on forms provided by KDHE.

(b) Base grant amounts shall be subject to the availability of funding.

(c) All base grant payments shall be made contingent upon the submission to KDHE of quarterly program and fiscal reports, as required in the grant award agreement, which are determined by KDHE to demonstrate satisfactory progress toward completion of approved program objectives.

(d) Upon approval of its local environmental protection plan by KDHE, a local entity shall be eligible to receive a base grant for the implementation and

maintenance of the approved local environmental protection plan.

(e) Allocation of base grants shall be made in accordance with the following formula where population is the population of the local entity as determined by the most recent United States census figures for the state of Kansas:

(1) Counties with a population less than 12,727 shall be eligible for a base grant which is equal to or greater than \$7,000;

(2) counties with a population greater than 227,273 shall be eligible for a base grant which is equal to or greater than \$125,000;

(3) for all other counties the base grant shall be equal to or greater than the product of the county's population \times \$0.55; and

(4) a local entity which consists of multiple counties shall receive a base grant equal to or greater than the sum of the base grants for which each individual county would be eligible under subsections (e) (1) through (e) (3) of this regulation.

(f) During a given grant period, if the appropriation from the state water plan is not adequate to award each local entity the base grant amount for which it is eligible under subsection (e) of this regulation, then the amount for which the local entity would be eligible under subsection (e) shall be divided by the total amount of funding for which all local entities have applied. The quotient shall then be multiplied by the total amount of funding appropriated for local environmental protection grants to determine the amount of the local entity's grant.

(g) Base grant awards shall be made in the form of an agreement which is signed by the secretary and the signatories of the local environmental protection plan as described in K.A.R. 28-66-4 (a) (1). The agreement shall establish:

(1) A schedule for the payment of the base grant to the local entity;

(2) approved objectives of the local environmental protection plan which the local entity agrees to execute;

(3) quarterly reporting requirements; and

(4) general terms which are necessary to ensure that the grant funds are expended and accounted for in accordance with applicable state statutes.

(h) Local environmental protection grant monies that remain after all base grants have been awarded may be made available to:

(1) Increase the base level of funding for which local entities are eligible as described in subsection (e) of this regulation; or

(2) provide target grants to base grant recipients on a case-by-case basis.

(i) Local environmental protection grant funds may be used to complement but shall not be used to replace financial assistance which a local entity may be eligible to receive from a separate source of funding established to support any core or supplemental program activity.

(j) Eligible program activities and projects. Only those activities and projects which result in the protection and restoration of the waters of the state shall be eligible for base or target grant funding. Eligible program activities include development and imple-

(continued)

mentation of the core program and any supplemental program activity approved by KDHE.

(k) Eligible expenditures. Eligible expenditures of the base grant may include the reasonable and necessary costs of:

(1) Salary of personnel responsible for the execution of a program activity or project included in an approved local environmental protection plan;

(2) in-state and out-of-state travel, except that out-of-state travel shall require prior approval by KDHE unless it is incidental to the implementation of routine program activities included in an approved local environmental protection plan;

(3) capital equipment and supplies necessary to implement all requirements of an environmental code approved by the secretary of KDHE and adopted by resolution by the board of county commissioners, except that all capital equipment purchases greater than \$75.00 shall require prior written approval of KDHE. If a local entity withdraws from the local environmental protection program within three years of any approved capital equipment purchase, KDHE retains the authority to recover the capital equipment;

(4) purchasing, printing, production and dissemination of brochures, educational and technical assistance materials, or surveys;

(5) subcontracts with other governmental entities or private business for the purpose of completing any portion of an approved local environmental protection plan, except that all subcontracts must receive prior approval by KDHE.

(l) Ineligible expenditures. Ineligible expenditures of the base grant include, but are not limited to, the following:

(1) Costs incurred prior to the beginning of the state fiscal year for which the base grant is awarded unless written approval for reimbursement of such costs is provided by KDHE;

(2) costs incurred after the end of the state fiscal year for which the base grant is awarded unless grant funds have been properly encumbered by the local entity;

(3) vehicle purchases; and

(4) construction costs of any facility or structure. (Authorized by and implementing K.S.A. 75-5657; effective Feb. 28, 1994.)

28-66-3. Target grants. (a) Upon KDHE's announcement of the availability of target grant funds, a target grant may be requested by a base grant recipient to conduct an approved objective for which the base grant is inadequate, except that the following requests shall be considered ineligible:

(1) Salary for permanent staff; and

(2) any activity or item specified in K.A.R. 28-66-2 (k).

(b) Application for target grants shall be made on forms provided by KDHE. Forms for target grants shall not be made available until all base grants have been awarded.

(c) All terms of the base grant agreement shall apply to the target grant. (Authorized by and implementing K.S.A. 75-5657; effective Feb. 28, 1994.)

28-66-4. Local environmental protection plan.

(a) A local environmental protection plan shall be de-

veloped annually by the local entity and shall be submitted and approved by KDHE prior to any grant award. The local environmental protection plan shall contain the following information:

(1) A cover sheet signed by the chairman of the county board of health and the program director appointed by the county board of health. If the grant applicant is a local entity other than a county health department, the local environmental protection plan shall be signed by the chairman of the board of county commissioners, a board formed pursuant to K.S.A. 12-2901 et seq. or K.S.A. 12-2908, or other legally formed board which has been approved by KDHE as appropriate for the purposes of implementing a local environmental protection plan;

(2) a description of existing local ordinances and services in each of the core program and supplemental program areas identified in K.A.R. 28-66-1 (b) and K.A.R. 28-66-1 (h) respectively, including the name, address and phone number of the local person responsible for implementing the ordinances and services described;

(3) a statement of each objective for which funding is being requested, and a workplan which identifies the sequence of steps that will be completed in order to accomplish the stated objective and an approximate date of completion for each step; and

(4) a detailed program budget which identifies the costs of program operation including, but not limited to, personnel, travel, supplies, capital expenditures, and subcontracts.

(b) KDHE may issue a base grant after it has been determined that the local environmental protection plan is consistent with the environmental protection strategy of the state water plan, K.S.A. 75-5657, and all other statutes, regulations, documents or guidelines relevant to sanitary or environmental codes, or both, subdivision water and wastewater management, solid waste, hazardous waste, public water supply protection, and nonpoint source pollution.

(c) KDHE may withhold the approval of a local environmental protection plan if it is determined that the local entity has not satisfactorily completed the approved objectives under the previous year's local environmental protection plan, except that the applicant shall be given the opportunity to demonstrate compelling circumstances which prohibited the completion.

(d) Any local environmental protection plan may be amended during the state fiscal year. Each proposed amendment shall be submitted to KDHE in writing and KDHE shall provide written approval of the amendment. (Authorized by and implementing K.S.A. 75-5657; effective Feb. 28, 1994.)

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 014334

State of Kansas

State Banking Department

Permanent Administrative
Regulations

Article 23.—TRUST SUPERVISION

17-23-1. Definitions. For the purposes of this part, the following definitions shall apply. (a) "Account" means the trust, estate or other fiduciary relationship which has been established with a bank or trust company.

(b) "Bank" means a corporation as defined in K.S.A. 9-701(a).

(c) "Cash management vehicle" means any checking, savings or money market account that is used to accumulate cash for payments to or for beneficiaries, or is used to accumulate cash for the purpose of making investments.

(d) "Collective investment fund" means funds held by a bank or trust company as fiduciary and invested collectively:

(1) in a common trust fund maintained by the bank or trust company exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank or trust company in its capacity as trustee, executor, administrator, conservator, or custodian under the uniform transfers to minors act, K.S.A. 38-1701 et seq., and amendments thereto; or

(2) in a fund consisting solely of assets of retirement, pension, profit sharing, stock bonus or other trusts which are exempt from federal income taxation under the internal revenue code.

(e) "Conservator" means an individual or a corporation which is appointed by the court to act on behalf of a conservatee and who is possessed of some or all of the powers and duties set out in K.S.A. 59-3019 and amendments thereto.

(f) "Custodian under a uniform transfers to minors act" means an account established pursuant to the uniform transfers to minors act, K.S.A. 38-1701 et seq.

(g) "Customer" means any person or account, including any agency, trust, estate, guardianship, committee, or other fiduciary account for which a bank or trust company effects or participates in effecting the purchase or sale of securities, but shall not include a broker, dealer, dealer bank or issuer of the securities which are subject to the transactions.

(h) "Fiduciary" means a bank or trust company undertaking to act alone or jointly with others primarily for the benefit of another in all matters connected with its undertaking, and includes a trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, managing agent and any other similar capacity.

(i) "Fiduciary powers" means the power to act in any fiduciary capacity conveyed by the Kansas uniform powers act.

(j) "Fiduciary records" means all matters which are written, transcribed, recorded, received or otherwise come into possession of a bank or trust company and are necessary to preserve information concerning the

acts and events relevant to the fiduciary activities of the bank or trust company.

(k) "Investment authority" means the responsibility conferred by action of law or a provision of an appropriate governing instrument to make, select or change investments, review investment decisions made by others, or to provide investment advice or counsel to others.

(l) "Managing agent" means the fiduciary relationship assumed by a bank or trust company upon the creation of an account which names the bank or trust company as agent and confers investment discretion upon the bank or trust company.

(m) "Periodic plan," including any dividend reinvestment plan, automatic investment plan and employee stock purchase plan, means any written authorization for a bank acting as agent to purchase or sell for a customer a specific security or securities, in either specific amounts, calculated in security units or dollars, or to the extent of dividends and funds available, at specific time intervals and setting forth the commission or charges to be paid by the customer in connection therewith or the manner of calculating them.

(n) "Security" means any interest or instrument commonly known as a "security," whether in the nature of debt or equity, including any stock, bond, note, debenture, evidence of indebtedness or any participation in or right to subscribe to or purchase any of the foregoing. The term "security" does not include:

(1) a deposit or share account in a federally or state insured depository institution;

(2) a loan participation;

(3) a letter of credit or other form of bank indebtedness incurred in the ordinary course of business;

(4) currency;

(5) any note, draft, bill of exchange, or bankers acceptance which has a maturity at the time of issuance of not more than nine months, exclusive of days of grace, or any renewal thereof the maturity of which is likewise limited;

(6) units of a collective investment fund;

(7) interests in a variable amount or a note as defined in paragraph (c)(2)(B) of K.A.R. 17-23-11; or

(8) U.S. savings bonds.

(o) "Trust committee" means the board of directors or any committee charged, by the board of directors, with the responsibility for administration and supervision of a bank trust department or the trust activities of a trust company. The "trust committee" may assign responsibility to other committees or individuals, as is necessary and appropriate.

(p) "Trust company" means those companies as defined in K.S.A. 9-701(b).

(q) "Trust department" means that group or groups of officers and employees of a bank or trust company organized under the supervision of officers or employees to whom are designated by the board of directors the performance of the fiduciary responsibilities of the bank or trust company, whether or not the group or groups are so named.

(continued)

(r) A bank or trust company shall be deemed to exercise "investment discretion" with respect to an account, if it is authorized to determine what securities or other property shall be purchased or sold by or for the account.

(s) A bank or trust company shall include two or more banks or trust companies which are members of the same affiliated group with respect to any fund established pursuant to K.S.A. 9-1609 of which any of the affiliated banks or trust companies are trustees, or two or more of the affiliated banks or trust companies are co-trustees. (Authorized by K.S.A. 9-1713; implementing K.S.A. 9-1601 et seq., K.S.A. 9-2101 et seq.; effective Feb. 28, 1994.)

17-23-2. Adoption of policies and procedures with respect to brokerage placement practices. (a) Each bank or trust company exercising investment discretion, as defined in subsection (r) of K.A.R. 17-23-1, with respect to an account shall adopt and follow written policies and procedures intended to ensure that its brokerage placement practices comply with all applicable laws and regulations.

(b) Written policies and procedures shall address, where appropriate:

(1) the selection of persons to effect securities transactions and the evaluation of the reasonableness of any brokerage commissions paid to such persons, including the factors considered in these determinations;

(2) any acquisition of services or products, including research services, in return for brokerage commissions;

(3) the allocation of research or other services among accounts, including those which did not generate commissions to pay for the research or other services;

(4) the need, in appropriate instances, to make disclosures concerning the policies and procedures to prospective and existing customers; and

(5) the prohibition of excessive trading in portfolios. (Authorized by K.S.A. 9-1713; implementing K.S.A. 9-1601, K.S.A. 9-2103; effective Feb. 28, 1994.)

17-23-3. Administration of fiduciary powers. (a) The board of directors shall be responsible for the proper exercise of fiduciary powers by the bank or trust company.

(1) All matters pertinent thereto, including the determination of policies, the investment and disposition of property held in a fiduciary capacity, and the direction and review of the actions of all officers, employees, and committees utilized by the bank or trust company in the exercise of its fiduciary powers, shall be the responsibility of the board.

(2) In discharging this responsibility, the board of directors may assign, by action duly entered in the minutes, the administration of any of the bank's or trust company's fiduciary powers, it may consider proper to assign to any designated:

(A) director;

(B) officer;

(C) employee; or

(D) committee.

(b) A trust committee shall supervise the fiduciary activities of a bank or trust company.

(1) A trust committee shall consist of at least three directors, at least one of which shall not be an officer of the bank or trust company.

(2) The trust committee shall keep complete minutes of its actions and make periodic reports to the board of directors of its actions.

(3) A fiduciary account shall not be accepted without the prior approval of the board, or the board's designee. A written record shall be made of each fiduciary account acceptance and of the relinquishment or closing out of any fiduciary account. Upon the acceptance of an account a prompt verification shall be made to determine that assets received have been properly placed on accounting records and documented. The board shall also ensure that at least once during every calendar year thereafter, and within 15 months of the last review, all the assets held in fiduciary accounts where the bank or trust company has investment discretion, are reviewed to determine the advisability of retaining or disposing of such assets.

(c) All officers and employees taking part in the operation of a bank trust department or trust company shall be bonded.

(d) Each bank or trust company exercising fiduciary powers shall designate, employ or retain legal counsel who shall be readily available to pass upon fiduciary matters and to advise the bank or trust company.

(e) Each bank or trust company exercising fiduciary powers shall adopt written policies and procedures to ensure that the federal securities laws are complied with in connection with any decision or recommendation to purchase or sell any security. Such policies and procedures, in particular, shall ensure that bank trust departments and trust companies shall not use material inside information in connection with any decision or recommendation to purchase or sell any security. (Authorized by K.S.A. 9-1713; implementing K.S.A. 9-1114, K.S.A. 9-1601, K.S.A. 9-1602, K.S.A. 9-2103; effective Feb. 28, 1994.)

17-23-4. Books and accounts. (a) Each bank or trust company exercising fiduciary powers shall retain fiduciary records which shall be kept separate and distinct from other records of the bank or trust company.

(b) Each such bank or trust company shall keep an adequate record of all pending litigation to which it is a party in connection with its exercise of fiduciary powers.

(c) Each bank or trust company shall keep a record of all written complaints and related correspondence concerning any fiduciary account.

(d) A bank or trust company shall retain the records required by this article for:

(1) a period of three years from the later of:

(A) termination of the fiduciary account relationship to which the records relate;

(B) termination of litigation relating to such account; or

(C) the next examination; or

(2) a longer minimum retention period if one is prescribed by K.A.R. 17-15-1 and amendments thereto. (Authorized by K.S.A. 9-1713; implementing K.S.A. 9-

1130, K.S.A. 9-1603, K.S.A. 9-1608, K.S.A. 9-2103; effective Feb. 28, 1994.)

17-23-5. Audit of trust activities. (a) The board of directors, or an audit committee designated by the board of directors, shall make a thorough examination of the books, records, funds and securities held by the bank trust department or trust company, in a fiduciary capacity, at each of the quarterly meetings and the result of such examination shall be recorded in detail.

(b) If the board, or the designated committee, selects an auditor, the auditor's findings shall be reported directly to the board.

(c) In lieu of the required four quarterly examinations, the board of directors, or an audit committee designated by the board of directors, may accept one annual audit by a certified public accountant or an independent auditor approved by the commissioner. All audit reports and findings shall be reported to the board of directors. (Authorized by K.S.A. 9-1713; implementing K.S.A. 9-1116; effective Feb. 28, 1994.)

17-23-6. Funds awaiting investment or distribution. (a) Funds held by a bank or trust company in a fiduciary capacity which are awaiting investment or distribution shall not be held uninvested or undistributed any longer than is reasonable for the proper management of the account.

(1) Each bank or trust company exercising fiduciary powers shall adopt and follow written policies and procedures intended to provide that a prudent rate of return, available for trust-quality, short-term investments, is obtained upon funds so held, consistent with the requirements of the governing instrument and local law.

(2) These policies and procedures shall take into consideration all relevant factors, including but not limited to the following:

- (A) the anticipated return that could be obtained while the cash remains uninvested or undistributed;
- (B) the cost of investing the funds;
- (C) the anticipated need for the funds; and
- (D) the costs and operational complexities of implementing and maintaining the investments for the bank or trust company.

(b) Funds held in trust by a bank, including managing agency accounts, awaiting investment or distribution may, unless prohibited by the instrument creating the trust, be deposited in the commercial or savings or other departments of the bank.

(1) If the deposits, per account, exceed current federal deposit insurance corporation (F.D.I.C.) limits, the bank shall first set aside, under control of the trust department, as collateral security, direct obligations of the United States and other obligations fully guaranteed by the United States as to principal and interest, or any other security available for pledging by commercial banks under Kansas state law.

(2) The securities that are deposited or substituted as collateral shall at all times be at least equal in face value to the amount of trust funds deposited, to the extent that the deposit exceeds F.D.I.C. insurance limits. (Authorized by K.S.A. 9-1713; implementing

K.S.A. 9-1601, K.S.A. 9-1603, K.S.A. 9-2103; effective Feb. 28, 1994.)

17-23-7. Investment of funds held as fiduciary. Funds held by a bank or trust company in a fiduciary capacity shall be invested in accordance with any one or more of the following:

(a) the instrument establishing the fiduciary relationship;

(b) any order of the probate or other court; or

(c) any and all Kansas statutes and regulations applicable, including but not limited to K.S.A. 17-5004, K.S.A. 9-1609, and K.A.R. 17-23-11 and amendments thereto. (Authorized by K.S.A. 9-1713; implementing K.S.A. 9-1601, K.S.A. 9-1611, K.S.A. 9-2103; effective Feb. 28, 1994.)

17-23-8. Self-dealing. (a) Unless lawfully authorized by the instrument creating the relationship, by court order or by the laws of the state of Kansas, funds held by a bank or trust company as fiduciary shall not be invested in stock or obligations of, or property acquired from:

(1) the bank or trust company, or its directors, officers, or employees, or individuals with whom there exists such a connection;

(2) organizations in which there exists an interest which might affect the exercise of the best judgment of the bank or trust company in acquiring the property; or

(3) affiliates of the bank or trust company, or their directors, officers or employees.

(b) Property held by a bank or trust company as fiduciary shall not be sold at private sale or transferred, by loan or otherwise to:

(1) the bank or trust company, or its directors, officers, or employees, or individuals with whom there exists such a connection;

(2) organizations in which there exists an interest which might affect the exercise of the best judgment of the bank or trust company in selling or transferring the property; or

(3) affiliates of the bank or trust company or their directors, officers or employees, except:

(A) where lawfully authorized by the instrument creating the relationship, by written direction from the person or persons holding the power to amend or terminate the trust, by court order or by the laws of the state of Kansas;

(B) in cases in which the bank or trust company has been advised by its counsel, in writing, that it has incurred as fiduciary a contingent or potential liability and desires to relieve itself from liability. In that case, such a sale or transfer may be made with the approval of the board of directors, provided that in all such cases the bank or trust company, upon the consummation of the sale or transfer, shall make reimbursement in cash at no loss to the account; or

(C) as is provided in subsection (b)(8)(B) of K.A.R. 17-23-11 and amendments thereto.

(c) Except as provided in subsection (b) of K.A.R. 17-23-6, funds held by a bank or trust company as fiduciary shall not be invested by the purchase of stock

(continued)

or obligations of the bank or trust company or its affiliates unless authorized by the instrument creating the relationship, by court order or by the laws of the state of Kansas.

(1) If the retention of stock or obligations of the bank or trust company or its affiliates is authorized by the instrument creating the relationship, by court order or by the laws of the state of Kansas, it may exercise rights to purchase its own stock, or securities convertible into its own stock, when offered pro rata to stockholders.

(2) When the exercise of rights or receipts of a stock dividend results in fractional share holdings, additional fractional shares may be purchased to complement the fractional shares so acquired.

(d) A bank or trust company may sell assets held by it as fiduciary in one account to itself as fiduciary in another account if the transaction is fair to both accounts and is not prohibited by any governing instrument.

(e) A bank or trust company may make a loan to an account from the funds belonging to another account, when the making of these loans to a designated account is authorized by the instrument creating the account from which the loans are made.

(f) A bank or trust company may make a loan to an account and may take as security assets of the account, provided that the transaction is fair to the account.

(g) Except with the specific written approval of its board of directors, a bank or trust company shall not permit any of its current officers or employees to retain any compensation for acting as a co-fiduciary with the bank or trust company in the administration of any account undertaken by it. (Authorized by K.S.A. 9-1713; implementing K.S.A. 9-1601, K.S.A. 9-1609, K.S.A. 9-1611, K.S.A. 9-2103; effective Feb. 28, 1994.)

17-23-9. Custody of investments. (a) The investments of each account shall be kept separate from the assets of the bank or trust company, and shall be placed in the joint custody or control of not less than two of the officers or employees of the bank or trust company designated for that purpose by the board of directors. All such officers and employees shall be adequately bonded.

(b) A bank or trust company may permit the investments of a fiduciary account to be deposited elsewhere, and a written agreement shall be obtained from all depositories, other than the federal reserve bank.

(c) The investments of each account shall be either:

(1) kept separate from those of all other accounts, except as provided in K.S.A. 9-1609 and K.A.R. 17-23-11 and amendments thereto; or

(2) identified as the property of the relevant account. (Authorized by K.S.A. 9-1713; implementing K.S.A. 9-1603, K.S.A. 9-1608, K.S.A. 9-2103; effective Feb. 28, 1994.)

17-23-10. Surrender of fiduciary powers. Any bank or trust company which has been granted the right to exercise fiduciary powers and which desires to surrender such right shall file with the state bank commissioner a certified copy of the resolution of its board of directors signifying such a desire. Upon re-

ceipt of such resolution, the state bank commissioner may make an investigation. If the commissioner is satisfied that the bank or trust company has been discharged from all fiduciary duties which it has undertaken, a letter to the bank or trust company certifying that it is no longer authorized to exercise fiduciary powers shall be issued by the commissioner. (Authorized by K.S.A. 9-1713; implementing K.S.A. 9-1604, K.S.A. 9-2103; effective Feb. 28, 1994.)

17-23-11. Collective investment. (a) Funds held by a bank or trust company as fiduciary may be invested collectively:

(1) in a common trust fund maintained by the bank or trust company exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank or trust company in its capacity as trustee, executor, administrator, guardian, or custodian under the uniform transfers to minors act, K.S.A. 38-1701 et seq., and amendments thereto; or

(2) in a fund consisting of assets of retirement, pension, profit sharing, stock bonus or other trusts which are exempt from federal income taxation under the internal revenue code.

(b) Collective investment funds, as defined in subsection (d) of K.A.R. 17-23-1, shall be administered as follows:

(1) Each collective investment fund shall be established and maintained in accordance with a written plan, referred to herein as "the plan," which shall be approved by a resolution of the bank or trust company board of directors and filed with the state bank commissioner.

(A) "The plan" shall contain appropriate provisions not inconsistent with the rules and regulations of the state bank commissioner as to the manner in which the fund is to be operated, including provisions relating to:

(i) the investment powers and a general statement of the investment policy of the bank or trust company with respect to the fund;

(ii) the allocation of income, profits and losses;

(iii) the terms and conditions governing the admission or withdrawal of participations in the fund;

(iv) the auditing of accounts of the bank or trust company with respect to the fund;

(v) the basis and method of valuing assets in the fund, setting forth criteria for each type of asset;

(vi) the minimum frequency for valuation of assets of the fund;

(vii) the period following each such valuation date during which the valuation may be made which in usual circumstances should not exceed 10 business days;

(viii) the basis upon which the fund may be terminated; and

(ix) any other matters as may be necessary to define clearly the rights of participants in the fund.

(B) Except as otherwise provided in paragraph (b)(15) of this regulation, fund assets shall be valued at market value unless that value is not readily ascertainable, in which case a fair value determined in good faith by the fund trustees may be used.

(C) A copy of "the plan" shall be available at the principal office of the bank or trust company for inspection during all business hours, and upon request a copy of "the plan" shall be furnished to any person.

(2) Property held by a bank or trust company in its capacity as trustee of retirement, pension, profit sharing, stock bonus, or other trusts which are exempt from federal income taxation under any provision of the internal revenue code may be invested in collective investment funds, subject to the provisions herein contained pertaining to such funds, and may qualify for tax exemption pursuant to section 584 of the internal revenue code. Assets of retirement, pension, profit sharing, stock bonus, or other trusts which are exempt from federal income taxation by reason of being described in section 401 of the code may be invested in collective investment funds established under the provisions of paragraph (a)(2) of this regulation if the fund qualifies for tax exemption under Revenue Ruling 56-267 and following rulings.

(3) All participations in the collective investment fund shall be on the basis of a proportionate interest in all of the assets. In order to determine whether the investment of funds received or held by a bank or trust company as fiduciary in a participation in a collective investment fund is proper, the bank or trust company may consider the collective investment fund as a whole and shall not, for example, be prohibited from making the investment because any particular asset is non-income producing.

(4) Each bank or trust company administering a collective investment fund shall determine the value of the assets in the fund as of the date set for the valuation of assets at least once every three months.

(A) Participation shall not be admitted to or withdrawn from the fund except:

- (i) on the basis of the valuation; and
- (ii) as of the valuation date.

(B) Participation shall not be admitted to or withdrawn from the fund unless a written request for or notice of intention of taking such action shall have been entered on or before the valuation date in the fiduciary records of the bank or trust company and approved in the manner as the board of directors shall prescribe. No requests or notices may be canceled or countermanded after this valuation date.

(C) If a fund described in paragraph (a)(2) of this regulation is to be invested in real estate or other assets which are not readily marketable, the bank or trust company may require a prior notice period not to exceed one year, for withdrawals.

(5)(A) Each bank or trust company administering a collective investment fund shall at least once during each period of 12 months cause an adequate audit to be made of the collective investment fund by auditors responsible only to the board of directors of the bank or trust company. In the event the audit is performed by independent public accountants, the reasonable expenses of the audit may be charged to the collective investment fund.

(B) Each bank or trust company administering a collective investment fund shall at least once during a

period of 12 months prepare a financial report of the fund. This report, based upon the above audit, shall contain a list of investments in the fund showing:

- (i) the cost and current market value of each investment;
- (ii) a statement for the period since the previous report showing purchases, with cost;
- (iii) sales, with profit or loss and any other investment changes;
- (iv) income and disbursements; and
- (v) an appropriate notation as to any investments in default.

(C) The financial report may include a description of the fund's value on previous dates, as well as its income and disbursements during previous accounting periods. Predictions or representations as to future results shall not be made. In addition, as to funds described in paragraph (a)(1) of this regulation, neither the report nor any other publication of the bank or trust company shall make reference to the performance of funds other than those administered by the bank or trust company.

(D) A copy of the financial report shall be furnished, or notice shall be given that a copy of the report is available and will be furnished without charge upon request, to each person to whom a regular periodic accounting would ordinarily be rendered with respect to each participating account. A copy of the financial report may also be furnished to prospective customers. The cost of printing and distribution of these reports shall be borne by the bank or trust company. In addition, a copy of the report shall be furnished upon request to any person for a reasonable charge. The fact of the availability of the report for any fund described in paragraph (a)(1) of this regulation may be given publicity solely in connection with the promotion of the fiduciary services of the bank or trust company.

(E) Except as provided in this regulation, the bank or trust company shall not advertise or publicize its collective investment fund or funds described in paragraph (a)(1) of this regulation.

(6) When participations are withdrawn from a collective investment fund, distributions may be made in cash or ratably in kind, or partly in cash and partly in kind; provided that all distributions as of any one valuation date shall be made on the same basis.

(7) If, for any reason, an investment is withdrawn in kind from a collective investment fund for the benefit of all participants in the fund at the time of the withdrawal and the investment is not distributed ratably in kind, it shall be segregated and administered or realized upon for the benefit ratably of all participants in the collective investment fund at the time of withdrawal.

(8)(A) A bank or trust company shall not have any interest in a collective investment fund other than in its fiduciary capacity. Except for temporary net cash overdrafts or as otherwise specifically provided herein, it shall not lend money to a fund, sell property to, or purchase property from a fund. Assets of a collective investment fund shall not be invested in stock or ob-

(continued)

ligations, including time or savings deposits, of the bank or trust company or any of its affiliates except that such deposits may be made of funds awaiting investment or distribution. Subject to all other provisions of this part, funds held by a bank or trust company as fiduciary for its own employees may be invested in a collective investment fund. A bank or trust company shall not make any loan on the security of a participation in a fund. If because of a creditor relationship or otherwise the bank or trust company acquires an interest in a participation in a fund, the participation shall be withdrawn on the first date on which such withdrawal can be effected. An unsecured advance to an account holding a participation shall not be deemed to constitute the acquisition of an interest by a bank or trust company until the time of the next valuation date arrives.

(B) Any bank or trust company administering a collective investment fund may purchase from the fund for its own account any defaulted fixed income investment held by the fund, if in the judgment of the board of directors the cost of segregation of the investment would be greater than the difference between its market value and its principal amount plus interest and penalty charges due. If the bank or trust company elects to purchase the investment, it must do so at its market value or at the sum of cost, accrued unpaid interest, and penalty charges, whichever is greater.

(9) Except in the case of collective investment funds described in paragraph (a)(2) of this regulation, the following shall apply.

(A) Funds or other property shall not be invested in a participation in a collective investment fund if as a result of the investment the participant would have an interest aggregating in excess of 10 percent of the then market value of the fund. In applying this limitation, if two or more accounts are created by the same person or persons, and as much as one-half of the income or principal of each account is payable or applicable to the use of the same person or persons, those accounts shall be considered as one.

(B) An investment for a collective investment fund shall not be made in stocks, bonds or other obligations of any one person, firm or corporation if as a result of such investment the total amount invested in stocks, bonds, or other obligations issued or guaranteed by that person, firm or corporation would aggregate in excess of 10 percent of the then market value of the fund. This limitation shall not apply to investments in direct obligations of the United States or other obligations fully guaranteed by the United States as to principal and interest.

(C) Each bank or trust company administering a collective investment fund shall maintain, in cash and readily marketable investments, a percentage of the assets of the fund as is necessary to provide adequately for the liquidity needs of the fund and to prevent inequities among fund participants.

(10) The reasonable expenses incurred in servicing mortgages held by a collective investment fund may be charged against the income account of the fund and

paid to servicing agents, including the bank or trust company administering the fund.

(11)(A) A bank or trust company may transfer up to five percent of the net income derived by a collective investment fund from mortgages held by such fund during any regular accounting period to a reserve account unless the transfer would cause the amount in the account to exceed one percent of the outstanding principal amount of all mortgages held in the fund. The amount of such a reserve account, if established, shall be deducted from the assets of the fund in determining the fair market value of the fund for the purposes of admissions and withdrawals.

(B) At the end of each accounting period, all interest payments which are due but unpaid with respect to mortgages in the fund shall be charged against the reserve account to the extent available and credited to income distributed to participants. In the event of subsequent recovery of such interest payments by the fund, the reserve account shall be credited with the amount so recovered.

(12) A bank or trust company administering a collective investment fund shall have the exclusive management thereof.

(A) The bank or trust company may charge a fee for the management of the collective investment fund provided that the fractional part of the fee proportionate to the interest of each participant shall not, when added to any other compensations charged by a bank to a participant, exceed the total amount of compensations which would have been charged to the participant if no assets of the participant had been invested in participations in the fund.

(B) The bank or trust company shall absorb the costs of establishing or reorganizing a collective investment fund.

(13) A bank or trust company administering a collective investment fund shall not issue any certificate or other document evidencing a direct or indirect interest in such fund in any form.

(14) A mistake made in good faith and in the exercise of due care in connection with the administration of a collective investment fund shall not be deemed to be a violation of this regulation if promptly after the discovery of the mistake the bank or trust company takes whatever action may be practicable in the circumstances to remedy the mistake.

(15) Short-term investment funds established under subsection (a) of this regulation may be operated on a cost, rather than market value, basis for purposes of admissions and withdrawals, if the plan of operation satisfies each of the following conditions.

(A) Investments shall be limited to bonds, notes or other evidences of indebtedness which are payable on demand, including variable amount notes, or which have a maturity date not exceeding 91 days from the date of purchase. However, 20 percent of the value of the fund may be invested in longer term obligations.

(B) The difference between the cost and anticipated principal receipt on maturity shall be accrued on a straight-line basis.

(C) Assets of the fund shall be held until maturity under usual circumstances.

(D) After effecting admissions and withdrawals, not less than 20 percent of the value of the remaining assets of the fund shall be composed of cash, demand obligations and assets that will mature on the fund's next business day.

(c) In addition to the investments permitted under subsection (a) of this regulation, funds or other property received or held by a bank or trust company as fiduciary may be invested collectively, to the extent not prohibited by state law, as follows:

(1) in shares of a mutual trust investment company, organized and operated pursuant to a statute that specifically authorizes the organization of such companies exclusively for the investment of funds held by corporate fiduciaries, commonly referred to as a "bank or trust company fiduciary fund";

(2)(A) in a single real estate loan, a direct obligation of the United States, or an obligation fully guaranteed by the United States, or in a single fixed amount security, obligation or other property, either real, personal or mixed, of a single issuer; or

(B) on a short term basis in a variable amount note of a borrower of prime credit, provided that the note is maintained by the bank or trust company on its premises and is utilized by it only for investment of moneys held in fiduciary accounts.

The bank or trust company shall not participate in the loans or obligations authorized under paragraphs (c)(2)(A) and (B) and shall not have an interest in any investment therein except in its capacity as fiduciary;

(3) in a common trust fund maintained by the bank or trust company for the collective investment of cash balances received or held by a bank or trust company in its capacity as trustee, executor, administrator, or guardian, which the bank or trust company considers to be individually too small to be invested separately to advantage.

(A)(i) The total investment for such fund shall not exceed \$100,000;

(ii) the number of participating accounts shall be limited to 100; and

(iii) no participating account may have an interest in the fund in excess of \$10,000.

(B) In applying these limitations, if two or more accounts are created by the same person or persons and one-half of the income or principal of each account is presently payable or applicable to the use of the same person or persons such account shall be considered as one.

(C) A fund shall not be established or operated under this paragraph for the purpose of avoiding the provisions of subsection (b) of this regulation;

(4) in any investment specifically authorized by court order, or authorized by the instrument creating the fiduciary relationship, in the case of trusts created by a corporation, its subsidiaries and affiliates or by several individual settlors who are closely related. An investment shall not be made under this paragraph for the purpose of avoiding the provisions of subsection (b) of this regulation; or

(5) in such other manner as shall be approved in writing by the state bank commissioner. (Authorized by K.S.A. 9-1609; implementing K.S.A. 9-1609, K.S.A. 9-2103; effective Feb. 28, 1994.)

17-23-12. Record-keeping for securities transactions. Each bank or trust company effecting securities transactions for customers shall maintain the following records with respect to such transactions for at least three years. (a) There shall be chronological records of original entry containing an itemized daily record of all purchases and sales of securities. The records of original entry shall show:

(1) the account or customer for which each such transaction was effected;

(2) the description of the securities;

(3) the unit and aggregate purchase or sale price, if any; and

(4) the trade date and the name or other designation of the broker, dealer or other person from whom purchased or to whom sold.

(b) There shall be account records for each customer which shall reflect:

(1) all purchases and sales of securities;

(2) all receipts and deliveries of securities;

(3) all receipts and disbursements of cash with respect to transactions in securities for such accounts; and

(4) all other debits and credits pertaining to transactions in securities.

(c) There shall be a separate memorandum or order ticket for each order to purchase or sell securities, whether executed or canceled, which shall include:

(1) the account or accounts for which the transaction was effected;

(2) whether the transaction was a market order, limit order or subject to special instructions;

(3) the time the order was received by the trader or other bank or trust company employee responsible for effecting the transaction;

(4) the time the order was placed with broker or dealer; or if there was no broker or dealer, the time the order was executed or canceled;

(5) the price at which the order was executed; and

(6) the price that the broker or dealer utilized.

(d) There shall be a record of each broker or dealer selected by the bank or trust company to effect securities transactions and the amount of commissions paid or allocated to each broker during the calendar year. Nothing contained in this paragraph shall require a bank or trust company to maintain the records required by this regulation in any given manner, provided that the information required to be shown is clearly and accurately reflected and provides an adequate basis for the audit of such information. (Authorized by K.S.A. 9-1713; implementing K.S.A. 9-1130, K.S.A. 9-1603, K.S.A. 9-1608, K.S.A. 9-2103; effective Feb. 28, 1994.)

17-23-13. Form of notification for securities transactions. Each bank or trust company effecting a securities transaction for a customer shall maintain for at least three years and except as provided in K.A.R.

(continued)

17-23-14, shall mail or otherwise furnish to such customer either of the following types of notifications: (a)(1) a copy of the confirmation of a broker or dealer relating to the securities transactions; and

(2) if the bank or trust company is to receive remuneration from the customer or any other source in connection with the transaction, and the remuneration is not determined pursuant to a written agreement between the bank or trust company and the customer, a statement of the source and amount of any remuneration to be received; or

(b) a written notification disclosing:

(1) the name of the bank or trust company;

(2) the name of the customer;

(3) whether the bank or trust company is acting as an agent for the customer, as agent for both the customer and some other person, as principal for its own account, or in any other capacity;

(4) the date of execution and a statement that the time of execution will be furnished within a reasonable time upon written request of the customer and the identity, price and number of shares or units, or principal amount in the case of debt securities, of the security purchased or sold by such a customer;

(5) the amount of any remuneration received or to be received by the bank or trust company from the customer in connection with the transaction;

(6) the source and amount of any other remuneration to be received by the bank or trust company in connection with the transaction, unless remuneration is determined pursuant to a written agreement between the bank or trust company and the customer.

In the case of U.S. government securities, federal agency obligations and municipal obligations, this paragraph (b)(6) shall apply only with respect to remuneration received by the bank or trust company in an agency transaction; and

(7) the name of the broker or dealer utilized; or where there is no broker or dealer, the name of the person from whom the security was purchased or to whom it was sold, or the fact that such information will be furnished within a reasonable time upon written request. (Authorized by K.S.A. 9-1713; implementing K.S.A. 9-1601, K.S.A. 9-2103; effective Feb. 28, 1994.)

17-23-14. Time of notification for securities transactions. The time for mailing or otherwise furnishing the written notification described in K.A.R. 17-23-13 shall be five business days from the date of the transaction, or if a broker or dealer is utilized, within five business days from the receipt by the bank or trust company of the broker or dealer's confirmation. However, the bank or trust company may elect to use the following alternative procedures if the transaction is effected for the following types of securities. (a) For accounts, except periodic plans, where the bank or trust company does not exercise investment discretion, the bank or trust company and the customer may agree in writing to a different arrangement as to the time and content of the notification. The agreement shall make clear the customer's right to receive the written

notification within the prescribed time period at no additional cost to the customer.

(b) For accounts, except collective investment funds, where the bank or trust company exercises investment discretion in other than an agency capacity, the bank or trust company shall, upon request of the person having the power to terminate the account or, if there is no such person, upon the request of any person holding a vested beneficial interest in the account, mail or otherwise furnish to the person the written notification within a reasonable time. The bank or trust company may charge that person a reasonable fee for providing this information.

(c) For accounts where the bank or trust company exercises investment discretion in an agency capacity:

(1) the bank or trust company shall mail or otherwise furnish to each customer not less frequently than once every three months an itemized statement which shall specify the funds and securities in the custody or possession of the bank or trust company at the end of that period and all debits, credits and transactions in the customer's account during that period; and

(2) if requested by the customer, the bank or trust company shall mail or otherwise furnish to the customer within a reasonable time the written notification described in K.A.R. 17-23-13. The bank or trust company may charge a reasonable fee for providing this information.

(d) For a collective investment fund, the provisions of K.A.R. 17-23-11 and amendments thereto shall apply.

(e)(1) For a periodic plan, the bank or trust company shall mail or otherwise furnish to the customer as promptly as possible after each transaction a written statement showing:

(A) the funds and securities in the custody or possession of the bank or trust company;

(B) all service charges and commissions paid by the customer in connection with the transaction; and

(C) all other debits and credits of the customer's account involved in the transaction.

(2) Upon the written request of any customer, the bank or trust company shall furnish the information described in K.A.R. 17-23-13, except that any information relating to remuneration paid in connection with the transaction need not be provided to the customer when paid by a source other than the customer. The bank or trust company may charge a reasonable fee for providing this information. (Authorized by K.S.A. 9-1713; implementing K.S.A. 9-1601, K.S.A. 9-2103; effective Feb. 28, 1994.)

17-23-15. Securities trading policies and procedures. Each bank or trust company effecting securities transactions for customers shall establish written policies and procedures which contain the following provisions: (a) There shall be assignment of responsibility for supervision of all officers or employees who:

(1) transmit orders to or place orders with brokers or dealers; or

(2) execute transactions in securities for customers.

(b) There shall be fair and equitable allocation of securities and prices to accounts when orders for the

same security are received at approximately the same time and are placed for execution either individually or in combination.

(c) Where applicable, and when permissible under state or federal law, there shall be crossing of buy and sell orders on a fair and equitable basis to the parties to the transaction.

(d) Each bank or trust company officer and employee who makes investment recommendations or decisions for the accounts of customers, who participate in the determination of such recommendations or decisions, or who, in connection with that officer's or employee's duties, obtain information concerning which securities are being purchased or sold or recommended for such action, shall report to the bank or trust company, within ten days after the end of the calendar quarter, all transactions in securities made by them or on their behalf, either at the bank or trust company, or elsewhere, in which they have a beneficial interest. The report shall identify the securities purchased or sold and indicate the dates of the transactions and whether the transactions were purchases or sales. Excluded from this requirement are transactions for the benefit of the officer or employee over which the officer or employee has no direct or indirect influence or control, transactions in mutual fund shares or U.S. government or federal agency obligations, and all transactions involving in the aggregate \$10,000 or less during the calendar quarter. The requirements of sub-

sections (b) through (d) of K.A.R. 17-23-12 and sub-sections (a) through (c) of K.A.R. 17-23-15 shall not apply to banks or trust companies having an average of less than 200 securities transactions per year for customers over the prior three calendar year period, exclusive of transactions in direct U.S. government and federal agency obligations, or non-fluctuating net asset value funds used as cash management vehicles. (Authorized by K.S.A. 9-1713; implementing K.S.A. 9-1601, K.S.A. 9-2103; effective Feb. 28, 1994.)

17-23-16. Location of trust documents. (a) All of the original governing instruments establishing a fiduciary relationship with a bank or trust company shall be located at one site, which shall be either:

- (1) the main bank or trust company location;
- (2) an approved branch or trust service office; or
- (3) another site approved by the commissioner.

(b) All other records shall be stored at any main bank or trust company location, an approved branch or trust service office, or another site approved by the commissioner.

(c) For purposes of examination, the bank or trust company shall make available original governing instruments and other records as deemed necessary by the commissioner to complete an examination. (Authorized by K.S.A. 9-1713; implementing K.S.A. 9-1603, K.S.A. 9-2103; effective Feb. 28, 1994.)

Frank D. Dunnick
State Bank Commissioner

Doc. No. 014335

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*.

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1-5-15	Amended	V. 12, p. 1705
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1-6-32	Amended	V. 11, p. 278
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1-8-7	Amended	V. 11, p. 1017
1-9-4	Amended	V. 11, p. 1017
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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
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28-35-234a	Amended	V. 12, p. 1177
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28-35-363	New	V. 12, p. 1177, 1178
28-36-21	Amended	V. 12, p. 1059
28-36-30	Amended	V. 12, p. 1211
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28-38-23	Amended	V. 12, p. 437, 438
28-38-29	New	V. 12, p. 439
28-39-76	Revoked	V. 12, p. 1399
28-39-77	Revoked	V. 12, p. 1399
28-39-77a	Revoked	V. 12, p. 1400
28-39-78	Revoked	V. 12, p. 1400
28-39-82	through	
28-39-103	Revoked	V. 12, p. 1400
28-39-103a	Revoked	V. 12, p. 1400
28-39-104	through	
28-39-113	Revoked	V. 12, p. 1400
28-39-144	through	
28-39-162	New	V. 12, p. 1400-1416
28-39-162a	New	V. 12, p. 1417
28-39-162b	New	V. 12, p. 1422
28-39-162c	New	V. 12, p. 1424
28-39-163	New	V. 12, p. 1428
28-44-28	New	V. 12, p. 1541
28-44-29	New	V. 12, p. 1541
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
28-65-1	Amended	V. 12, p. 1541
28-65-2	Amended	V. 12, p. 1542
28-65-3	Amended	V. 12, p. 1542
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30-4-52	Amended	V. 12, p. 1213
30-4-55	Amended	V. 11, p. 1750
30-4-63	Amended	V. 12, p. 1213

30-4-64	Amended	V. 12, p. 1215
30-4-72	Amended	V. 11, p. 1010, 1044
30-4-73	Amended	V. 12, p. 386
30-4-85a	Amended	V. 12, p. 1461, 1486
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
30-4-111	Amended	V. 12, p. 1737, 1781
30-4-112	Amended	V. 12, p. 1216
30-4-122a	Amended	V. 12, p. 1461, 1486
30-4-130	Amended	V. 12, p. 1217
30-4-140	Amended	V. 11, p. 365
30-5-58	Amended	V. 12, p. 1218
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. 12, p. 1224
30-5-73	Amended	V. 12, p. 1224
30-5-80	New	V. 11, p. 989
30-5-81b	Amended	V. 12, p. 1225
30-5-86	Amended	V. 11, p. 1752
30-5-95	Amended	V. 11, p. 205
30-5-100	Amended	V. 12, p. 1225
30-5-100a	Amended	V. 11, p. 1752
30-5-105	Amended	V. 12, p. 1226
30-5-109a	Amended	V. 12, p. 1226
30-5-110	Amended	V. 11, p. 373
30-5-114	Amended	V. 11, p. 1265
30-5-116a	Amended	V. 12, p. 1226
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. 1738, 1783
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. 12, p. 1739
30-6-106	Amended	V. 12, p. 1740, 1784
30-6-109	Amended	V. 12, p. 1742, 1786
30-6-112	Amended	V. 12, p. 1230
30-6-113	Amended	V. 12, p. 1744, 1788
30-6-150	Amended	V. 12, p. 1745, 1789
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30-7-104	through	
30-7-100	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. 12, p. 1745
30-10-1b	Amended	V. 12, p. 1748
30-10-1c	Amended	V. 12, p. 1748
30-10-1d	Amended	V. 12, p. 1748
30-10-2	Amended	V. 12, p. 1749
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. 12, p. 1749
30-10-15a	Amended	V. 12, p. 1751
30-10-15b	Amended	V. 11, p. 1486
30-10-17	Amended	V. 12, p. 1753
30-10-18	Amended	V. 12, p. 1754
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30-10-23a	Amended	V. 12, p. 1756
30-10-23b	Amended	V. 11, p. 1491
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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
30-46-10	Amended	V. 12, p. 1231
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30-65-2	New	V. 12, p. 1593, 1633
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36-13-36	Revoked	V. 11, p. 663
36-13-37	Amended	V. 11, p. 663
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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

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40-1-39	New	V. 12, p. 1563
40-1-41	New	V. 12, p. 1563
40-2-12	Amended	V. 11, p. 1801
40-2-23	New	V. 12, p. 1564
40-3-10	Revoked	V. 12, p. 1564
40-3-32	Amended	V. 12, p. 1564
40-3-33	Amended	V. 12, p. 1565
40-3-47	Amended	V. 11, p. 1967
40-3-49	New	V. 11, p. 1803
40-3-50	New	V. 12, p. 1568
40-4-2	Amended	V. 12, p. 1568
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
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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
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40-4-37p	New	V. 11, p. 1810
40-4-37r	New	V. 11, p. 1811
40-4-40	New	V. 12, p. 1811
40-5-12	New	V. 12, p. 1568
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

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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
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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

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44-12-317	Amended	V. 11, p. 318
44-12-319	Amended	V. 11, p. 318
44-12-321	Amended	V. 11, p. 318
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44-12-324	Amended	V. 11, p. 319
44-12-325	Amended	V. 11, p. 319
44-12-326	Amended	V. 11, p. 319
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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
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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
44-14-101	Amended	V. 12, p. 1593
44-14-102	Amended	V. 12, p. 1594
44-14-201	Amended	V. 12, p. 1594
44-14-301	Amended	V. 12, p. 1594
44-14-302	Amended	V. 12, p. 1594
44-14-303	Amended	V. 12, p. 1596
44-14-305	Amended	V. 12, p. 1596
44-14-305a	Revoked	V. 12, p. 1596
44-14-306	Amended	V. 12, p. 1596
44-14-307	Amended	V. 12, p. 1597
44-14-309	Amended	V. 12, p. 1597
44-14-310	Amended	V. 12, p. 1597
44-14-311	Amended	V. 12, p. 1597
44-14-314	Amended	V. 12, p. 1597
44-14-316	Amended	V. 12, p. 1597
44-14-318	New	V. 12, p. 1597
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
51-9-7	Amended	V. 12, p. 1399
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 56: ADJUTANT GENERAL'S DEPARTMENT

Reg. No.	Action	Register
56-2-1	New	V. 12, p. 1736
56-2-2	New	V. 12, p. 1736

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-1-101	Revoked	V. 12, p. 1205
60-1-102	Amended	V. 12, p. 348
60-1-103	Amended	V. 12, p. 348
60-3-101	Amended	V. 12, p. 348
60-3-110	Amended	V. 12, p. 1205
60-3-111	New	V. 12, p. 349
60-4-101	Amended	V. 12, p. 489
60-4-103	Amended	V. 12, p. 489
60-7-106	New	V. 12, p. 1206
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	Amended	V. 12, p. 1206
60-11-103	Amended	V. 12, p. 350
60-11-108	Amended	V. 12, p. 1208
60-11-114	New	V. 11, p. 85
60-11-118	Amended	V. 12, p. 350
60-11-119	Amended	V. 12, p. 489
60-12-104	Amended	V. 12, p. 1208
60-12-105	Amended	V. 12, p. 1208
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. 1598
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. 1598

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. 1926
66-6-7	Revoked	V. 12, p. 11
66-6-8	Amended	V. 12, p. 1926
66-6-9	Amended	V. 12, p. 1926
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. 1926, 1927
66-8-6	Amended	V. 11, p. 409
66-9-1	Amended	V. 12, p. 1927
66-9-2	Amended	V. 12, p. 1927
66-9-3	Revoked	V. 12, p. 12
66-9-4	Amended	V. 12, p. 1927
66-9-5	Amended	V. 12, p. 1928
66-10-1	Amended	V. 12, p. 1928
66-10-2	Revoked	V. 12, p. 13
66-10-3	Amended	V. 12, p. 1928
66-10-4	Amended	V. 12, p. 1928
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. 12, p. 1928
66-10-10	Amended	V. 12, p. 13
66-10-10a	New	V. 12, p. 13
66-10-11	Amended	V. 12, p. 14
66-10-12	Amended	V. 12, p. 14
66-11-1	Amended	V. 12, p. 1929
66-11-2	Amended	V. 12, p. 1929
66-11-3	Amended	V. 12, p. 14
66-12-1	Amended	V. 12, p. 1929
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
69-1-4	Amended	V. 13, p. 4
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. 12, p. 1633
69-12-1		
through		
69-12-17	New	V. 12, p. 1633-1635

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
71-1-18	New	V. 12, p. 1700
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
74-4-8	Amended	V. 12, p. 1922
74-5-2	Amended	V. 12, p. 1039
74-5-103	Amended	V. 11, p. 848

Table with 3 columns: Regulation Number, Action, Register. Rows include 74-5-104, 74-5-202, 74-5-203, 74-5-405, 74-5-406, 74-6-1, 74-6-2, 74-8-2, 74-8-5, 74-11-1, 74-11-5, 74-11-6, 74-11-14, 74-14-1, 74-14-2.

AGENCY 75: CONSUMER CREDIT COMMISSIONER

Table with 3 columns: Reg. No., Action, Register. Rows include 75-6-11, 75-6-24, 75-6-26.

AGENCY 80: KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

Table with 3 columns: Reg. No., Action, Register. Rows include 80-8-1 through 80-8-7.

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Table with 3 columns: Reg. No., Action, Register. Rows include 81-3-1, 81-3-3, 81-3-4, 81-5-3, 81-5-8, 81-5-9, 81-5-10, 81-5-11, 81-7-1, 81-7-2, 81-11-11.

AGENCY 82: STATE CORPORATION COMMISSION

Table with 3 columns: Reg. No., Action, Register. Rows include 82-1-228, 82-1-232, 82-3-206, 82-3-307, 82-3-401, 82-3-401a, 82-4-1, 82-4-3, 82-4-6d, 82-4-8a, 82-4-20, 82-4-27a, 82-4-27c, 82-4-27e, 82-4-27g, 82-4-29, 82-4-34, 82-4-35a, 82-4-37, 82-4-38, 82-4-39.

AGENCY 86: REAL ESTATE COMMISSION

Table with 3 columns: Reg. No., Action, Register. Rows include 86-1-5, 86-1-11, 86-1-13, 86-3-7, 86-3-22, 86-3-23, 86-3-24, 86-3-24.

AGENCY 88: BOARD OF REGENTS

Table with 3 columns: Reg. No., Action, Register. Rows include 88-8-2, 88-8-9, 88-9-3, 88-10-4, 88-11-5, 88-13-4, 88-13-11, 88-18-3, 88-18-8, 88-19-2, 88-19-4, 88-20-3.

Table with 3 columns: Regulation Number, Action, Register. Rows include 88-20-9, 88-21-3, 88-21-8, 88-22-1, 88-22-10, 88-22-10.

AGENCY 91: DEPARTMENT OF EDUCATION

Table with 3 columns: Reg. No., Action, Register. Rows include 91-1-27d, 91-1-30, 91-1-80, 91-1-102a, 91-1-104b, 91-1-104c, 91-1-110a, 91-1-110c, 91-1-112c, 91-1-112d, 91-1-113b, 91-5-2, 91-5-7, 91-12-22, 91-12-23, 91-12-24a, 91-12-27, 91-12-28, 91-12-30, 91-12-33, 91-12-37, 91-12-40, 91-12-41, 91-12-44, 91-12-45, 91-12-46, 91-12-47, 91-12-51, 91-12-53, 91-12-54, 91-12-55, 91-12-59, 91-12-61, 91-12-64, 91-12-65, 91-12-71.

AGENCY 92: DEPARTMENT OF REVENUE

Table with 3 columns: Reg. No., Action, Register. Rows include 92-12-112, 92-51-34, 92-52-9, 92-52-9a.

AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION

Table with 3 columns: Reg. No., Action, Register. Row includes 93-5-1.

AGENCY 98: KANSAS WATER OFFICE

Table with 3 columns: Reg. No., Action, Register. Rows include 98-5-2, 98-5-3, 98-5-5.

AGENCY 100: BOARD OF HEALING ARTS

Table with 3 columns: Reg. No., Action, Register. Rows include 100-11-1, 100-38-1, 100-46-6, 100-47-1, 100-49-4, 100-49-5, 100-54-6, 100-55-6, 100-60-3, 100-60-4, 100-60-5, 100-60-6, 100-60-8, 100-60-14.

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Table with 3 columns: Reg. No., Action, Register. Rows include 102-1-13, 102-5-1, 102-5-12, 102-5-2.

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Table with 3 columns: Reg. No., Action, Register. Rows include 105-3-2, 105-3-9.

Table with 3 columns: Regulation Number, Action, Register. Rows include 105-5-2, 105-5-6, 105-5-7, 105-5-8, 105-5-9, 105-9-5.

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Table with 3 columns: Reg. No., Action, Register. Rows include 109-1-1, 109-2-5, 109-2-8, 109-5-1, 109-9-4, 109-9-5, 109-10-2, 109-10-3, 109-10-4, 109-11-1, 109-11-4, 109-11-8, 109-13-1, 109-13-3.

AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING

Table with 3 columns: Reg. No., Action, Register. Rows include 110-4-1 through 110-4-4, 110-5-1 through 110-5-6, 110-6-1 through 110-6-6, 110-6-7.

AGENCY 111: THE KANSAS LOTTERY

Table with 3 columns: Reg. No., Action, Register. Rows include 111-1-2, 111-1-5, 111-2-1, 111-2-2, 111-2-2a, 111-2-6, 111-2-7, 111-2-13, 111-2-14, 111-2-15, 111-2-16, 111-2-17, 111-2-18, 111-2-19, 111-2-20, 111-2-21, 111-2-22, 111-2-23, 111-2-24, 111-2-25, 111-2-26, 111-2-27, 111-2-28, 111-2-29, 111-3-1, 111-3-6, 111-3-9, 111-3-10, 111-3-11, 111-3-12, 111-3-13, 111-3-14, 111-3-16, 111-3-19, 111-3-20, 111-3-21, 111-3-22, 111-3-23, 111-3-25, 111-3-26, 111-3-27, 111-3-29, 111-3-31, 111-3-32, 111-3-33, 111-4-1, 111-4-5.

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111-4-5a	Revoked	V. 12, p. 113	111-4-336			111-4-497		
111-4-6			through			through		
111-4-15	Revoked	V. 12, p. 113	111-4-340	Amended	V. 12, p. 1371, 1372	111-4-500	New	V. 12, p. 913, 914
111-4-66			111-4-341	Revoked	V. 11, p. 1473	111-4-501		
through			111-4-341a	Revoked	V. 12, p. 1372	through		
111-4-77	New	V. 7, p. 207-209	111-4-341b	Amended	V. 12, p. 1372	111-4-512		V. 12, p. 1115-1118
111-4-96			111-4-341c	New	V. 12, p. 1664	111-4-513		
through			111-4-344	Amended	V. 12, p. 1373	through		
111-4-114	New	V. 7, p. 1606-1610	111-4-346			111-4-521		V. 12, p. 1374, 1375
111-4-100	Amended	V. 12, p. 1113	through			111-4-522		
111-4-101	Amended	V. 12, p. 1113	111-4-361	New	V. 10, p. 1586-1589	through		
111-4-102	Amended	V. 12, p. 1114	111-4-346			111-4-530	New	V. 12, p. 1569, 1570
111-4-103	Amended	V. 10, p. 1211	through			111-4-531		
111-4-104	Amended	V. 12, p. 1114	111-4-349	Revoked	V. 12, p. 114	through		
111-4-105	Amended	V. 12, p. 1114	111-4-362			111-4-534	New	V. 12, p. 1665, 1666
111-4-106	Amended	V. 11, p. 1472	through			111-4-535		
111-4-106a	Amended	V. 11, p. 1149	111-4-365	Revoked	V. 12, p. 114, 115	through		
111-4-107	Amended	V. 11, p. 978	111-4-362	Amended	V. 11, p. 13	111-4-542	New	V. 12, p. 1844-1846
111-4-108	Amended	V. 12, p. 1114	111-4-366			111-5-1		
111-4-110	Amended	V. 11, p. 978	through			through		
111-4-111	Amended	V. 9, p. 1366	111-4-379	New	V. 11, p. 136-139	111-5-23	New	V. 7, p. 209-213
111-4-112	Amended	V. 12, p. 1114	111-4-366			111-5-9		
111-4-113	Amended	V. 9, p. 1366	through			through		
111-4-114	Amended	V. 9, p. 1366	111-4-369	Revoked	V. 12, p. 1373	111-5-15	Amended	V. 8, p. 210, 211
111-4-153			111-4-380			111-5-11	Amended	V. 9, p. 505
through			through			111-5-12	Amended	V. 11, p. 415
111-4-160	Revoked	V. 9, p. 1676, 1677	111-4-383	Revoked	V. 12, p. 1664	111-5-17	Amended	V. 8, p. 211
111-4-177			111-4-384			111-5-18	Amended	V. 10, p. 13
through			through			111-5-19	Amended	V. 8, p. 212
111-4-212	Revoked	V. 9, p. 1677, 1678	111-4-387	Revoked	V. 12, p. 1373	111-5-21		
111-4-213			111-4-388			through		
through			through			111-5-33	New	V. 11, p. 415-418
111-4-220	Revoked	V. 10, p. 1213	111-4-400	New	V. 11, p. 478-481	111-5-22	Amended	V. 11, p. 481
111-4-217	Amended	V. 9, p. 986	111-4-388			111-5-23	Amended	V. 11, p. 481
111-4-221			through			111-5-24	Amended	V. 11, p. 983
through			111-4-391	Revoked	V. 12, p. 1373	111-5-25	Amended	V. 11, p. 482
111-4-224	Revoked	V. 10, p. 1585	111-4-392	Amended	V. 12, p. 520	111-5-27	Amended	V. 11, p. 482
111-4-225			111-4-394			111-5-28	Amended	V. 12, p. 317
through			through			111-5-34	New	V. 12, p. 318
111-4-228	Revoked	V. 10, p. 1585	111-4-400	Amended	V. 12, p. 521, 522	111-5-35		
111-4-229			111-4-401			through		
111-4-236	Revoked	V. 10, p. 1585, 1586	111-4-404	Revoked	V. 12, p. 1373	111-5-38	New	V. 12, p. 526
111-4-237			111-4-405			111-6-1		
through			through			through		
111-4-240	Revoked	V. 11, p. 413	111-4-413	New	V. 11, p. 756, 757	111-6-15	New	V. 7, p. 213-217
111-4-241			111-4-405	Amended	V. 12, p. 912	111-6-1	Amended	V. 12, p. 527
through			111-4-407	Amended	V. 12, p. 912	111-6-3	Amended	V. 12, p. 527
111-4-244	Revoked	V. 12, p. 1371	111-4-408	Amended	V. 12, p. 912	111-6-4	Amended	V. 10, p. 1413
111-4-245			111-4-409	Amended	V. 11, p. 1473, 1474	111-6-5	Amended	V. 12, p. 1262
through			111-4-411	Amended	V. 11, p. 1474	111-6-6	Amended	V. 11, p. 1973
111-4-248	Revoked	V. 12, p. 1371	111-4-412	Amended	V. 11, p. 1475	111-6-7	Amended	V. 11, p. 1477
111-4-249			111-4-413	Amended	V. 11, p. 1475	111-6-7a	New	V. 12, p. 1118
through			111-4-414			111-6-8	Revoked	V. 12, p. 1263
111-4-256	Revoked	V. 12, p. 113, 114	through			111-6-9	Amended	V. 10, p. 1217
111-4-257			111-4-428	New	V. 11, p. 981-983	111-6-11	Revoked	V. 12, p. 1376
through			111-4-414	Amended	V. 11, p. 1150	111-6-12	Amended	V. 8, p. 212
111-4-286	Revoked	V. 11, p. 413, 414	111-4-429			111-6-13	Amended	V. 8, p. 299
111-4-287			through			111-6-15	Amended	V. 12, p. 677
111-4-300	New	V. 10, p. 883-886	111-4-432	Revoked	V. 12, p. 1373	111-6-17	Revoked	V. 10, p. 1475
111-4-287			111-4-433			111-7-1		
through			through			through		
111-4-290	Revoked	V. 12, p. 1371	111-4-436	Revoked	V. 12, p. 1374	111-7-10	New	V. 7, p. 1192, 1193
111-4-291			111-4-437			111-7-1	Amended	V. 8, p. 212
through			through			111-7-3	Amended	V. 11, p. 1796
111-4-300	Revoked	V. 12, p. 114	111-4-444	New	V. 11, p. 1475-1477	111-7-3a	New	V. 11, p. 1796
111-4-301			111-4-437			111-7-4	Amended	V. 9, p. 1367
through			through			111-7-5	Amended	V. 9, p. 986
111-4-307	New	V. 10, p. 1015, 1016	111-4-440	Revoked	V. 12, p. 1374	111-7-6	Amended	V. 9, p. 987
111-4-301	Amended	V. 12, p. 1115	111-4-445			111-7-9	Amended	V. 12, p. 1263
111-4-303	Amended	V. 12, p. 1115	through			111-7-11	Amended	V. 10, p. 1475
111-4-304	Amended	V. 12, p. 1115	111-4-453	New	V. 11, p. 1794-1796	111-7-12		
111-4-306	Amended	V. 12, p. 1115	111-4-445			through		
111-4-308			through			111-7-32	New	V. 7, p. 1194-1196
through			111-4-448	Revoked	V. 12, p. 1374	111-7-33		
111-4-320	New	V. 10, p. 1214, 1215	111-4-454			through		
111-4-308	Amended	V. 12, p. 1261	through			111-7-43	New	V. 7, p. 1197, 1198
111-4-311	Amended	V. 12, p. 1262	111-4-465	Revoked	V. 12, p. 1664, 1665	111-7-33a	New	V. 8, p. 300
111-4-312	Amended	V. 12, p. 1262	111-4-466			111-7-44		
111-4-313	Amended	V. 12, p. 1262	through			through		
111-4-318			111-4-473	New	V. 12, p. 316, 317	111-7-54	New	V. 9, p. 1367-1370
through			111-4-466			111-7-46	Amended	V. 11, p. 1152
111-4-321	Revoked	V. 12, p. 114	through			111-7-54	Amended	V. 11, p. 1511
111-4-322			111-4-473	New	V. 12, p. 316, 317	111-7-55		
through			111-4-466			through		
111-4-331	New	V. 10, p. 1411-1413	111-4-469	Revoked	V. 12, p. 1665	111-7-63	Revoked	V. 10, p. 1217
111-4-322			111-4-470	Amended	V. 12, p. 522	111-7-60	Amended	V. 10, p. 262
through			111-4-474			111-7-64		
111-4-327	Revoked	V. 12, p. 1371	through			111-7-75	New	V. 11, p. 13, 14
111-4-328			111-4-488	New	V. 12, p. 522-524	111-7-66	Amended	V. 12, p. 1666
through			111-4-489			111-7-66a	New	V. 11, p. 1797
111-4-335	Revoked	V. 12, p. 114	through			111-7-76		
111-4-336			111-4-492	New	V. 12, p. 861	through		
through			111-4-493			111-7-78		
111-4-345	New	V. 10, p. 1526-1528	111-4-496	New	V. 12, p. 525	111-7-79	New	V. 11, p. 1478-1480
							Amended	V. 12, p. 914

111-7-80 through 111-7-83	New	V. 11, p. 1478-1480
111-7-84 through 111-7-90	New	V. 12, p. 677, 678
111-7-91 through 111-7-98	New	V. 12, p. 914
111-7-99 through 111-7-105	New	V. 12, p. 1376, 1377
111-8-1	New	V. 7, p. 1633
111-8-2	New	V. 7, p. 1633
111-8-3	Amended	V. 10, p. 886
111-8-4	New	V. 7, p. 1714
111-8-4a	New	V. 7, p. 1995
111-8-5 through 111-8-13	New	V. 7, p. 1634
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111-9-31 through 111-9-36	New	V. 10, p. 262
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111-9-49 through 111-9-54	New	V. 12, p. 318, 319
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AGENCY 112: KANSAS RACING COMMISSION

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112-4-6	Amended	V. 11, p. 1975, 2011
112-4-8	Amended	V. 11, p. 1975, 2011
112-4-9a	New	V. 11, p. 1976, 2011
112-4-12	Amended	V. 11, p. 1976, 2011
112-4-13	Revoked	V. 11, p. 1976, 2012
112-4-16	Amended	V. 11, p. 1976, 2012
112-4-17	Amended	V. 11, p. 1976, 2012
112-4-18	Amended	V. 11, p. 1977, 2012
112-4-19	Amended	V. 11, p. 1977, 2012
112-4-21a	New	V. 11, p. 1977, 2013
112-4-22	Amended	V. 11, p. 1977, 2013

112-4-23	New	V. 11, p. 1977, 2013
112-4-24	New	V. 12, p. 1153, 1370
112-7-2	Amended	V. 11, p. 1977, 2013
112-7-5 through 112-7-10	Amended	V. 11, p. 1978-1979, 2013-2015
112-7-13	Amended	V. 11, p. 1980, 2015
112-7-15	Revoked	V. 11, p. 1980, 2016
112-7-15a	New	V. 11, p. 1980, 2016
112-7-15b	New	V. 11, p. 1981, 2017
112-7-16	Amended	V. 11, p. 1981, 2017
112-7-16a	New	V. 11, p. 1982, 2017
112-7-18	Amended	V. 11, p. 1982, 2018
112-7-18a	New	V. 11, p. 1982, 2018
112-7-20	Amended	V. 11, p. 1983, 2018
112-7-21	Amended	V. 11, p. 1983, 2018
112-7-22	Amended	V. 11, p. 1983, 2019
112-7-23	New	V. 11, p. 1984, 2020
112-9-2	Amended	V. 12, p. 975, 1211
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112-9-12a	New	V. 11, p. 561
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112-9-14a	New	V. 11, p. 561
112-9-15a	New	V. 11, p. 562
112-9-16a	New	V. 11, p. 563
112-9-16b	New	V. 11, p. 563
112-9-17a	New	V. 11, p. 564
112-9-18a	Amended	V. 12, p. 355, 378
112-9-19a	New	V. 11, p. 565
112-9-21a	New	V. 11, p. 566
112-9-22	Revoked	V. 11, p. 566
112-9-22a	New	V. 11, p. 566
112-9-20	Amended	V. 12, p. 975, 1211
112-9-39	Revoked	V. 11, p. 568
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112-9-40	Revoked	V. 11, p. 568
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112-10-8	Amended	V. 11, p. 1988, 2023
112-10-9	Revoked	V. 11, p. 1988, 2024
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112-10-32	Amended	V. 11, p. 1989, 2025
112-10-33	Amended	V. 11, p. 1989, 2025
112-10-35	Amended	V. 11, p. 1990, 2026
112-10-36	Revoked	V. 11, p. 165
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112-10-37	Amended	V. 11, p. 1990, 2026
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112-12-1	New	V. 12, p. 50
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112-12-10	Amended	V. 12, p. 1816
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AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

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115-2-2	Amended	V. 11, p. 1330
115-2-3	Amended	V. 11, p. 1330
115-2-4	Amended	V. 11, p. 1330
115-4-1	Amended	V. 12, p. 570
115-4-3	Amended	V. 12, p. 570
115-4-5	Amended	V. 12, p. 571
115-4-6	Amended	V. 12, p. 572
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115-5-1	Amended	V. 12, p. 1490
115-8-6	Amended	V. 11, p. 1743
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115-9-1	Revoked	V. 12, p. 1702
115-11-2	Amended	V. 11, p. 1144
115-15-1	Amended	V. 11, p. 1145
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115-18-10	New	V. 12, p. 1702
115-21-3	New	V. 12, p. 1703
115-30-8	Amended	V. 12, p. 1703

AGENCY 116: STATE FAIR BOARD

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116-3-2	New	V. 12, p. 1175

AGENCY 117: REAL ESTATE APPRAISAL BOARD

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117-2-1	Amended	V. 12, p. 528
117-2-4	Amended	V. 12, p. 529
117-3-1	Amended	V. 12, p. 529
117-4-1	Amended	V. 12, p. 1699
117-4-4	Amended	V. 12, p. 530
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117-6-2	Amended	V. 12, p. 531
117-8-1	Amended	V. 12, p. 531

AGENCY 118: STATE HISTORICAL SOCIETY

Reg. No.	Action	Register
118-1-1 through 118-1-4	New	Vol. 11, p. 1119, 1120
118-2-1	New	V. 11, p. 554

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