

Kansas Register

Ron Thornburgh, Secretary of State

Vol. 15, No. 24

June 13, 1996

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State of Kansas

Information Network of Kansas

Notice of Meeting

The Information Network of Kansas Board of Directors will meet at 2 p.m. Thursday, June 20, at Kansas Inc., 632 S.W. Van Buren, Suite 100, Topeka. The meeting is open to the public.

Charles R. Warren
Chairman

Doc. No. 017749

State of Kansas

Kansas Development Finance Authority

Notice of Change of Meeting Date

The Kansas Development Finance Authority Board of Directors meeting that was scheduled for 9:30 a.m. Friday, June 14, has been changed to 9 a.m. Saturday, June 15. For further information, contact the Kansas Development Finance Authority at (913) 296-6747.

Wm. F. Caton
President

Doc. No. 017754

State of Kansas

State Banking Board

Notice of Meeting

The State Banking Board will meet at 9 a.m. Monday, July 15, in the conference room of the office of the State Bank Commissioner, Suite 300, Jayhawk Tower, 700 S.W. Jackson, Topeka. The board reviews matters relating to its supervisory authority as set forth in K.S.A. 9-1801 et seq.

W. Newton Male
State Bank Commissioner

Doc. No. 017755

State of Kansas

Pooled Money Investment Board

Notice of Meeting

The Pooled Money Investment Board will meet at 1 p.m. Wednesday, June 19, in the State Treasurer's Office, Conference Room 203, Landon State Office Building, 900 S.W. Jackson, Topeka. All meetings of the board are open to the public. For more information, contact Diane Gates at (913) 296-3372.

William E. Lewis
Chairman

Doc. No. 017764

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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 \$2,216,880.59 in the underground petroleum storage tank release trust fund and \$6,658,103.53 in the aboveground petroleum storage tank release trust fund at May 31, 1996.

Sheila Frahm
Secretary of Administration

Doc. No. 017753

State of Kansas

State Conservation Commission

Notice of Hearing on Proposed
Administrative Regulations

Two public hearings will be conducted to consider the adoption of proposed changes to the bonding requirements, or other security, required by K.S.A. 49-615(b) from each applicant for registration of a surface mining site. Hearings will be at 1 p.m. Tuesday, August 13, at the State Conservation Commission conference room, 109 S.W. 9th, Suite 500, Topeka, and at 1 p.m. Thursday, August 15, in the Fine Arts Building, Room F-30, Barton County Community College, Great Bend. If special accommodations are needed, please contact the commission at the above address three days in advance of the hearing date.

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed changes. All interested parties may submit written comments to the commission at the above address prior to the hearing.

All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed changes. A copy of the full text of the regulations and the economic impact statement may be reviewed or obtained at the commission office. The following is a summary of the proposed regulation changes:

K.A.R. 11-8-8. Bond or other security. The proposed changes establish a set dollar amount per acre for the bond or other security needed to guarantee reclamation at \$400 per acre for sand and gravel operations and \$600 per acre for all other types of mining operations, excluding coal. The proposed regulation changes also clarify the information needed to submit a surety bond, certificate of deposit or cash bond.

There will be no economic impact to the agency or to counties, cities or school districts. The cost of the bond will vary with the type and size of the mine and may be passed on to the consumer. Entities who sell bonds may receive revenue from this regulation.

Tracy D. Streeter
Executive Director

Doc. No. 017757

State of Kansas

State Fair Board

Notice of Meeting

The State Fair Board will meet by conference call at 8 a.m. Tuesday, June 18. For further information, contact Deana Novak at (316) 669-3612.

Deana K. Novak
Public Service Administrator

Doc. No. 017759

State of Kansas

State Employees Health Care Commission

Notice of Meeting

A State Employees Health Care Commission meeting will be conducted at 1:30 p.m. Thursday, June 27, in Room 313, State Capitol, 300 S.W. 10th Ave., Topeka. For further information, contact the Benefits Office at (913) 296-6280.

Sheila Frahm
Chair

Doc. No. 017756

State of Kansas

Department of Health
and Environment

Notice of Hearing

A public hearing will be conducted at 1 p.m. Monday, July 15, at the William A. White Auditorium, Little Theater, 522 Mechanic, Emporia, to receive comments on the proposed issuance of an air quality permit. KDHE is proposing to issue the permit in accordance with the provisions of K.A.R. 28-19-300 (construction permits and approvals; applicability) to install and operate a concentric oil cooling manufacturing line at a facility owned and operated by Modine Manufacturing Company at 1401 Industrial St., Emporia. Emissions of particulate matter, sulfur oxides, oxides of nitrogen, carbon monoxide, volatile organic compounds, methyl ethyl ketone and methanol were evaluated during the permit review process.

A copy of the proposed permit, permit application, supporting documentation, and information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE southeast district office, 1500 W. 7th, Chanute.

To obtain or review the proposed permit and supporting documentation, contact Connie Carreno, (913) 296-6422, at the KDHE central office, or Lynn Ranabargar, (316) 431-2390, at the KDHE southeast district office. The standard departmental cost will be assessed for any copies requested.

James J. O'Connell
Secretary of Health
and Environment

Doc. No. 017773

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 24,110 cubic yard detention dam, Site C-86 in Jackson 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. June 25, and then opened. A copy of the invitation for bids and plans and specifications may be reviewed at the district office, (913) 364-4309, or obtained from King Engineering, Inc., 125 W. 4th (upstairs), Holton. A \$25 deposit is required for each set of plans.

Tracy D. Streeter
Executive Director

Doc. No. 017750

State of Kansas

Kansas Racing Commission

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9 a.m. Friday, August 23, in the Kansas Racing Commission's conference room, 3400 Van Buren, Topeka, to consider an amendment to a proposed permanent regulation of the Kansas Racing Commission. This 60-day notice constitutes a public comment period for the purpose of receiving written public comments on the proposed regulation.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in the accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting the secretary at the Kansas Racing Commission, 3400 Van Buren, Topeka, 66611-2228, (913) 296-5800.

A copy of the full text of the regulation and the economic impact statement may be reviewed or obtained at the commission office. The following is a summary of the proposed amendment:

K.A.R. 112-4-14b—Trainer responsibility. This regulation sets out the conditions for which a trainer of greyhounds will be held responsible unless the trainer can show otherwise by a preponderance of the evidence. The amendment to this regulation sets out eligibility as an additional condition for which the trainer is responsible. By adding eligibility as a condition, the trainer will be responsible for entries which shall include the proper licensing of the owner or owners as well as proper greyhound registration.

Economic Impact: There are no costs anticipated as a result of this regulation amendment.

Myron Scafe
Executive Director

Doc. No. 017760

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 30,000 cubic yard detention dam, Site 25 in Pottawatomie County, will be received by the Rock Creek Watershed District No. 45 at the office of King Engineering, Inc., 125 W. 4th, Holton, 66436, until 5 p.m. June 19. The bids will be opened June 19 at the Natural Resources Conservation Service (NRCS), Westmoreland, at 8 p.m. A copy of the invitation for bids and plans and specifications may be reviewed at the NRCS office in Westmoreland, (913) 457-3398, or obtained from King Engineering, (913) 364-4312. A \$25 deposit is required for each set of plans.

Tracy D. Streeter
Executive Director

Doc. No. 017751

State of Kansas

Attorney General

Notice of Available Funding for
Child Abuse and Neglect Grant Programs

Grant funds are available from the State Crime Victims' Assistance Fund Child Abuse and Neglect Grant Program for fiscal year 1997. The purpose of this grant program is to provide funds for ongoing operating expenses of programs (including court-appointed special advocate programs) providing: 1) temporary emergency shelter for victims of child abuse and neglect; 2) counseling and assistance to those victims; or 3) educational services directed at reducing the incidence of child abuse and neglect and diminishing its impact on the victim.

Available funds may be awarded to programs that meet the following requirements: duly registered with the Secretary of State; meet the requirements of Section 501(c) of the Internal Revenue Code of 1986; have trustees or board of directors who represent the racial, ethnic and socioeconomic diversity of the county or counties served; meet normally accepted standards for nonprofit organizations; demonstrate ability to successfully administer programs; have obtained appropriate licensing or certification, or both; serve a significant number of residents of the county or counties served; and not unnecessarily duplicate services already adequately provided to county residents.

Each applicant must receive 50 percent or more of their funds from sources other than funds distributed through this fund; other sources may be public or private.

Applications can be obtained from the Office of the Attorney General, 2nd Floor, Kansas Judicial Center, 301 W. 10th, Topeka, 66612-1597, (913) 296-2215 or 1-800-828-9745.

All grant applications are to be postmarked by Friday, July 5. No applications will be accepted after that date.

Carla J. Stovall
Attorney General

Doc. No. 017771

State of Kansas

**Department of Administration
Division of Architectural Services**

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

Notice is hereby given of the commencement of negotiations for civil engineering services for the Department of Wildlife and Parks at Lemon Park Lake in Pratt. Design, construction administration, and cost estimating services are required for the rehabilitation and upgrade of the concrete low-water dam, dredging the lake and other improvements. Questions regarding the scope of project should be directed to Michael Wilson, Department of Wildlife and Parks, (913) 296-2281.

If interested, an original and six copies of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (913) 233-9367.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes by 5 p.m. June 28.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 017768

State of Kansas

Attorney General

Opinion No. 96-45

Cities and Municipalities—Buildings, Structures and Grounds; Development and Redevelopment of Areas In and Around Cities—Central Business District Areas; Tax Increment Financing. Kathy Peters, Bond Counsel for the City of Merriam, Overland Park, May 29, 1996.

Tax increment costs incurred at the commencement of a tax increment project can be repaid over time from tax increment revenues without the issuance of tax increment bonds. K.S.A. 12-1770 et seq., when read in its entirety, contemplates that in addition to the issuance of the special obligation tax increment bonds specifically authorized, alternate finance structures may be utilized. This interpretation is consistent with the act's stated purpose found in K.S.A. 12-1770 to "promote, stimulate and develop the general and economic welfare of the state of Kansas and its communities and to assist in the development and redevelopment of central business district areas of cities, blighted areas located within cities and enterprise zones . . . thus promoting the general welfare of the citizens of this state. . . ." Cited herein: K.S.A. 1995 Supp. 12-1770; 12-1771; K.S.A. 12-1775; 12-1778. REF

Opinion No. 96-46

Cities and Municipalities—City-Manager Plan—Adoption of Commission-City Manager.

Cities of the First Class—Miscellaneous Provisions—Relatives of Mayor and Commissioners Disqualified for Office; Application to Commission City-Manager Form of Government. Representative Clyde D. Graeber, 41st District, Leavenworth; Representative L. Candy Ruff, 40th District, Leavenworth, May 29, 1996.

K.S.A. 13-2903, which disqualifies a blood relative of a city commissioner from holding a city office during the commissioner's term of office, is applicable to a city of the first class which utilizes a commission-city manager form of government. Furthermore, a city police officer holds a city office and, therefore, the son of a city commissioner is disqualified from being appointed as a police officer during his father's term of office. Cited herein: K.S.A. 12-1010; 12-1011; 12-1014; 12-1017; 13-2903. MF

Opinion No. 96-47

Taxation—Liquor Drink Tax—Local Alcoholic Liquor Fund; Distribution of Monies; Special Parks and Recreation Fund for Counties; Use of Funds. William A. Taylor II, Cowley County Counselor, Winfield, May 29, 1996.

Local alcoholic liquor fund tax monies that are placed in a county's special parks and recreation fund may be distributed to cities of the second and third classes located in the county that have parks and recreation programs provided that the monies are used for the purposes indicated in the statute. Cited herein: K.S.A. 1995 Supp. 79-41a02; 79-41a04. MF

Opinion No. 96-48

Waters and Watercourses—Multipurpose Small Lakes Program—State Participation in Class III Multipurpose Small Lake Project; General Plan Required; Duties of Water Office; Duties of Sponsor; Costs; Sale of Water Rights. Tracy Streeter, Executive Director, State Conservation Commission, Topeka, May 29, 1996.

The Kansas State Conservation Commission administers the multipurpose small lakes program, K.S.A. 82a-1601 et seq. Inherent in the power to administer the act is the authority to interpret it. The determination that interest costs resulting from the acquisition of land are not eligible for reimbursement as construction or land rights costs is within the commission's discretion and consistent with the legislative intent of the act. Cited herein: K.S.A. 82a-1602; K.S.A. 1995 Supp. 82a-1603; 82a-1604; 82a-1606. GE

Opinion No. 96-49

Drainage and Levees—Drainage Districts Within Counties or Cities—Elections of Directors; Vacancy; Term of Office. R. Jeff Fendorf, Wyandotte County Counselor, Kansas City, May 29, 1996.

Persons appointed to fill vacancies on the board of directors of a drainage district serve until the next election of members of the board of directors. Cited herein: K.S.A. 24-401; 24-409; 24-410; 24-412; 24-413; 25-2501. RDS

Carla J. Stovall
Attorney General

Doc. No. 017763

State of Kansas

Board of Indigents' Defense Services

Notice of Meeting

The State Board of Indigents' Defense Services will meet at 10 a.m. Friday, June 21, in the seventh floor conference room, Wichita Bar Association, 301 N. Main, Wichita.

Contact Ron Miles, State Board of Indigents' Defense Services, Room 304, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (913) 296-4505, for information on how to be placed on the agenda.

Ronald E. Miles
Director

Doc. No. 017781

State of Kansas

Department of Administration
Division of Architectural ServicesNotice of Commencement of
Negotiations for Technical Services

Notice is hereby given of the commencement of negotiations for air and water balancing services and commissioning of mechanical and electrical systems for state construction projects for the six-month period from July 1, 1996 to December 31, 1996. Negotiations are also commencing for infrared testing services.

Interested individuals or firms in the balancing field must be certified by the National Environmental Balancing Bureau or the Associated Air Balance Council. Said individuals or firms must be engaged in balancing work on a full-time basis. Balance agencies which are of the same parent company as the designers or contractors of a particular project will not be considered for that project.

Firms interested in providing these services should submit an SF 254 form indicating their qualifications, fees for their services, and geographical areas of the state in which they are willing to work to Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603-3288, (913) 233-9367, ext. 204. An original of the SF 254 form (plus attachments as required) should be submitted with letters of interest.

It is the intention of the division to pre-approve a separate group of qualifying balancing, commissioning and infrared contractors and award projects on a rotational basis. If a firm anticipates being limited to specific sized projects, by dollar volume or location in the state, that information should also be supplied with the response.

Any questions or expressions of interest should be directed to Gary Grimes by 5 p.m. June 28.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 017766

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1995 Supp. 75-4210, as amended by 1996 Senate Bill No. 476. These rates and their uses are defined in K.S.A. 1995 Supp. 12-1675(b)(c)(d) and K.S.A. 1995 Supp. 75-4201(l) and 75-4209(a)(1)(B), as amended by 1996 Senate Bill 476.

Effective 6-17-96 through 6-23-96	
Term	Rate
0-90 days	5.26%
3 months	5.23%
6 months	5.52%
9 months	5.78%
12 months	5.94%
18 months	6.24%
24 months	6.34%
36 months	6.57%
48 months	6.70%

Sally Thompson
State Treasurer

Doc. No. 017748

State of Kansas

Department of Administration
Division of Architectural ServicesNotice of Commencement of
Negotiations for Technical Services

Notice is hereby given of the commencement of negotiations for surveying and soil testing services for state construction projects for the six-month period from July 1, 1996 to December 31, 1996. Soil testing services would include testing and reporting prior to construction and inspection services during construction. Firms that provide concrete, welding, asphalt, steel and lead paint testing are also being sought.

Firms interested in providing these services should submit an SF 254 form indicating their qualifications, fees for their services, and geographical areas of the state in which they are willing to work to Gary Grimes, Deputy Director of Planning and Project Management, Division of Architectural Services, 625 Polk, Topeka, 66603-3288, (913) 233-9367, ext. 204. An original of the SF 254 form (plus attachments as required) should be submitted with letters of interest.

It is the intention of the division to pre-approve a separate group of qualifying surveying and testing firms and award projects on a rotational basis. If a firm anticipates being limited to specific sized projects, by dollar volume or location in the state, that information should also be supplied with the response.

Any questions or expressions of interest should be directed to Gary Grimes by 5 p.m. June 28.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 017767

(Published in the Kansas Register June 13, 1996.)

City of Wichita, Kansas**Notice to Contractors****A Federal-Aid Project
87 TE-0075-01, Phase 1
TEA-T007(501)**

Sealed proposals for the Transportation Enhancement Program, City of Wichita, Kansas, will be received at the Office of the Purchasing Manager, City Hall, 455 N. Main, Wichita, 67201, until 10 a.m. Friday, June 28. All bids received will thereafter be publicly opened, read aloud and considered by the Board of Bids and Contracts. The bids will be received as a lump sum bid.

A mandatory pre-bid conference will be at 1 p.m. Wednesday, June 19, at the Kansas Aviation Museum. In order to be able to turn in a bid for consideration, contractors must be in attendance at the pre-bid conference.

The City of Wichita and the Kansas Department of Transportation have entered into an agreement for the use of Federal Transportation Enhancement (ISTEA) funds for this project.

The project is for roofing and masonry restoration at the Kansas Aviation Museum, 3350 George Washington Blvd., Wichita. It includes the roofing replacement on three defined roof areas and the masonry cleaning, tuck-pointing and waterproofing of the exterior masonry as defined in the documents.

There will be no discrimination against anyone because of race, age, religion, color, sex, disability or national origin in the award of the contracts. Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the city to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid non-responsive and not eligible for award consideration.

In addition to this requirement, each bidder shall execute all required documents in the plans, specifications and bid package. Failure to properly execute all required documents as part of the bid approval package will make the bid non-responsive and not eligible for award consideration.

Bidding documents may be obtained from Schaefer, Johnson, Cox, Frey & Associates, P.A., 220 S. Hillside, Wichita, 67211.

All work is to be done under the direction and supervision of the city manager and according to plans and specifications on file in the offices of the city engineer.

A deposit of \$100 will be required for each set of documents issued for bidding purposes. Only complete sets of documents and drawings and the project manual will

be reserved for bidders (those submitting bids to the owner) and major suppliers.

Bidders will be required to enclose a bid bond in the amount of 5 percent with each bid as a guarantee of good faith.

The Wichita City Council reserves the right to reject any and all bids.

City of Wichita, Kansas

Doc. No. 017718

State of Kansas**Department of Administration
Division of Architectural Services****Notice of Commencement of
Negotiations for Architectural Services**

Notice is hereby given of the commencement of negotiations for architectural services for the construction of a new sub-area shop in Junction City. The new sub-area shop with construction office and Kansas Highway Patrol office is proposed to be constructed on land in the south-east quadrant of the I-70/US-77 Interchange in Geary County.

The building is to be used as the headquarters for the sub-area crew, construction office and Kansas Highway Patrol.

The building will have approximately 8,580 square feet of space. The space will be subdivided into 4,170 square feet of insulated, weatherproof and air conditioned office and storage area and six 45' x 16'4" equipment bays. At least two of the equipment bays will be heated and designed as an equipment wash bay. Uses for the building include: garage for sub-area trucks, maintenance and repair of equipment, supplies and parts storage, maintenance supervisor's office, Kansas Highway Patrol office, construction engineer's office, reception area, plan and project review area, and storage of engineering equipment and supplies. The equipment bays will be sized to accommodate tandem axle dump trucks equipped with snow plows and material spreaders.

The type of building and configuration will generally be left to the project architect to decide, based on the local size conditions and budget limitations. The estimated project cost is \$1,150,000.

If interested, an original and six copies of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (913) 233-9367.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes by 5 p.m. June 28.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 017770

State of Kansas

Kansas Arts Commission

Notice of Meeting

The Kansas Arts Commission will convene its quarterly meeting at 9 a.m. Thursday, June 20, at the historic Brown Grand Opera House, 310 W. 6th, Concordia. During the business meeting, the commissioners will vote upon the recommendations of advisory panels to award grants for fiscal year 1997 (July 1, 1996-June 30, 1997).

Also on the agenda is adoption of an apportionment plan for fiscal year 1997, based upon the budget appropriation passed by the 1996 Legislature and an estimate of federal funds the commission might receive.

The commissioners also will discuss a proposed realignment of all grant programs, including an extensive revision of the grant guidelines, for fiscal year 1998.

Meetings of the Kansas Arts Commission, a state agency, and its advisory panels are open to public observation in accessible locations. Persons with special needs are asked to request accommodations to meet those needs at least one week before the meeting.

For more information, contact the Kansas Arts Commission, Suite 1004, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603-3758, (913) 296-3335. Persons with special communication needs may utilize the Kansas Relay Center, 1-800-766-3777.

Eric Hayashi
Executive Director

Doc. No. 017758

State of Kansas

Department on Aging

Notice of Hearing on Proposed
Administrative Regulations

Two public hearings will be conducted Thursday, August 15, at 10 a.m. and 11 a.m., in Room D on the second floor of the KNEA Building, 715 W. 10th, Topeka, to consider the adoption of proposed amendments to administrative regulations of the Kansas Department on Aging. The regulations are relevant to consumers and providers of federally-funded home-delivered nutrition services and state-funded in-home nutrition programs.

This 60-day notice of the public hearings shall constitute a public comment period for the purpose of receiving written public comments on the proposed amendments to the rules and regulations. All interested parties may submit written comments prior to the hearings to the Secretary of Aging, Kansas Department on Aging, Room 150-S, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1500. All interested parties will be given a reasonable opportunity at the hearing to orally present their views concerning the adoption of the proposed amendments to the regulations. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit oral presentation to five minutes.

Following the hearings, all written and oral comments submitted by interested parties prior to and at the hearing will be considered by the Secretary of Aging as the basis

for making any changes to the proposed amendments to the regulations.

Copies of the regulations and an economic impact statement may be obtained by sending a written request to the Kansas Department on Aging. If an alternative format and/or accommodations are needed, please request no later than August 5.

The following proposed amended and new regulations will be heard at 10 a.m.:

K.A.R. 26-5-6 establishes eligibility criteria and the frequency of recertification of eligibility for receiving state-funded in-home and federally-funded home-delivered meals.

Two new regulations in Article 5, K.A.R. 26-5-9 and K.A.R. 26-5-10, clarify that meals designed to meet recipients' individual special dietary needs must be consistent with physicians' orders, must conform to an established meal pattern, and targets services to individuals at greatest nutritional risk.

Implementation will be cost-neutral to private citizens who do not apply for home-delivered nutrition services or the in-home nutrition program. Although previous eligibility documentation costs are not available as a basis for comparison, the costs associated with eligibility determination will increase for governmental agencies or units which receive grants for home-delivered and/or in-home nutrition services. There will be no increase in costs to the department related to service-provider eligibility certification.

The following regulations proposed for revocation will be heard at 11 a.m.:

K.A.R. 26-6-1 establishes eligibility requirements to operate employment programs.

K.A.R. 26-6-2 establishes mandated employment program services.

K.A.R. 26-6-3 establishes allowable service provider expenses.

K.A.R. 26-6-4 establishes minimum performance standards to maintain a grant.

K.A.R. 26-6-5 establishes participant eligibility requirements.

K.A.R. 26-6-6 establishes conditions which may result in grant or contract terminations.

K.A.R. 26-6-7 adopts federal Job Training Partnership Act statutes and regulations and policies and procedures of the Kansas Department of Human Resources by reference.

K.A.R. 26-6-8 establishes minimum standards for Job Training Partnership Act Older Worker Program proposals.

The revocation of these regulations will be cost-neutral to the Kansas Department on Aging, other governmental agencies or units, private citizens and consumers of training and employment services.

Thelma Hunter Gordon
Secretary of Aging

Doc. No. 017752

State of Kansas

Wichita State University

Notice to Bidders

Wichita State University is accepting bids on the following item:

Closing July 8, 1996

Quotation 97002-1

Confocal microscope system

Bids must be submitted to the Wichita State University Office of Purchasing, Morrison Hall, Room 021, 1845 N. Fairmount, Wichita, 67260-0012, by 2 p.m. on the above specified closing date. Please refer to the above quotation number on all correspondence. For additional information, contact the Office of Purchasing, (316) 689-3080.

Gary D. Link
Director of Purchasing

Doc. No. 017772

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

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

Monday, June 24, 1996

31850

University of Kansas—Cleaning supplies and chemicals

31863

Statewide—Anti-freeze

31868

Youth Center at Topeka—Psychiatric services

31871

University of Kansas Medical Center—Coagulation reagents and supplies

31879

University of Kansas Medical Center—UPS and battery system maintenance

31882

Emporia State University—Private TV system

03843 Rebid

University of Kansas Medical Center—Digital video workstation

04262

Topeka Correctional Facility—Furnish and install digital communications recording system

04263

Hutchinson Correctional Facility—Furnish and install steam line

04264

Parsons State Hospital—Sidewalk and pavement replacement

04265

Department of Health and Environment—Consulting service (project plan development)

04266

Kansas Neurological Institute—Patient lifts

04278

Department of Transportation—Portable weigh-in-motion sensor pads

04283

Department of Wildlife and Parks—Electrofishing boat, Wichita

Tuesday, June 25, 1996

31874

Larned State Hospital—Pest control services

31875

University of Kansas Medical Center—Snow removal

04279

Department of Education—High-speed copier

Wednesday, June 26, 1996

31865

Statewide—Photocopier supplies

31881

Kansas Correctional Industries—Mineral spirits, calcium carbonate and kaolin clay

04280

Department of Social and Rehabilitation Services—IM3100 application forms

04281

Kansas State University—N/L editing system storage component

Thursday, June 27, 1996

31869

Wichita State University—Furnish laundry equipment for student housing

31870

Kansas State University—Yogurt (chilled) and sour cream

31872

State Self Insurance Fund—Medical bill audit services

31873

Department of Revenue—Data collection service, electronic funds transfer

31878

Larned Correctional Mental Health Facility—Portable radio batteries

Friday, June 28, 1996

31883

Kansas Lottery—Play center and counter-top dispenser

Wednesday, July 17, 1996

A-7786

Department of Transportation—New sub-area shop, Wichita

John T. Houlihan
Director of Purchases

Doc. No. 017774

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, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for discharges to the waters of the United States and the State of Kansas for the class of dischargers described below. The determinations for permit content are based on 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 subject to certain conditions.

Public Notice No. KS-AG-96-189/216

Name and Address of Applicant	Legal Description	Receiving Water
Boot Hill Feeders HC34, Box 248 Dodge City, KS 67801	SW/4, Sec. 23, T24S, R25W, Hodgeman County	Upper Arkansas River Basin

Kansas Permit No. A-UAHG-C003 Federal Permit No. KS-0115347
This is an existing facility for 16,000 head (16,000 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Supreme Feeders Company Box 708 Liberal, KS 67901	Sec. 16, T32S, R33W, Seward County	Cimarron River Basin

Kansas Permit No. A-CISW-C002 Federal Permit No. KS-0041599
This is an existing facility for 85,000 head (85,000 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Western Feed Yard, Inc. 548 S. Road I Johnson City, KS 67855	SE/4, Sec. 33, T28S, R40W, Stanton County	Cimarron River Basin

Kansas Permit No. A-CIST-C001 Federal Permit No. KS-0038415
This is an existing facility for 30,000 head (30,000 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
River Bend Feed Yard, Inc. Box 448 Ulysses, KS 67880	W/2, Sec. 16, T31S, R38W, Stevens County	Cimarron River Basin

Kansas Permit No. A-CISV-C001 Federal Permit No. KS-0037648
This is an existing facility for 15,500 head (15,500 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Finney County Feedyard, Inc. 4170 N. Finney County Feedyard Road Garden City, KS 67846	SW/4, Sec. 31, T23S, R31W, Finney County	Upper Arkansas River Basin

Kansas Permit No. A-UAFI-C002 Federal Permit No. KS-0037583

This is an existing facility for 30,000 head (30,000 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: On December 1 of each year water pollution control facilities shall have a minimum of 120 days of wastewater and rainfall storage available. The uppermost two feet of the storage structures are reserved for structure protection and are not to be considered for storage.

Name and Address of Applicant	Legal Description	Receiving Water
Cattle Empire Feedyard, Inc. Location #1 Route 1, Box 109A Satanta, KS 67870	SW/4, Sec. 9, T28S, R33W, Haskell County	Cimarron River Basin

Kansas Permit No. A-CIHS-C005 Federal Permit No. KS-0039411

This is an existing facility for 19,000 head (19,000 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste 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.

Name and Address of Applicant	Legal Description	Receiving Water
Ranger Feeders II, Inc. P.O. Box 880 Dighton, KS 67839	E/2, Sec. 22, & W/2, Sec. 23, T18S, R28W, Lane County	Upper Arkansas River Basin

Kansas Permit No. A-UALE-C002 Federal Permit No. KS-0115096

This is an existing facility for 12,000 head (12,000 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Lane County Feeders, Inc. Box 607 Dighton, KS 67839	SW/4, Sec. 11, T17S, R29W, Lane County	Upper Arkansas River Basin

Kansas Permit No. A-UALE-C004 Federal Permit No. KS-0115177

This is an existing facility for 42,000 head (42,000 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

water storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Miller Feed Yard, Inc. P.O. Box 459 Satanta, KS 67870	E/2, Sec. 19, T30S, R34W, Haskell County	Cimarron River Basin

Kansas Permit No. A-CIHS-C006 Federal Permit No. KS-0115231
This is an existing facility for 17,500 head (17,500 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: On December 1 of each year water pollution control facilities shall have a minimum of 120 days of wastewater and rainfall storage available. The uppermost two feet of the storage structures are reserved for structure protection and are not to be considered for storage.

Name and Address of Applicant	Legal Description	Receiving Water
Ox Town Cattle Feeders, Inc. P.O. Box 428 Tribune, KS 67879	NE/4, Sec. 20, T16S, R40W, Greeley County	Smoky Hill River Basin

Kansas Permit No. A-SHGL-C001 Federal Permit No. KS-0115665
This is an existing facility for 21,000 head (21,000 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Emanuel Doll Doll Feedlot 6645 N. Doll Road Ingalls, KS 67853	NE/4, Sec. 24, T23S, R30W, Finney County	Upper Arkansas River Basin

Kansas Permit No. A-UAFI-C010 Federal Permit No. KS-0117714
This is an existing facility for 2,000 head (2,000 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste 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.

Name and Address of Applicant	Legal Description	Receiving Water
Dennis Bradford Hodgeman County Feeders Route 1, Box 31A Jetmore, KS 67854	SW/4, Sec. 12, T23S, R23W, Hodgeman County	Upper Arkansas River Basin

Kansas Permit No. A-UAHG-C006 Federal Permit No. KS-0115061
This is an existing facility for 5,000 head (5,000 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste 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.

Name and Address of Applicant	Legal Description	Receiving Water
Pawnee Valley Feeders, Inc. P.O. Box 116 Hanston, KS 67849	S/2, Sec. 29, T21S, R21W, Hodgeman County	Upper Arkansas River Basin

Kansas Permit No. A-UAHG-C001 Federal Permit No. KS-0041670
This is an existing facility for 22,000 head (22,000 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: On December 1 of each year water pollution control facilities shall have a minimum of 120 days of wastewater and rainfall storage available. The uppermost two feet of the storage structures are reserved for structure protection and are not to be considered for storage.

Name and Address of Applicant	Legal Description	Receiving Water
Cottonwood Corral, Inc. Route 2, Box 242 Jetmore, KS 67854	NW/4, Sec. 9, T21S, R24W, Hodgeman County	Upper Arkansas River Basin

Kansas Permit No. A-UAHG-C005 Federal Permit No. KS-0086819
This is an existing facility for 2,000 head (2,000 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
John P. Perrier Perrier Feed Yard 1900 La Mesa Dodge City, KS 67801	SE/4, Sec. 25, T28S, R26W, Ford County	Cimarron River Basin

Kansas Permit No. A-CIFO-C002 Federal Permit No. KS-0115711
This is an existing facility for 4,500 head (4,500 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Lakin Feed Yard, Inc. P.O. Box 1026 Lakin, KS 67860	S/2, Sec. 29, T25S, R36W, Kearny County	Upper Arkansas River Basin

Kansas Permit No. A-UAKE-C003 Federal Permit No. KS-0039365
This is an existing facility for 12,000 head (12,000 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: Should an unauthorized discharge occur onto the state highway right-of-way, additional controls will be required.

Name and Address of Applicant	Legal Description	Receiving Water
Kearny County Feeders, Inc. P.O. Box 109 Lakin, KS 67860	S/2, Sec. 4, & NW/4, Sec. 9, T24S, R36W, Kearny County	Upper Arkansas River Basin

Kansas Permit No. A-UAKE-C002 Federal Permit No. KS-0036731
(continued)

This is an existing facility for 35,000 head (35,000 animal units) of cattle. Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Winter Feed Yard, Inc. Box 115 Dodge City, KS 67801	NW/4, Sec. 33, T26S, R24W, Ford County	Upper Arkansas River Basin

Kansas Permit No. A-UAFO-C001 Federal Permit No. KS-0040584

This is an existing facility for 35,000 head (35,000 animal units) of cattle. Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: On December 1 of each year water pollution control facilities shall have a minimum of 120 days of wastewater and rainfall storage available. The uppermost two feet of the storage structures are reserved for structure protection and are not to be considered for storage.

Name and Address of Applicant	Legal Description	Receiving Water
Ingalls Feed Yard (East Pens) 13505 L Road Ingalls, KS 67853	NW/4, Sec. 31, T25S, R28W, Gray County	Upper Arkansas River Basin

Kansas Permit No. A-UAGY-C007 Federal Permit No. KS-0115258

This is an existing facility for 6,000 head (6,000 animal units) of cattle. Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Rex Stanley Feed Yard, Inc. Route 2, Box 248 Dodge City, KS 67801	SE/4, Sec. 12, T26S, R26W, Ford County	Upper Arkansas River Basin

Kansas Permit No. A-UAFO-C011 Federal Permit No. KS-0118192

This is an existing facility for 9,700 head (9,700 animal units) of cattle. Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: On December 1 of each year water pollution control facilities shall have a minimum of 120 days of wastewater and rainfall storage available. The uppermost two feet of the storage structures are reserved for structure protection and are not to be considered for storage.

Name and Address of Applicant	Legal Description	Receiving Water
Premier Cattle Feeders, Inc. 1765 E. Road 21 Ulysses, KS 67880	E/2, Sec. 14, T30S, R37W, Grant County	Cimarron River Basin

Kansas Permit No. A-CIGT-C003 Federal Permit No. KS-0053481

This is an existing facility for 17,000 head (17,000 animal units) of cattle. Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: On December 1 of each year water pollution control facilities shall have a minimum of 120 days of wastewater and rainfall storage available. The uppermost two feet of the storage structures are reserved for structure protection and are not to be considered for storage.

Name and Address of Applicant	Legal Description	Receiving Water
J & L Smith Farms, Inc. 8569 E. Road 2 Ulysses, KS 67880	SW/4, Sec. 6, T27S, R35W, Grant County	Upper Arkansas River Basin

Kansas Permit No. A-UAGT-H001 Federal Permit No. KS-0080799

This is an existing facility for 4,000 head (1,600 animal units) of swine. Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Ingalls Feed Yard 10505 U.S. Highway 50 Ingalls, KS 67853	Sec. 27, T25S, R29W, Gray County	Upper Arkansas River Basin

Kansas Permit No. A-UAGY-C006 Federal Permit No. KS-0115274

This is an existing facility for 40,000 head (40,000 animal units) of cattle. Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Gray County Feedyard, Inc. Route 2, Box 15A Cimarron, KS 67835	SE/4, Sec. 23, & NE/4, Sec. 26, T27S, R28W, Gray County	Upper Arkansas River Basin

Kansas Permit No. A-UAGY-C004 Federal Permit No. KS-0115304

This is an existing facility for 30,000 head (30,000 animal units) of cattle. Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: On December 1 of each year water pollution control facilities shall have a minimum of 120 days of wastewater and rainfall storage available. The uppermost two feet of the storage structures are reserved for structure protection and are not to be considered for storage.

Name and Address of Applicant	Legal Description	Receiving Water
Grant County Feeders P.O. Box 1087 Ulysses, KS 67880	NW/4, Sec. 28 & 33, T29S, R38W, Grant County	Cimarron River Basin

Kansas Permit No. A-CIGT-C001 Federal Permit No. KS-0037702

This is an existing facility for 140,000 head (140,000 animal units) of cattle. Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: On December 1 of each year water pollution control facilities shall have a minimum of 120 days of wastewater and rainfall storage available. The uppermost two feet of the storage structures are reserved for structure protection and are not to be considered for storage.

Name and Address of Applicant	Legal Description	Receiving Water
Smith Cattle, Inc. P.O. Box 399 Tribune, KS 67897	SE/4, Sec. 5, T18S, R40W, Greeley County	Upper Arkansas River Basin

Kansas Permit No. A-UAGL-C001 Federal Permit No. KS-0037311

This is an existing facility for 9,500 head (9,500 animal units) of cattle. Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

water storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: On December 1 of each year water pollution control facilities shall have a minimum of 120 days of wastewater and rainfall storage available. The uppermost two feet of the storage structures are reserved for structure protection and are not to be considered for storage.

Name and Address of Applicant	Legal Description	Receiving Water
Frank Wilson Route 2, Box 13 Dexter, KS 67038	E/2, Sec. 31, T33S, R7E, Cowley County	Lower Arkansas River Basin

Kansas Permit No. A-ARCL-H001 Federal Permit No. KS-0119342

This is an existing facility for 3,700 head (1,480 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 23 acre-feet, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste 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.

Name and Address of Applicant	Legal Description	Receiving Water
Bennie W. Capron Route 2, Box 78 Columbus, KS 66725	SE/4, Sec. 6, T33S, R25E, Cherokee County	Neosho River Basin

Kansas Permit No. A-NECK-F026

This is a new facility for 54,000 head (972 animal units) of turkeys.

Wastewater Control Facilities: Solid waste will be stored in a dry condition for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule: None, existing controls adequate.

Written comments on the draft permits must be submitted to the attention of Lisa Duncan for agricultural permits or the to the permit clerk for all other permits, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620. All comments postmarked or received on or before July 12 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-96-189/216) 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 determination. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The applications, proposed permits, 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 283, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Mon-

day 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.

James J. O'Connell
Secretary of Health
and Environment

Doc. No. 017761

State of Kansas

Department of Health
and Environment

Public Notice

The Kansas Department of Health and Environment has received and reviewed a municipal solid waste landfill permit application for a landfill to be located at 703 S. Mohawk, approximately two miles west of Hutchinson in Reno County. The proposed site is adjacent to the existing Reno County municipal solid waste landfill. The proposed facility will be owned and operated by Reno County. The site area is 160 acres with approximately 97 acres permitted for disposal. An area less than 4½ acres will be developed for disposal in the initial stage. KDHE is providing public notice of its intent to issue a municipal solid waste landfill permit to Reno County.

A copy of the administrative record, which includes the draft permit, permit application and all information regarding this permit action, is available for public review until July 17 during normal business hours, 8 a.m. to 4:30 p.m. Monday through Friday, at the following locations: Kansas Department of Health and Environment, Solid Waste Section, Forbes Field, Building 740, Topeka, 66620, contact: Miles Stotts, (913) 296-1601; and Reno County Public Works Department, Reno County Courthouse, 206 W. 1st, Hutchinson, 67801, contact: George Sugars, (316) 694-2976.

Anyone wishing to comment on the draft permit or permit application should submit written statements postmarked by July 17 to Miles Stotts at the KDHE Forbes Field address.

A public hearing will be conducted in conjunction with the public comment period. A public hearing has been scheduled for 11 a.m. July 15 in the County Commission Chambers of the Reno County Courthouse, 206 W. 1st, Hutchinson. After consideration of all comments received, the director of the Division of Environment will make a final permit decision. Notice of the decision will be given to the applicant, all persons who submitted written comments, those who commented at the public hearing, and those who requested notice of the final permit decision.

James J. O'Connell
Secretary of Health
and Environment

Doc. No. 017780

(Published in the Kansas Register June 13, 1996.)

**Summary Notice of Bond Sale
\$2,411,500
Unified School District No. 284
Chase County, Kansas
General Obligation School Bonds
Series 1996**

**(General obligation bonds payable from
unlimited ad valorem taxes)**

Sealed Bids

Subject to the official notice of bond sale and preliminary official statement dated June 12, 1996, sealed bids will be received by the district clerk of Unified School District No. 284, Chase County, Kansas (the issuer), on behalf of the governing body of the district at the district office, 303 Broadway, Cottonwood Falls, KS 66845, until 7 p.m. C.D.T. Thursday, June 27, 1996, for the purchase of \$2,411,500 principal amount of General Obligation School Building Bonds, Series 1996. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$6,500. The bonds will be dated June 15, 1996, and will become due on September 1 in the years as follows:

Year	Principal Amount
1997	\$41,500
1998	\$60,000
1999	\$75,000
2000	\$80,000
2001	\$85,000
2002	\$95,000
2003	\$100,000
2004	\$105,000
2005	\$110,000
2006	\$115,000
2007	\$120,000
2008	\$125,000
2009	\$135,000
2010	\$140,000
2011	\$150,000
2012	\$155,000
2013	\$165,000
2014	\$175,000
2015	\$185,000
2016	\$195,000

The bonds will be subject to optional redemption prior to maturity as provided in the official notice of bond sale and preliminary official statement.

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1997.

Paying Agent and Bond Registrar

The bank designated in the official notice of bond sale and preliminary official statement or the Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$48,230 (2 percent of principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder without cost to the successful bidder within 45 days after the date of sale.

Assessed Valuation and Indebtedness

The total assessed valuation of taxable tangible property in the district for the year 1995 is \$24,175,085. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$2,411,500.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer and delivered to the successful bidder as and when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the district clerk, (316) 273-6303, or from the financial advisor, Ranson & Associates, Inc., 120 S. Market, Suite 450, Wichita, KS 67202, 1-800-345-2363.

Dated June 12, 1996.

Unified School District No. 284
Chase County, Kansas
Cindy Kelsheimer, District Clerk
303 Broadway
Cottonwood Falls, KS 66845
(316) 273-6303

Doc. No. 017762

(Published in the Kansas Register June 13, 1996.)

Summary Notice of Sale

**\$1,875,000, Series 1996-A
\$5,195,000, Series 1996-B
General Obligation Bonds
and**

**\$1,085,000, Series 1996-2
Temporary Notes
of Shawnee County, Kansas**

**(General obligation bonds payable from
unlimited ad valorem taxes)**

Bids

Subject to a notice of bond sale dated June 11, 1996, sealed bids will be received by the county clerk of Shawnee County, Kansas, on behalf of the governing body at 200 S.E. 7th, Topeka, Kansas, until 11 a.m. C.D.T. Thursday, June 20, 1996, for the purchase of \$1,875,000 principal amount of General Obligation Bonds, Series 1996-A and \$5,195,000 principal amount of General Obligation

Bonds, Series 1996-B (collectively, the bonds). No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered. The county also will accept bids on the same date for approximately \$1,085,000 aggregate principal amount of Temporary Notes, Series 1996-2. The notes are fully described in the notice of sale.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple of \$5,000. The bonds will be dated July 1, 1996, and will become due on September 1 in the years as follows:

Series 1996-A

Maturity September 1	Principal Amount
1997	\$ 50,000
1998	55,000
1999	60,000
2000	65,000
2001	65,000
2002	70,000
2003	75,000
2004	80,000
2005	85,000
2006	90,000
2007	90,000
2008	95,000
2009	100,000
2010	110,000
2011	115,000
2012	120,000
2013	125,000
2014	135,000
2015	140,000
2016	150,000

Series 1996-B

Maturity September 1	Principal Amount
1997	\$215,000
1998	245,000
1999	260,000
2000	275,000
2001	290,000
2002	305,000
2003	320,000
2004	335,000
2005	355,000
2006	375,000
2007	395,000
2008	425,000
2009	450,000
2010	465,000
2011	485,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1997 (the interest payment dates).

Paying Agent and Bond Registrar
Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of 2 percent of the principal amount of the series of bonds bid on (\$37,500 for Series 1996-A and \$103,900 for Series 1996-B).

Delivery

The county will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before July 11, 1996, at such bank or trust company in the State of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1995 is \$1,022,594,815. The total general obligation indebtedness of the county as of the date of bonds, including the bonds being sold, is \$53,035,000. The county has temporary notes outstanding in the amount of \$9,669,200. Of such temporary notes, the county anticipates redeeming or renewing \$7,904,200 principal amount of its outstanding temporary notes from the proceeds of the bonds and notes.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Logan, Riley, Carson & Kaup, L.C., Overland Park, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the county, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

Additional Information

* Additional information regarding the bonds may be obtained from Patsy McDonald, Shawnee County Clerk, (913) 233-8200, ext. 4155; or from bond counsel, Logan, Riley, Carson & Kaup, L.C., 9200 Indian Creek Parkway, Suite 230, Overland Park, KS 66210, (913) 661-0399.

Dated June 11, 1996.

Shawnee County, Kansas
Patsy A. McDonald
County Clerk
200 S.W. 7th
Topeka, KS 66603
(913) 233-8200, ext. 4155

Doc. No. 017776

(Published in the Kansas Register June 13, 1996.)

**Notice of Call for Redemption
to the Owners of
Shawnee County Kansas
\$886,000 Temporary Notes
Series 1995-7, Dated August 1, 1995**

Notice is given that under the provisions of Resolution No. 95-138 of Shawnee County, Kansas, all of the notes described above which are scheduled to mature on August 1, 1996, and bearing interest at the rate of 4.25 percent per annum, have been called for redemption and payment on July 15, 1996 (the redemption date), at the principal office of the County Treasurer, Shawnee County, Kansas (the paying agent).

On the redemption date, the redemption price equal to 100 percent of the principal amount of each note together with interest accrued to the redemption date shall become payable and will be paid upon the presentation and surrender of each such note. Interest shall cease to accrue on the notes so called for redemption from and after the redemption date, provided such funds for redemption are on deposit with the paying agent.

Shawnee County, Kansas
By: Patsy A. McDonald
County Clerk

Doc. No. 017777

(Published in the Kansas Register June 13, 1996.)

**Summary Notice of Bond Sale
\$4,200,000
Unified School District No. 419
McPherson County, Kansas (Canton-Galva)
General Obligation School Building Bonds,
Series 1996**

(General obligation bonds payable from
unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated June 3, 1996, sealed bids will be received by the clerk of Unified School District No. 419, McPherson County, Kansas (Canton-Galva) (the issuer), on behalf of the governing body at Unified School District No. 419, P.O. Box 317, Canton, KS 67428, until 7 p.m. C.D.T. June 24, 1996, for the purchase of \$4,200,000 principal amount of General Obligation School Building Bonds, Series 1996. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated July 1, 1996, and will become due on September 1 in the years as follows:

Year	Principal Amount
1997	\$ 75,000
1998	120,000
1999	130,000
2000	140,000

2001	150,000
2002	160,000
2003	170,000
2004	180,000
2005	190,000
2006	200,000
2007	210,000
2008	220,000
2009	230,000
2010	245,000
2011	260,000
2012	270,000
2013	285,000
2014	305,000
2015	320,000
2016	340,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1997.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$84,000 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before July 11, 1996, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1995 is \$16,667,855. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$4,200,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore and Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 628-4901, or from the financial advisor, Cooper Malone McClain Inc., Wichita, Kansas, Attention: David K. Malone, (316) 264-2400.

Dated June 3, 1996.

Unified School District No. 419
McPherson County, Kansas
(Canton-Galva)

Doc. No. 017769

(Published in the Kansas Register June 13, 1996.)

**Notice of Call for Redemption
to the Owners of
Shawnee County, Kansas
\$758,200 Temporary Notes**

Series 1995-8, Dated September 1, 1995

Notice is given that under the provisions of Resolution No. 95-178 of Shawnee County, Kansas, all of the notes described above which are scheduled to mature on September 1, 1996, and bearing interest at the rate of 4.10 percent per annum, have been called for redemption and payment on July 15, 1996 (the redemption date), at the principal office of the County Treasurer, Shawnee County, Kansas (the paying agent).

On the redemption date, the redemption price equal to 100 percent of the principal amount of each note together with interest accrued to the redemption date shall become payable and will be paid upon the presentation and surrender of each such note. Interest shall cease to accrue on the notes so called for redemption from and after the redemption date, provided such funds for redemption are on deposit with the paying agent.

Shawnee County, Kansas
By: Patsy A. McDonald
County Clerk

Doc. No. 017778

(Published in the Kansas Register June 13, 1996.)

**Notice of Call for Redemption
to the Owners of
Shawnee County, Kansas
\$715,000 Temporary Notes**

Series 1995-10, Dated November 1, 1995

Notice is given that under the provisions of Resolution No. 95-208 of Shawnee County, Kansas, all of the notes described above which are scheduled to mature on November 1, 1996, and bearing interest at the rate of 4.30 percent per annum, have been called for redemption and payment on July 15, 1996 (the redemption date), at the principal office of the County Treasurer, Shawnee County, Kansas (the paying agent).

On the redemption date, the redemption price equal to 100 percent of the principal amount of each note together with interest accrued to the redemption date shall become payable and will be paid upon the presentation and surrender of each such note. Interest shall cease to accrue on the notes so called for redemption from and after the redemption date, provided such funds for redemption are on deposit with the paying agent.

Shawnee County, Kansas
By: Patsy A. McDonald
County Clerk

Doc. No. 017779

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas county will be received at the Office of the Chief of Construction and Maintenance, KDOT, Topeka, until 2 p.m. June 19, and then publicly opened.

District Two—Northcentral

Geary—70-31 K-5965-01—I-70 rest area east of Junction City, lighting. (State Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment, and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap or national origin in the award of contracts.

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

Plans and specifications for the project may be examined at the office of the respective county clerk or at the KDOT district office responsible for the work.

E. Dean Carlson
Secretary of Transportation

Doc. No. 017775

State of Kansas

Social and Rehabilitation Services

**Permanent Administrative
Regulations**

Article 4.—PUBLIC ASSISTANCE PROGRAM

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

(continued)

emptions. The persons listed below shall be exempt from the KanWork requirements:

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

(2) any person who is incapacitated, due to a physical or mental impairment, when it is verified by a physician or a licensed or certified psychologist that the physical or mental impairment, by itself or in conjunction with age, prevents the individual from engaging in employment:

(A) when an individual claims exempt status due to incapacity, but medical verification is needed to establish the incapacity, the individual shall be regarded as temporarily exempt for a period not to exceed 30 days while the individual's status is being verified;

(B) if verification is not provided because of a legitimate delay in obtaining an examination by or a consultation with a medical practitioner, the temporary exemption period shall be extended for a period not to exceed 15 days;

(3) any person who is age 15 and younger or age 60 and older;

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

(5) any parent or other relative who is personally providing care for a child under age three. Only one person in a case may be exempt for providing care for a child under age three. This exemption shall not be claimed:

(A) by a custodial parent under age 20 who does not possess a high school diploma or its equivalent;

(B) if the other parent or caretaker relative in the home or the stepparent in the plan is exempt from the work program requirements for another reason and is available and capable of providing child care; or

(C) by an adult in a plan based on unemployment of a parent as provided in K.A.R. 30-4-73(d).

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

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

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

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

(10) any person who is a full-time volunteer serving under the volunteers in service to America (VISTA) program.

(b) Participation requirements. Each assigned recipient shall enter into a written agreement with the agency for the purpose of participating in one or more components of an agency-approved, work-related program directed toward a plan of self-sufficiency. The KanWork program may include the following.

(1) Job search. Each assigned applicant or recipient shall participate in job search activities which may include the following:

(A) agency-approved job clubs;

(B) supervised and unsupervised job search activities;

(C) job referral and placement services; and

(D) employment counseling.

(2) Community work experience program (CWEP). Each assigned recipient shall participate in CWEP activities which may include the opportunity to:

(A) regain work skills;

(B) learn new skills;

(C) test interest and skills on the job;

(D) gain a work history; and

(E) obtain a work reference.

(3) Education and training. Each assigned recipient shall participate in education and training activities which are aimed at facilitating a recipient's movement toward self-sufficiency and employment retention. Education and training activities may include the following:

(A) vocational training;

(B) adult basic education;

(C) literacy training;

(D) general educational development; and

(E) post-secondary education and training.

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

(c) Support services. Support services shall be provided to participants. Support services may include:

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

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

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

(d) Transitional services. Transitional services shall be provided to each participant and members of the participant's assistance family group who lose eligibility for public assistance due to the participant's employment. Transitional services may include:

(1) child care and transportation, as outlined in K.A.R. 30-4-120(a)(4); and

(2) medical assistance, as outlined in K.A.R. 30-6-65(a)(14).

(e) Penalty. When a person who is required to participate in the KanWork program fails without good cause to participate in the program or refuses without good cause to accept employment, or terminates employment or reduces earnings without good cause, the individual shall be ineligible for assistance. In ADC-UP and GA, the

spouse of the individual or the other parent in the household shall also be ineligible unless the spouse or the other parent is a KanWork participant. In GA, a potential employment penalty, as set forth in K.A.R. 30-4-58(d), shall be considered in combination with any other KanWork penalty. The period of ineligibility shall be as follows:

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

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

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

(f) Good cause. Each individual who presents verification that one or more of the following criteria has been met shall be determined to have good cause for failing to participate in the program, refusing to accept employment, terminating employment, or reducing earnings:

(1) the individual is exempt from participation in the program;

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

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

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

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

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

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

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

(9) the person is the parent or other relative personally providing care for a child under age six and the employment requires the person to work more than 20 hours per week.

(g) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, 39-7,103; effective, T-30-7-29-88, July 29, 1988; effective Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-3-29-90, April 1, 1990; revoked, T-30-7-2-90, July 2, 1990; amended, T-30-7-2-90, July 2, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended Jan. 7, 1991; amended, T-30-6-10-91, July 1, 1991; amended, T-30-8-9-91, Aug. 30, 1991; amended Oct. 28, 1991; amended Oct. 1, 1993; amended Aug. 1, 1995; amended July 1, 1996.)

30-4-64. Work program requirements. Each assigned applicant or recipient of public assistance, unless exempted, shall be required to participate in one or more

components of the work program. Any exempt applicant or recipient may volunteer for participation in the program. The geographic areas in the state and the public assistance programs in which work program requirements are to be enforced shall be designated by the secretary. The administration of the work program shall be within the limits of appropriations. (a) Exemptions. The persons listed below shall be exempt from the work requirements:

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

(2) any person who is incapacitated, due to a physical or mental impairment, when it is determined by a physician or a licensed or certified psychologist that the physical or mental impairment, by itself or in conjunction with age, prevents the individual from engaging in employment:

(A) when an individual claims exempt status due to incapacity, but medical verification is needed to establish the incapacity, the individual shall be regarded as temporarily exempt for a period not to exceed 30 days while the individual's status is being verified;

(B) if verification is not provided because of a legitimate delay in obtaining an examination by or a consultation with a medical practitioner, the temporary exemption period shall be extended for a period not to exceed 15 days.

(3) any person who is age 15 or younger or 60 years of age or older;

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

(5) any parent or other relative who is personally providing care for a child under age three. Only one person in a case may be exempt for providing care for a child under age three. This exemption shall not be claimed:

(A) by a custodial parent under age 20 who does not possess a high school diploma or its equivalent;

(B) if the other parent or caretaker relative in the home or the stepparent in the plan is exempt from the work program requirements for another reason and is available and capable of providing child care; or

(C) by an adult in a plan based on unemployment of a parent as provided in K.A.R. 30-4-73(d).

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

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

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

(continued)

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

(10) any person who is a full-time volunteer serving under the volunteers in service to America (VISTA) program.

(b) Participation requirements. Each assigned applicant or recipient shall participate in one or more components of an agency-approved, work-related program directed toward a plan of self-sufficiency. The components of the work program may include the following.

(1) Job search. Each assigned applicant or recipient shall participate in job search activities which may include the following:

- (A) agency-approved job clubs;
- (B) supervised and unsupervised job search activities;
- (C) job referral and placement services; and
- (D) employment counseling.

(2) Community work experience program (CWEP). Each assigned recipient shall participate in CWEP activities which may include the opportunity to:

- (A) regain work skills;
- (B) learn new skills;
- (C) test interest and skills on the job;
- (D) gain a work history; and
- (E) obtain a work reference.

(3) Education and training. Each assigned recipient shall participate in education and training activities which are aimed at facilitating a recipient's movement toward self-sufficiency and employment retention. Education and training activities may include the following:

- (A) vocational training;
- (B) adult basic education;
- (C) literacy training;
- (D) general educational development; and
- (E) post-secondary education and training.

(c) Support services. Support services shall be provided to participants. Support services may include the following:

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

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

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

(d) Transitional services. Transitional services shall be provided to each participant and to members of the participant's assistance family group who lose eligibility for ADC or APW due to the participant's employment. Transitional services may include the following:

- (1) child care, as outlined in K.A.R. 30-4-120(a)(4); and
- (2) medical assistance, as outlined in K.A.R. 30-6-65(a)(14).

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

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

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

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

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

(f) Good cause. The good cause criteria set forth in K.A.R. 30-4-63(f) shall be used in determining good cause for the work program requirements.

(g) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 39-708c, 39-7,103; effective Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-3-29-90, April 1, 1990; revoked, T-30-7-2-90, July 2, 1990; amended, T-30-7-2-90, July 2, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended Jan. 7, 1991; amended, T-30-6-10-91, July 1, 1991; amended, T-30-8-9-91, Aug. 30, 1991; amended Oct. 28, 1991; amended Oct. 1, 1993; amended Aug. 1, 1995; amended July 1, 1996.)

30-4-85a. Eligibility factors specific to the emergency assistance program. Each applicant or recipient shall meet the following eligibility requirements to be eligible for emergency assistance. (a) General eligibility requirements. Each applicant or recipient shall meet the general eligibility requirements set forth in K.A.R. 30-4-55(a) and K.A.R. 30-4-59.

(b) Living in the state. Each applicant or recipient shall be physically living in the state.

(c) Emergency situation. A bona fide emergency situation shall exist.

(1) Emergency situations shall be limited to:

- (A) abuse, neglect or abandonment of children; or
- (B) situations resulting in imminent risk of loss of custody or institutionalization of children.

(2) An application shall be made within 30 days of the emergency situation.

(d) Financial eligibility. The household of each applicant or recipient shall be without sufficient resources to provide needed emergency care or services.

(e) Household eligibility. A household shall be defined as a family group in which at least one child is:

(1) under the age of 18, or under the age of 19 and a full-time student in a secondary school or the equivalent level of vocational or technical training if the child may reasonably be expected to complete the program before attaining age 19;

(2) living in the household, or who was living in that household within six months before the month in which assistance is requested. That household shall be maintained as the child's home by any of the relatives set forth in K.A.R. 30-4-72(c); and

(3) not in destitution or need because the child or a member of the household refused, without good cause, to accept employment or training for employment.

(f) Authorization period. Assistance under emergency assistance shall be limited to those services and goods authorized within one period of 30 consecutive days, following the date of approval, in any 12 consecutive months.

(g) Assistance provided. The assistance provided shall be limited to a maximum of 364 days of service or less in a 12-month period as necessary to alleviate the emergency condition. The need shall be directly related to the immediate emergency and shall be met in order to resolve the emergency. The assistance provided shall be given promptly and pursuant to K.A.R. 30-4-122a.

(h) This regulation shall take effect on and after July 1, 1996. (Authorized by K.S.A. 1995 Supp. 39-708c; implementing K.S.A. 1995 Supp. 39-709; effective, T-84-9, March 29, 1983; effective May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended May 1, 1987; amended July 1, 1989; amended Oct. 1, 1989; amended April 1, 1990; amended June 1, 1993; amended, T-30-9-16-93, Sept. 16, 1993; amended Nov. 8, 1993; amended Jan. 31, 1996; amended July 1, 1996.)

30-4-96. Funeral assistance (FA) program. Assistance may be provided for funeral expenses upon the death of a recipient of the ADC, GA, or medical assistance programs. (a) Funeral expenses. Funeral expenses shall include the cost of the following:

- (1)(A) the preparation of the body;
- (B) the purchase of a minimum casket;
- (C) the transportation within the trade area; and
- (D) a service; or
- (2) expenses for a cremation.

(b) Application. A request for funeral assistance shall be made within six months after the date of death or the date the body is released by a county coroner.

(c) Treatment of resources.

(1) When a decedent was not living with a child of the decedent who was under age 21, the spouse of the decedent, or an adult disabled child of the decedent at the time of death, the total estate of the decedent shall be considered available. This provision shall not be applicable in situations where there were separate living arrangements because of the need for institutional care. The estate shall not be allowed any exemptions.

(2) When a decedent was living with a child of the decedent who was under age 21, the spouse of the decedent, or an adult disabled child of the decedent at the time of death, or in situations where there were separate living arrangements because of the need for institutional care, eligibility for assistance shall be based upon the assets of the family group as of the calendar month in which the decedent died.

(3) The total amount of proceeds on any life insurance policy on the decedent shall be considered available if the policy was owned by the decedent, the spouse of the decedent, or the parent of the decedent if the decedent was a child under age 21.

(4) Death benefits from SSA, VA, railroad retirement, PERS, or other burial funds shall be considered available.

(d) Resource limit. If the value of the resources considered available in accordance with subsection (c) of this regulation does not exceed \$2,000, assistance may be provided. If the resource value exceeds \$2,000, there shall be ineligibility for assistance.

(e) Assistance provided. If eligible, the amount of funeral assistance provided shall be \$550, except that the total cost of funeral expense's including the \$550 payment, shall not exceed \$2,000. If the total cost exceeds \$2,000, no assistance shall be provided.

(f) This regulation shall take effect on and after July 1, 1996. (Authorized by K.S.A. 1995 Supp. 39-708c; implementing K.S.A. 1995 Supp. 39-708c and 39-709; effective May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended April 1, 1990; amended Sept. 30, 1994; amended July 1, 1996.)

30-4-121. This regulation shall be revoked on and after July 1, 1996. (Authorized by K.S.A. 1983 Supp. 39-708c; implementing K.S.A. 1983 Supp. 39-708c, 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended, T-84-30, Nov. 2, 1983; amended May 1, 1984; revoked July 1, 1996.)

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

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

(2) special allowances;

(3) protective payments; and

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

(b) Who may receive money payments. The following persons may receive money payments:

(1) caretaker relative;

(2) recipient;

(3) guardian;

(4) conservator;

(5) personal representative; or

(6) substitute payee.

A minor shall not receive a money payment unless emancipated.

(c) Protective payments in the ADC and GA programs.

(1) If any caretaker relative persistently mismanages the money payment to the detriment of any child for whom assistance is claimed and if an approved service plan is on file, a protective payment, in lieu of a money payment to the caretaker relative, shall be issued to a substitute payee.

(2) If a substitute payee is unavailable, a protective vendor payment shall be issued.

(3) If the caretaker relative has been removed and all reasonable efforts to identify a suitable protective payee have failed, protective payments shall not be required.

(d) Substitute payee.

(continued)

(1) Appointment and dismissal. The agency shall:

(A) appoint and assist each substitute payee;
 (B) terminate the payee's services when no longer needed; and

(C) remove any payee who is not giving satisfactory service. A payee shall be removed only after a careful evaluation of the payee's performance has been made.

(2) (A) Who may be substitute payee. An individual selected to be a substitute payee may be a relative, friend, neighbor, or member of a religious or community organization. The following persons shall not serve as substitute payees:

(i) the area director;
 (ii) the worker supervisor;
 (iii) the worker determining financial eligibility;
 (iv) the special investigative or resource staff;
 (v) the staff handling fiscal process for the client; or
 (vi) the landlord, grocers or vendors of goods or services dealing directly with the client.

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

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

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

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

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

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

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

(4) Payee-recipient relationship. Each payee may make decisions about the expenditures of the assistance payment. The payee may:

(A) spend the money for the family;
 (B) supervise the recipient's use of the money; or
 (C) give a portion of the money to the recipient to spend for certain expenses and pay for other expenses of the recipient.

(5) Payee-agency relationship. Each payee shall assure the agency that the money is spent for the children's benefit. The payee's responsibility to the agency shall be set forth in writing with one copy for the payee and one for the agency.

(A) This written agreement shall cover the following:

(i) the plans for accounting;
 (ii) use of the assistance funds; and
 (iii) reporting on the general progress made.

(B) The agreement shall be supplemented by the following:

(i) discussions of the payee's responsibility;

(ii) the purpose of the plan;

(iii) the nature and frequency of reports;

(iv) the rights of the recipient; and

(v) the confidential nature of the relationship.

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

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

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

(C) develop another plan for the care of the child or children if necessary, including:

(i) placement with another relative;
 (ii) seeking appointment of a guardian; or
 (iii) placement in a foster home.

(7) (A) Discontinuance of protective payments. Protective payments, except money payment mismanagement cases, shall be discontinued only when the caretaker relative or recipient has complied with the appropriate program requirements which established the basis for the protective payment.

(B) Money payment mismanagement cases shall be discontinued when the caretaker relative has demonstrated an ability to manage the money payment or after a period of two years has lapsed, whichever comes first. Payment may continue for any additional time reasonably necessary to complete a substitute plan for the care of the child.

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

(1) Appointment of personal representative. The agency shall recommend to the court a person who meets the following qualifications as a personal representative:

(A) the person shall not be an employee of the agency;

(B) the person shall not benefit directly from the assistance payment; and

(C) the person shall meet the criteria set forth in paragraph (d)(2)(A) of this regulation.

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

(3) Responsibility of personal representative. Each personal representative shall be responsible to the court, the agency and the recipient. Each personal representative shall make an annual accounting to both the court and the agency. The agency or the court may require a more frequent accounting in the form and at the times prescribed by the agency or the court. Each personal representative shall maintain a confidential relationship with the applicant or recipient and shall consult with the applicant or recipient concerning the applicant's or recipient's

patient's requirements, resources, and the use of the money payment.

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

(5) Delivery of warrants. All money payments issued shall be delivered by mail to the address of the payee unless the payee requests otherwise. If the payee requests a different mode of delivery, the agency shall consider the appropriateness of the request. In appropriate instances, including emergencies or repeated thefts from the mailbox, the agency shall deliver the warrant in person to the payee. No materials shall be included in the envelope containing the warrant except those directly related to the administration of SRS programs.

(f) This regulation shall take effect on and after July 1, 1996. (Authorized by K.S.A. 1995 Supp. 39-708c; implementing K.S.A. 59-2801 *et seq.*, K.S.A. 1995 Supp. 39-708c and 39-709; effective May 1, 1981; amended May 1, 1983; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-6-10-91, July 1, 1991; amended Oct. 1, 1993; amended July 1, 1996.)

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

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

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

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

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

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

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

(6) "Agency" means the department of social and rehabilitation services.

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

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

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

(10) "Capitated managed care" means a type of managed care plan which uses a risk-sharing reimbursement method whereby providers receive fixed periodic payments for health services rendered to plan members. Capitated fees shall be set by contract with providers and shall be paid on a per person basis regardless of the amount of services rendered or costs incurred.

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

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

(13) "Change of ownership" means a change that involves the following:

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

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

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

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

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

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

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

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

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

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

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

(20) "Cost and other accounting information" means adequate data, including source documentation, that is accurate, current, and in sufficient detail to accomplish the purposes for which it is intended. Source documen-

(continued)

tation, including petty cash pay out memoranda and original invoices, shall be valid only if it originated at the time and near the place of the transaction. In order to provide the required cost data, financial and statistical records shall be maintained in a consistent manner. This requirement shall not preclude a beneficial change in accounting procedures when there is a compelling reason to effect a change of procedure.

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

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

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

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

(25) "Costs not related to patient care" means costs which are not appropriate, necessary, or proper in developing and maintaining facility operation and activities. These costs shall not be allowed in computing reimbursable costs under cost-related reimbursement.

(26) "Costs related to patient care" means all necessary and proper costs arising from arms-length transactions in accordance with generally accepted accounting principles which are appropriate and helpful in developing and maintaining the operation of patient care facilities and activities.

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

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

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

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

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

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

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

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

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

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

(37) "Disproportionate share hospital" means a hospital that has the following:

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

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

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

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

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

(A) articles recognized in the official United States pharmacopoeia, or other such official compendium of the United States, or official national formulary, or any supplement of any of these publications;

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

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

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

(39) "Durable medical equipment (DME)" means equipment which:

(A) withstands repeated use;

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

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

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

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

(40) "Election period" means the period of time for the receipt of hospice care, beginning with the first day of hospice care as provided in the election statement and continuing through any subsequent days.

(41) "Election statement" means the revocable statement signed by a consumer which is filed with a particular hospice and which consists of:

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

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

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

(D) the effective date of the election period; and

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

(42) "Emergency services" means those services provided after the sudden onset of a medical condition manifested by symptoms of sufficient severity, including severe pain, in which the absence of immediate medical attention could reasonably be expected to result in any of the following:

(A) serious jeopardy to the patient's health;

(B) serious impairment to bodily functions; or

(C) serious dysfunction of any bodily organ or part.

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

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

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

(46) "General hospital" means an establishment which provides an organized medical staff of physicians, permanent facilities that include inpatient beds, and medical services. The medical services provided by the hospital shall include the following:

(A) physician services;

(B) continuous registered professional nursing services for 24 hours each day; and

(C) diagnosis and treatment for nonrelated patients who have a variety of medical conditions.

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

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

(49) "Generally accepted accounting procedures" means generally accepted accounting principles, except as otherwise specifically indicated by medicaid/medikan program policies and regulations. Any adoption of these principles shall not supersede any specific regulation or policy of the medicaid/medikan program.

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

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

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

(53) "Home health aide service" means the direct care provided by a person with minimum training to consumers who are unable to care for themselves or who need assistance in accomplishing the activities of daily living. The home health aide service direct care provider shall be under the supervision of a registered nurse employed by a home health agency.

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

(55) "Hospital located in a rural area" means a facility located in an area outside of a metropolitan statistical area as defined in paragraph (77).

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

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

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

(59) "Kan Be Healthy program participant" means an individual under the age of 21 who is eligible for medicaid, and who has undergone a Kan Be Healthy medical screening in accordance with a specified screening schedule. The medical screening shall be performed in order to:

(A) ascertain physical and mental defects; and

(B) provide treatment which corrects or ameliorates defects and chronic conditions which are found.

(60) "Kan Be Healthy dental-only participant" means an individual under the age of 21 who is eligible for medicaid, and who has undergone only a Kan Be Healthy dental screening in accordance with a specified screening schedule. The dental screening shall be performed in order to:

(A) ascertain dental defects; and

(B) provide treatment which corrects or ameliorates dental defects and chronic dental conditions which are found.

(61) "Kan Be Healthy vision-only participant" means an individual under the age of 21 who is eligible for medicaid, and who has undergone only a Kan Be Healthy vision screening in accordance with a specified screening schedule. The vision screening shall be performed in order to:

(A) ascertain vision defects; and

(B) provide treatment which corrects or ameliorates vision defects and chronic vision conditions which are found.

(62) "Length of stay as an inpatient in a general hospital" means the number of days an individual remains

(continued)

for treatment as an inpatient in a general hospital from and including the day of admission, to and excluding the day of discharge.

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

(64) "Low-income utilization rate for hospitals" means the rate which is defined in accordance with 42 CFR 1396r-4, effective July 1, 1988, which is adopted by reference.

(65) "Managed care" means a system of managing and financing health care delivery to ensure that services provided to managed care plan members are necessary, efficiently provided and appropriately priced.

(66) "Managerial capacity" means the authority an individual, including a general manager, business manager, administrator or director, who:

(A) exercises operational or managerial control over the provider; or

(B) directly or indirectly conducts the day-to-day operations of the provider.

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

(68) "Medicaid home- and community-based services (HCBS)" means services provided in accordance with a federally-approved waiver to the Kansas medicaid state plan which are designed to prevent unnecessary utilization and to reduce health costs.

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

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

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

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

(73) "Medical necessity in psychiatric situations" means that there is medical documentation which indicates:

(A) the person could be harmful to himself or herself or others if not under psychiatric treatment; or

(B) the person is disoriented in time, place or person.

(74) "Medical supplies" means supplies which are:

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

(B) prescribed by a physician; and

(C) used in the home and certain institutional settings.

(75) "Mental retardation" means significantly subaverage intellectual functioning which:

(A) is manifested before age 22; and

(B) is evidenced by:

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

(ii) concurrent deficits in adaptive behavior.

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

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

(78) "Net cost" means the cost of approved educational activities, less any reimbursements from:

(A) grants;

(B) tuition; and

(C) specific donations.

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

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

(A) rehabilitative and restorative in nature;

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

(C) prescribed by the attending physician.

(81) "Organization costs" means those costs directly incidental to the creation of the corporation or other form of business. These costs shall be considered intangible assets because they represent expenditures for rights and privileges which have value to the enterprise. Because the services inherent in organization extend over more than one accounting period, the costs shall be amortized over a period of not less than 60 months from the date of incorporation for the purposes of computing reimbursable costs under a cost-related reimbursement system.

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

(A) reasonable and necessary for treatment of an illness or injury;

(B) prescribed by a physician;

(C) necessary to replace or improve functioning of a body part; and

(D) provided by a trained orthotist or prosthetist.

(83) "Other developmental disability" means a condition or illness which:

(A) is manifested before age 22;

(B) may reasonably be expected to continue indefinitely;

(C) results in substantial limitations in any three more of the following areas of life functioning:

- (i) self-care;
 - (ii) understanding and the use of language;
 - (iii) learning and adapting;
 - (iv) mobility;
 - (v) self-direction in setting goals and undertaking activities to accomplish those goals;
 - (vi) living independently; or
 - (vii) economic self-sufficiency; and
- (D) reflects the need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of extended or lifelong duration and are individually planned and coordinated.

(84) "Out-of-state provider" means any provider that is physically located more than 50 miles beyond the border of Kansas, except those providing services to children who are wards of the secretary. The following shall be considered out-of-state providers if they are physically located beyond the border of Kansas:

- (A) nursing facilities;
- (B) intermediate care facilities;
- (C) community mental health centers;
- (D) partial hospitalization service providers; and
- (E) alcohol and drug program providers.

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

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

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

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

(89) "Participating provider" means any individual or entity that presently has an agreement with the agency to furnish medicaid services.

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

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

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

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

(91) "Pharmacist" means any person duly licensed or registered to practice pharmacy by the state board of

pharmacy or by the regulatory authority of the state in which the person is engaged in the practice of pharmacy.

(92) "Physical therapy" means treatment which:

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

(B) is rehabilitative and restorative in nature;

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

(D) is prescribed by the attending physician.

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

(94) "Plan of care" means a document which states the following:

(A) the need for care;

(B) the estimated length of the program;

(C) the prescribed treatment, modalities, and methodology to be used; and

(D) the expected results.

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

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

(97) "Prescription" means either of the following:

(A) a prescription order; or

(B) a prescription medication.

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

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

(100) "Primary care case management (PCCM)" means a type of managed care whereby a beneficiary is assigned a primary care case manager who manages costs and quality of services by providing case assessment, primary services, treatment planning, referral and follow-up in order to ensure comprehensive and continuous service and coordinated reimbursement.

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

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

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

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

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

(continued)

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

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

(108) "Qualified medicare beneficiary (QMB)" means an individual:

(A) who is entitled to medicare hospital insurance benefits under part A of medicare;

(B) whose income does not exceed a specified percent of the official poverty level as defined by the United States executive office of management and budget; and

(C) whose resources do not exceed twice the supplemental security income resource limit.

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

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

(111) "Related to the community mental health center" means that the agency or facility furnishing services to the community mental health center:

(A) is directly associated or affiliated with the community mental health center by formal agreement;

(B) governs the community mental health center; or

(C) is governed by the community mental health center.

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

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

(114) "Sampling" means the review process of obtaining a stratified random sample of a subset of cases from the universe of claims submitted by a specific provider. The sample shall be used to project the review results across the entire universe of claims for that provider to determine an overpayment.

(115) "Speech therapy" means treatment provided by a speech pathologist who has a certificate of clinical competence from the American speech and hearing association. The treatment shall be:

(A) rehabilitative and restorative in nature;

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

(C) prescribed by the attending physician.

(116) "Standard diagnosis-related group (DRG) amount" means the amount computed by multiplying

the group reimbursement rate for the general hospital by the diagnosis-related group weight.

(117) "State-operated hospital" means an establishment operated by the state of Kansas which provides diagnosis and treatment for nonrelated patients and includes the following:

(A) an organized medical staff of physicians;

(B) permanent facilities that include inpatient beds; and

(C) medical services that include physician services and continuous registered professional nursing services for 24 hours each day.

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

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

(120) "Targeted case management services" means those services which assist medicaid consumers in gaining access to medically necessary care. The services shall be provided by a case manager with credentials specified by the department of social and rehabilitation services.

(121) "Technology-assisted child" means a chronically ill or medically fragile child age 15 years old and younger whose illness or disability, in the absence of home care services, would require admission to or prolonged stay in a hospital and who needs both a medical device to compensate for the loss of a vital body function and substantial continuous care by a nurse or other caretaker under the supervision of a nurse in order to avert death or further disability. To qualify as technology-assisted child the child shall:

(A) require substantial and ongoing care by a nurse;

(B) be dependent at least part of each day on mechanical ventilators for survival; and

(C) require prolonged intravenous administration of nutritional substances or drugs, or require other medical devices to compensate for the loss of a vital body function.

(122) "Terminally ill" means that an individual has a life expectancy of six months or less as determined by a physician.

(123) "Timely filing" means the receipt by the Kansas department of social and rehabilitation services or its fiscal agent of a claim for payment from a provider for services provided to a medicaid program consumer not later than 12 months after the date the claimed services were provided.

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

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

(126) "Traumatic head injury" means non-degenerative, structural brain damage resulting in residual deficits

and disability which have been acquired by external physical injury.

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

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

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

(128) "Urgent" means that a situation requires immediate admission of an individual, but not through the emergency room.

(b) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1988; amended, T-30-7-29-88, July 29, 1988; amended Sept. 26, 1988; amended Jan. 2, 1989; amended July 1, 1989; amended Jan. 2, 1990; amended, T-30-1-2-90, Jan. 2, 1990; amended, T-30-2-28-90, Jan. 2, 1990; amended Aug. 1, 1990; amended Jan. 7, 1991; amended, T-30-3-1-91, March 1, 1991; amended July 1, 1991; amended, T-30-8-9-91, Aug. 30, 1991; amended Oct. 28, 1991; amended April 1, 1992; amended May 1, 1992; amended July 31, 1992; amended May 3, 1993; amended Oct. 1, 1993; amended July 1, 1994; amended April 1, 1995; amended Sept. 1, 1995; amended March 1, 1996; amended July 1, 1996.)

30-5-64. Prior authorization. (a) Any medical service may be placed by the secretary on the published list of services requiring prior authorization or precertification for any of the following reasons:

(1) to assure that provision of the service is medically necessary;

(2) to assure that services which may be subject to over-use are monitored for appropriateness in each case; and

(3) to assure that services are delivered in a cost-effective manner.

(b) Administration of covered pharmaceuticals in the following classes shall require prior authorization:

(1) Acne products:

- (A) Accutanes;
- (B) Isotretinoin;

(2) Amphetamines:

- (A) Adderall;
- (B) Dexampex;
- (C) Dexedrine;
- (D) dextroamphetamine; and
- (E) Dextrostat;

(3) Anorexiants:

- (A) Adderall;
- (B) Dexampex;
- (C) Dexedrine;
- (D) dextroamphetamine;
- (E) Dextrostat;
- (F) Fastin;
- (G) Fenfluramine

- (H) Mazinor;
- (I) Mazindol
- (J) Phentermine;
- (K) Pondimin; and
- (L) Sanorex;

(4) Anticonvulsants:

- (A) clorazepate dipotassium;
- (B) Depekene;
- (C) Tegretol; and
- (D) Tranxene;

(5) Antiplatelet products:

- (A) dipyridamole; and
- (B) Persantine;

(6) Antituberculosis products:

- (A) Ethambutol;
- (B) Ethionamide;
- (C) Isoniazid;
- (D) Laniazid;
- (E) Myambutol;
- (F) Nydrazid;
- (G) P.A.S. sodium;
- (H) pyrazinamide;
- (I) Rifadin;
- (J) Rifamate;
- (K) Rifampin;
- (L) Rifater;
- (M) Rimactane;
- (N) Teebacin; and
- (O) Trecator SC;

(7) Anxiolytics:

- (A) Alprazolam; and
- (B) Xanax;

(8) Benzodiazepines:

- (A) Alprazolam;
- (B) Clorazepate Dipotassium;
- (C) Diazepam, slow-release;
- (D) Tranxene;
- (E) Valrelease; and
- (F) Xanax;

(9) Decubitus and wound care products:

- (A) Bard Absorption;
- (B) Debrisan;
- (C) Duoderm;
- (D) Envisan;
- (E) Granulderm;
- (F) Granulex;
- (G) Granumed;
- (H) Sorbsan; and
- (I) Topi-caid;

(10) Dietary and nutritional products:

- (A) Aminosyn;
- (B) Carnitor;
- (C) Cystein;
- (D) Freamine;
- (E) Intralipid;
- (F) L-Cysteine;
- (G) Liposyn;
- (H) MCT Oil;
- (I) Procalamine;
- (J) Travasol; and
- (K) Trophamine;

(continued)

- (11) Growth hormones:
 (A) Humatrope(s);
 (B) Nutropin(s);
 (C) Somatrem;
 (D) Somatropin; and
 (E) Protropin(s);
- (12) Hematinics, iron and vitamins:
 (A) Baltrinsic;
 (B) Belfer;
 (C) Chromagen;
 (D) Clovgran;
 (E) Compete;
 (F) Contrin;
 (G) Daily Iron Complex;
 (H) Difuleron;
 (I) Fam-Iron;
 (J) Feosol Spansule;
 (K) Ferancee;
 (L) Fergon Plus;
 (M) Fero-grad;
 (N) Fero-gradumet;
 (O) Ferocon;
 (P) Ferofofic;
 (Q) Ferrotrinsic;
 (R) Ferra TD;
 (S) Ferralet;
 (T) Ferralyn;
 (U) Ferro Basic;
 (V) Ferro Cap;
 (W) Ferro Sequel;
 (X) Ferromar;
 (Y) Ferrous DS;
 (Z) ferrous fumerate plus vitamins;
 (AA) ferrous gluconate plus vitamins;
 (BB) Ferrous Sulfate TR Capsule;
 (CC) Fetinic Oral;
 (DD) Fetrin;
 (EE) Foltinic;
 (FF) Foltrin;
 (GG) Fumatinic;
 (HH) Gari-Tone;
 (II) Generet;
 (JJ) Geriot;
 (KK) Geritonic;
 (LL) Gerivites Complex;
 (MM) Hemaspan;
 (NN) Hematrinsic;
 (OO) Hemocyte Oral;
 (PP) Humatrope;
 (QQ) Hytanic;
 (RR) I.L.X.B-12;
 (SS) IBC;
 (TT) IBC/Folic;
 (UU) Iberbal;
 (VV) Iberet;
 (WW) Iberol;
 (XX) Incremin with Iron;
 (YY) intrinsic factor;
 (ZZ) Intrinsitinic;
 (AAA) Iromin-G;
 (BBB) Iron DSS;
 (CCC) Iron Folic;
 (DDD) Iron Plus;
 (EEE) Iron/Pro-sof;
 (FFF) Ironspan;
 (GGG) Iron Vit. C;
 (HHH) Lextron;
 (III) liver/iron;
 (JJJ) Livitamin;
 (KKK) Livitrinsic;
 (LLL) Martinic;
 (MMM) May-Vita;
 (NNN) Morgran Hematinic;
 (OOO) Mortrinsic;
 (PPP) Multi Ferrous;
 (QQQ) Multiret;
 (RRR) Nephro Fer Rx;
 (SSS) Niferex Forte;
 (TTT) Niferex;
 (UUU) Nu-irons;
 (VVV) Polytanic;
 (WWW) Pre-H-Cal;
 (XXX) Promar;
 (YYY) Pronemia;
 (ZZZ) Renamin;
 (AAAA) Reticulex;
 (BBBB) Simron;
 (CCCC) Slow FE;
 (DDDD) Stuartinic;
 (EEEE) Tabron;
 (FFFF) Thera Hematinic;
 (GGGG) Theragenerix H;
 (HHHH) Theragran Hematinic;
 (III) Theravee Hematinic;
 (JJJJ) Thorem H;
 (KKKK) Tolfrinic;
 (LLLL) TR. Iron with Vitamins;
 (MMMM) Trifac;
 (NNNN) Trihemic;
 (OOOO) Trinsicon;
 (PPPP) Vimar;
 (QQQQ) Vit. C/Iron;
 (RRRR) Vita-ret;
 (SSSS) Vitatol; and
 (TTTT) Zenticin;
- (13) Laxatives:
 (A) Cephalac;
 (B) Cholac;
 (C) Chronulac;
 (D) Constilac;
 (E) Constilose;
 (F) Constulose;
 (G) Duphalac;
 (H) Enulose;
 (I) lactulose;
 (J) R-O-Lactulose; and
 (K) Sorbitol; and
- (14) Psoralens:
 (A) Trisoralen; and
 (B) Trisoralen.
- (c) Failure to obtain prior authorization, if required, shall negate reimbursement for the service and any other service resulting from the unauthorized or noncertified

treatment. The prior authorization shall affect reimbursement to all providers associated with the service.

(d) The only exceptions to prior authorization shall be:

(1) emergencies. If certain surgeries and procedures which require prior authorization are performed in an emergency situation, the request for authorization shall be made within two working days after the service is provided; and

(2) situations in which services requiring prior authorization are provided and retroactive eligibility is later established. When an emergency occurs or when retroactive eligibility is established, prior authorization for that service shall be waived, and if medical necessity is documented, payment shall be made.

(e) Services requiring prior authorization shall be considered covered services within the scope of the program unless the request for prior authorization is denied.

(f) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended May 1, 1983; amended May 1, 1986; amended May 1, 1992; amended July 1, 1994; amended March 1, 1995; amended March 1, 1996; amended July 1, 1996.)

30-5-81. Scope of hospital services. (a) Each hospital shall be medicare-certified, and shall annually update medicaid enrollment information.

(b) Outpatient services shall be covered with the following limitations.

(1) Services shall be ordered by an attending physician who is not serving as an emergency room physician, except for those services related to emergency situations. Orders shall be related specifically to the present diagnosis of the recipient.

(2) A prosthetic device shall replace all or part of an internal body organ or shall replace one of these devices.

(3) (A) Rehabilitative therapies shall be restorative in nature.

(B) Rehabilitative therapies shall be provided following physical debilitation due to acute physical trauma or physical illness.

(C) Rehabilitative therapies shall be prescribed by the attending physician.

(4) Services provided in the emergency department shall be emergency services.

(5) Elective surgery shall not be covered, except for sterilization operations or operations for Kan Be Healthy program participants.

(6) Ambulance services shall not be covered.

(7) Non-emergency visits in place of physician office visits shall be considered physician office visits and shall be counted against the physician office visit limitation.

(8) Outpatient hospital assessment of the need for emergency service shall not be covered.

(c) Inpatient services shall be covered, subject to the following limitations.

(1) Services shall be ordered by a physician and shall be related specifically to the present diagnosis of the recipient.

(2) Transplant surgery shall be limited to the following:

(i) liver transplants which shall only be performed at a hospital designated by the secretary unless the medical staff of that hospital recommends another location; and

(ii) corneal, heart, kidney, and bone marrow transplants and related services.

(3) A recipient of general hospital inpatient services shall not be billed for those days determined to be medically unnecessary. If a recipient refuses to leave a hospital after the recipient's physician writes a discharge order, the days after discharge that the recipient remains in the hospital may be billed to the recipient.

(4) A provider shall not be reimbursed for services provided on the day of discharge.

(5) Long-term care services in swing beds shall be provided pursuant to 42 CFR 405 subpart K and 442 subpart F, revised October 1, 1988, which are adopted by reference.

(6) A provider shall not be reimbursed on an inpatient basis for therapeutic and diagnostic surgical services, and related services that can be performed on an outpatient basis. A provider shall not be reimbursed on an inpatient basis unless the service provider documents medical necessity.

(7) Inpatient services shall be subject to utilization review which shall determine the following:

(A) whether services are medically necessary;

(B) whether services are furnished at the appropriate level of care;

(C) whether services are of a quality that meets professionally recognized standards;

(D) whether a discharge is premature;

(E) whether a transfer is necessary; and

(F) whether procedure and diagnosis coding on a claim are correct.

(8) Psychotherapy, directed by a psychiatrist or approved hospital staff under the direction of a psychiatrist, shall be provided to each psychiatric patient on a daily basis.

(9) Substance abuse treatment services shall be limited to three treatment admissions per recipient's lifetime regardless of the type of provider.

(10) Inpatient acute care related to substance abuse treatment services shall be limited to those patients who are in need of acute detoxification.

(11) Elective surgery shall not be covered, except for sterilization operations or operations for Kan Be Healthy program participants.

(d) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c; effective May 1, 1981; modified, L. 1982, ch. 469, May 1, 1982; amended May 1, 1983; amended, T-84-7, March 29, 1983; amended, T-84-11, July 1, 1983; amended May 1, 1984; amended, T-85-9, April 11, 1984; amended, T-85-24, Sept. 18, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended, T-89-24, May 27, 1988; amended Sept. 26, 1988; amended, T-30-10-28-88, Oct. 28, 1988; amended Jan. 2, 1989; amended July 1, 1989; amended, T-30-7-29-89, July 29, 1989; amended Nov. 24, 1989; amended Aug. 1, 1990; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30, 1991; amended July 1, 1991; amended July 1, 1996.)

30-5-88. Scope of physician services. (a) Except as set forth in subsection (b), the program shall cover med-

(continued)

ically necessary services recognized under Kansas law provided to program recipients by physicians who are licensed to practice medicine and surgery in the jurisdiction in which the service is provided.

(b) The following services shall be excluded from coverage under the program as follows:

(1) Visits. The following types of visits shall be excluded:

(A) office visits when the only service provided is an injection or some other service for which a charge is not usually made;

(B) non-psychiatric office visits which exceed 12 per calendar year;

(C) psychotherapy services when provided concurrently by the same provider with both targeted case management services and partial hospitalization services;

(D) psychotherapy services which exceed an average of 32 hours of individual therapy or 32 hours of group therapy or any combination of these per calendar year per recipient, unless the recipient is a Kan Be Healthy program participant and:

(i) Psychotherapy services do not exceed 40 hours per calendar year per Kan Be Healthy program participant; or

(ii) psychotherapy services are being rendered pursuant to a plan approved by the agency. The provider of psychotherapy services shall obtain prior authorization for the plan. The plan shall not exceed a two-year period and shall be subject to a reimbursement limit established by the secretary. Quarterly progress reports shall be submitted to the division of medical programs;

(E) inpatient hospital visits in excess of those allowable days for which the hospital is paid or would be paid if there were no spenddown requirements; and

(F) nursing home visits in excess of one per month unless the service provider documents medical necessity.

(2) Consultations. The following types of consultations shall be excluded:

(A) consultations for which there is no written report;

(B) inpatient hospital consultations in excess of one per condition per 10-day period unless written documentation confirming medical necessity is attached to the claim; and

(C) other consultations in excess of one per condition per 60-day period unless written documentation confirming medical necessity is attached to the claim.

(3) Surgical procedures. The following surgical procedures shall be excluded:

(A) procedures that are experimental, pioneering, cosmetic, or designated as non-covered;

(B) all transplant surgery except for:

(i) liver transplants which shall only be performed at a hospital designated by the secretary unless the medical staff of that hospital recommends another location; and

(ii) corneal, heart, kidney, and bone marrow transplants and related services;

(C) services of a surgical assistant when the surgeon determines that an assistant is not required for a particular surgery; and

(D) elective surgery, except for sterilization operations, or for Kan Be Healthy program participants.

(4) Miscellaneous procedures. The following types of miscellaneous procedures shall be excluded:

(A) diagnostic radiological and laboratory services unless the services are medically necessary to diagnose or treat injury, illness or disease;

(B) physical therapy unless:

(i) performed by a physician or registered physical therapist under the direction of a physician; and

(ii) prescribed by the attending physician;

(C) medical services of medical technicians unless the technicians are under the direct supervision of a physician; and

(D) inpatient services which were provided on days of hospital stay which are determined to not be medically necessary.

(5) Family planning services and materials.

(A) Family planning services and materials shall be excluded unless:

(i) the services are provided by a physician, family planning clinic, or county health department;

(ii) written informed consent from the consumer is obtained as required by federal law and regulation; and

(iii) the scope of services provided is in compliance with applicable federal and state statutes and regulations.

(B) Reverse sterilizations shall be excluded.

(6) Concurrent care. Concurrent care shall be excluded unless the patient:

(A) has two or more diagnoses involving two or more systems; and

(B) the special skills of two or more physicians are essential in rendering quality medical care. The occasional participation of two or more physicians in the performance of one procedure shall be recognized. Each physician involved shall submit that physician's usual charge only for that portion of the procedure for which the physician is actually responsible.

(7) Psychological services for an individual entitled to receive these services as a part of care or treatment from a facility already being reimbursed by the program or by a third party payor shall be excluded.

(c) Services provided by physician extenders shall be covered.

(d) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-9, April 11, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1988; amended, T-89-24, May 27, 1988; amended Sept. 26, 1988; amended, T-30-10-28-88, Oct. 28, 1988; amended Jan. 2, 1989; amended July 1, 1989; amended, T-30-7-29-89, July 29, 1989; amended Nov. 24, 1989; amended Aug. 1, 1990; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30, 1991; amended July 1, 1991; amended July 1, 1996.)

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

30-6-65. Automatic eligibles. (a) To be automatically eligible for medical assistance, a person shall meet the general eligibility requirements of K.A.R. 30-6-50 and K.A.R. 30-6-106(c)(2) and shall be:

(1) Legally entitled to and receiving SSI benefits and in compliance with the general eligibility requirements of residence;

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

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

(4) receiving public assistance, excepting emergency assistance, pursuant to article 4 of this chapter;

(5) a person who is not receiving public assistance for one of the following reasons:

(A) the person is eligible for less than \$10.00 of public assistance;

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

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

(6) included in the assistance plan of a family which was receiving ADC, ADC-FC, or APW in at least three of the six months immediately before the month in which the family became ineligible for ADC, ADC-FC, or APW as a result, in whole or in part, of collection or increased collection of support. Automatic eligibility for the medical assistance program shall continue for the four months immediately after the last month in which the family was eligible and legally entitled to receive ADC, ADC-FC, or APW, as long as the family remains ineligible for ADC, ADC-FC, or APW due to collection or increased collection of support;

(7) mandated to receive inpatient treatment for tuberculosis;

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

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

(10) a child born to a mother eligible for and receiving medicaid at the time of birth for a period of up to one year;

(A) the child shall remain eligible so long as the mother remains eligible for medicaid or would be eligible for medicaid if still pregnant; and

(B) the child shall also remain in the same household with the mother;

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

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

(13) a child for whom a non-title IV-E adoption assistance agreement is in effect between the state and the adoptive parents and who cannot be placed without medical assistance because the child has special needs for medical or rehabilitative care; or

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

(A) has received ADC or APW in three of the six months immediately before the first month of transitional medical services;

(B) has lost eligibility for ADC or APW beginning in or after the month of April, 1990 due solely to one of the following:

(i) increased earned income or hours of employment of the caretaker relative; or

(ii) termination of the earned income disregards as provided in K.A.R. 30-4-111(b)(2). Assistance under this provision shall be provided for a period not to exceed 12 months.

(b) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, 39-709, 39-7,103; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended, T-85-34, Dec. 19, 1984; amended May 1, 1985; amended, T-86-19, July 1, 1985; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-87-29, Nov. 1, 1986; amended, T-87-44, Jan. 1, 1987; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended, T-88-14, July 1, 1987; amended May 1, 1988; amended, T-30-7-29-88, July 29, 1988; amended Sept. 26, 1988; amended Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-1-2-90, Jan. 2, 1990; amended, T-30-2-28-90, Jan. 2, 1990; amended, T-30-3-29-90, April 1, 1990; amended, T-30-7-2-90, Aug. 1, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended Jan. 7, 1991; amended May 1, 1991; amended Jan. 2, 1992; amended July 1, 1996.)

Article 7.—APPEALS, FAIR HEARINGS AND AFDC/GA DISQUALIFICATION HEARINGS

30-7-102. Disqualification hearings. (a) An individual's fair hearing may be consolidated with a disqualification hearing by the agency when the circumstances surrounding the hearings are the same or related, provided that the individual receives prior notice of the consolidation. Either the hearing officer for the fair hearing or the hearing officer for the disqualification hearing may be assigned by the agency to preside at a consolidated hearing.

(b) The hearing officer shall:

(1) administer oaths and affirmations;

(2) consider all relevant issues;

(3) request, receive and make part of the record all evidence necessary to decide the issues raised;

(4) conduct the hearing in a manner consistent with due process;

(5) advise the accused individual that the individual may refuse to answer questions during the hearing; and

(6) render a final decision that will resolve the issues in dispute.

(c) The hearing officer shall base a determination of intentional program violation on clear and convincing evidence which demonstrates that the individual committed an intentional program violation.

(d) The hearing officer shall conduct the fair hearing or any prehearing by telephone or other electronic means if each participant in the hearing or prehearing has an opportunity to participate in the entire proceeding while

(continued)

the proceeding is taking place. A party may be granted a face to face hearing or prehearing if good cause is shown that a fair and impartial hearing or prehearing could not be conducted by telephone or electronic means.

(e) (1) A written notice shall be provided by the agency to the individual alleged to have committed the intentional program violation at least 30 days before the date of the disqualification hearing.

(2) The advance written notice to the individual shall include the following items:

- (A) The date, time and location of the hearing;
- (B) the charge or charges against the individual;
- (C) a summary of the evidence, and how and where the evidence can be examined;
- (D) a warning that the individual's failure to appear without good cause will result in a decision by the hearing officer based solely on the information provided by the agency at the hearing;
- (E) a statement that the individual may request a postponement of the hearing if the request is made to the state agency at least 10 days before the scheduled hearing;
- (F) a statement that the individual will have 10 days from the date of the scheduled hearing to present to the agency good cause for failure to appear in order to receive a new hearing;

(G) a description of the penalties that can result from a determination that the individual has committed an intentional program violation and a statement of which penalty applies to the individual;

(H) a statement that the hearing does not preclude the state government from prosecuting the individual for an intentional program violation in a civil or criminal court action, or from collecting an overpayment;

(I) information regarding free legal representation available to individuals alleged to have committed intentional program violations;

(J) a statement of the accused individual's right to remain silent concerning the charge or charges and that anything said or signed by the individual concerning the charge or charges may be used against the individual in a court of law;

(K) a statement that the individual may waive the right to appear at an administrative disqualification hearing;

(L) (i) the date that the signed waiver shall be received by the agency;

(ii) a signature block for the accused individual;

(iii) a statement that the caretaker relative shall also sign the waiver if the accused individual is not the caretaker relative; and

(iv) a signature block designated for the caretaker relative;

(M) a statement that waiver of the individual's right to appear at a disqualification hearing may result in a disqualification penalty and a reduction in the assistance payment for the appropriate period even if the accused individual does not admit to the facts as presented by the agency; and

(N) an opportunity for the accused individual to specify whether the individual admits to the facts as presented by the agency.

(f) (1) The hearing officer shall postpone the scheduled hearing at the individual's request provided the request

for postponement is made at least 10 days before the scheduled disqualification hearing;

(2) the hearing officer shall not postpone for more than a total of 30 days; and

(3) The hearing officer may limit the number of postponements to one.

(g) The hearing officer assigned to conduct the hearing shall be impartial and not previously involved in the case.

(h) Medical assessments shall be obtained by the agency at the agency's expense and shall be made part of the record if the hearing officer considers it necessary.

(i) The individual, or the individual's representative, shall have adequate opportunity to:

(1) examine the contents of the individual's case file, and all documents and records to be used by the agency at the hearing at a reasonable time before the date of the hearing and during the hearing;

(2) present the individual's case alone or with the aid of an authorized representative;

(3) bring witnesses;

(4) establish all pertinent facts and circumstances;

(5) advance any arguments without undue influence; and

(6) question or refute any testimony or evidence, confronting and cross-examining adverse witnesses.

(j) Decisions made by the hearing officer shall be based exclusively on the evidence and other material admitted into the case record at the hearing. The transcript or recording of testimony, exhibits, or official reports admitted at the hearing, together with all papers and requests filed in the proceeding, and the decision of the hearing officer shall be made available to the individual or to the individual's representative at a reasonable time and place.

(k) Decisions by the hearing officer shall:

(1) consist of a decision memorandum summarizing the facts, evidence and regulations supporting the decision; and

(2) be made within 90 days of the date of service of the notice of hearing.

(l) An individual shall not be disqualified by the agency per this section until the hearing officer finds that the individual has committed an intentional program violation. However, assistance may be discontinued, terminated, suspended, or reduced by the agency, or changed in the manner or form of payment to a protective, vendor, or two-party payment for other reasons.

(m) If the hearing officer finds that the individual committed an intentional program violation, a written notice shall be provided by the agency to the individual before disqualification. The notice shall inform the individual of the following:

(1) the decision and the reason for the decision;

(2) the period of disqualification, which shall begin not later than the first day of the second month which follows the date of the notice;

(3) the amount of payment the household will receive during the disqualification period; and

(4) the individual's right to appeal the decision to the district court of Shawnee county or the individual's county within 30 days of the date of the decision and that an appeal may result in a reversal of the decision.

(n) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c; effective July 31, 1992; amended July 1, 1996.)

30-7-103. Waiver of the administrative disqualification hearing. (a) An individual shall be allowed by the agency to waive the right to appear at an administrative disqualification hearing.

(b) When the individual waives the right to appear at a disqualification hearing, the individual shall be disqualified and shall be subject to appropriate reduction of assistance regardless of whether the individual admits or denies the charges. A written notice shall be sent by the agency informing the individual of the period of disqualification, which shall begin not later than the first day of the second month which follows the date of notice, and the amount of payment the household will receive during the disqualification period.

(c) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c; effective July 31, 1992; amended July 1, 1996.)

30-7-104. Court actions on consent agreements. (a) An accused individual shall be allowed by the agency to sign a written agreement confirmed by a court of competent jurisdiction in which the individual admits committing an intentional program violation.

(b) The written agreement shall include the following:

(1) A statement that the individual understands the consequences of signing the agreement;

(2) a statement that the caretaker relative must also sign the agreement if the accused is not the caretaker relative; and

(3) a statement that signing the agreement will result in a reduction in payment for the appropriate period.

(c) After the court confirms the agreement, a written notice shall be provided by the agency to the individual which specifies the period of disqualification, which shall begin not later than the first day of the second month which follows the date of the notice, and the amount of payment the household will receive during the disqualification period. If the court specifies the date for initiating the disqualification period, the accused individual shall be disqualified by the agency in accordance with the court order.

(d) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c; effective July 31, 1992; amended July 1, 1996.)

Article 10.—ADULT CARE HOME PROGRAM

30-10-21. Reserve days. (a) Payment shall be available for days for which it is necessary to reserve a bed in a nursing facility or nursing facility for mental health when the resident is absent for:

(1) admission to a hospital for acute conditions;

(2) therapeutically indicated home visits with relatives and friends; or

(3) participation in state-approved therapeutic or rehabilitative programs.

(b) In order for payment to be available, the following conditions shall be met when a bed is reserved in a nursing facility or nursing facility for mental health because of hospitalization for acute conditions.

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

(2) (A) The period of hospitalization for an acute condition shall not exceed 10 days per any single hospital stay.

(B) For residents from a nursing facility for mental health, the period of hospitalization shall not exceed 21 days per state mental institution admission or admission to a psychiatric ward in any of the following:

(i) a general hospital;

(ii) a private psychiatric hospital; or

(iii) a veterans administration medical center.

(3) The resident shall intend to return to the same facility after hospitalization.

(4) The hospital shall provide a discharge plan for the resident.

(5) Reimbursement shall not be made to reserve a bed in a swing bed hospital when a nursing facility will be reimbursed for the same day to reserve a bed for the resident's return from the hospital.

(c) The resident's plan of care shall provide for the non-hospital related absence.

(1) Payment for non-hospital related reserve days for eligible residents in nursing facilities for mental health shall not exceed 21 days per calendar year, including travel. If additional days are required to obtain or retain employment, participate in a job readiness training program or alleviate a severe hardship, the requesting party shall send a request for additional days and supporting documentation to the fiscal agent for approval or disapproval.

(2) Payment for non-hospital related reserve days for all eligible residents in nursing facilities shall not exceed 12 days per calendar year, including travel. If additional days are required to alleviate a severe hardship, the requesting party shall send a request for additional days and supporting documentation to the fiscal agent for approval or disapproval.

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

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

(f) (1) Before any routine absence by residents, the provider shall notify the local agency office.

(2) In case of emergency admission to a hospital, the provider shall notify the local agency office not later than five working days following admission.

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

(1) the provider has:

(A) more than five vacant beds for each level of care for nursing facilities with less than 200 beds; or

(B) more than 15 vacant beds for nursing facilities having 200 or more beds; or

(continued)

(2) the absence is longer than 10 hospital days for NF or NF-MH residents or 21 hospital days for NF-MH residents who enter any of the following:

- (A) a state mental hospital; or
- (B) a psychiatric ward in:
 - (i) a general hospital;
 - (ii) a private psychiatric hospital; or
 - (iii) a veterans administration medical center.

(h) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1995, Chapter 153; effective May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Jan. 2, 1989; amended Jan. 2, 1990; amended, T-30-3-29-90, April 1, 1990; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30, 1991; amended July 1, 1996.)

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

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

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

(c) The provider shall notify the local agency office before routine absence from the facility by clients in the Kansas medicaid/medikan program. In case of emergency admission to a hospital, the provider shall notify the local agency office not later than five working days following admission.

(d) In order for payment to be available, the following conditions shall be met when a bed is reserved in an ICF/MR because of hospitalization.

(1) The provider shall be reimbursed for client reserve days for hospitalization of an acute condition for each period of hospitalization up to 10 days.

(2) ICF/MR clients transferred to one of the state mental retardation facilities, shall be eligible for 21 hospital reserve days.

(3) The client shall intend to return to the same facility after the hospitalization and the facility shall intend to accept the individual for service.

(4) The hospital shall provide a discharge plan for the client which includes returning to the facility requesting the reserve days.

(5) An ICF/MR which has less than 90% percent occupancy shall not be approved for hospitalization reserve days.

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

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

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

(i) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991; amended Oct. 1, 1991; amended April 1, 1992; amended July 1, 1996.)

Article 41.—LICENSING OF COMMUNITY BASED AGENCIES PROVIDING SERVICES TO ADULTS WITH MENTAL RETARDATION OR OTHER DEVELOPMENTAL DISABILITIES

30-41-1. This regulation shall be revoked on and after July 1, 1996. (Authorized by and implementing K.S.A. 75-3307b; effective May 1, 1979; amended May 1, 1980; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1984; amended May 1, 1986; amended May 1, 1987; amended July 1, 1991; amended Feb. 6, 1995; revoked July 1, 1996.)

30-41-2. This regulation shall be revoked on and after July 1, 1996. (Authorized by and implementing K.S.A. 1985 Supp. 75-3307b, as amended by L. 1986, Ch. 324, Sec. 2; effective May 1, 1979; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1984; amended May 1, 1985; amended May 1, 1987; revoked July 1, 1996.)

30-41-3. This regulation shall be revoked on and after July 1, 1996. (Authorized by K.S.A. 75-3307b; effective May 1, 1979; revoked July 1, 1996.)

30-41-4. This regulation shall be revoked on and after July 1, 1996. (Authorized by K.S.A. 75-3307b; effective May 1, 1979; amended May 1, 1985; revoked July 1, 1996.)

30-41-5. This regulation shall be revoked on and after July 1, 1996. (Authorized by K.S.A. 1985 Supp. 75-3307b, as amended by L. 1986, Ch. 324, Sec. 2; effective May 1, 1979; amended May 1, 1980; amended May 1, 1985; amended May 1, 1987; revoked July 1, 1996.)

30-41-6a. This regulation shall be revoked on and after July 1, 1996. (Authorized by and implementing K.S.A. 1983 Supp. 75-3307b; effective May 1, 1982; amended May 1, 1984; revoked July 1, 1996.)

30-41-6c. This regulation shall be revoked on and after July 1, 1996. (Authorized by and implementing K.S.A. 1985 Supp. 75-3307b, as amended by L. 1986, Ch. 324, Sec. 2; effective May 1, 1982; amended May 1, 1987; revoked July 1, 1996.)

30-41-6d. This regulation shall be revoked on and after July 1, 1996. (Authorized by and implementing K.S.A. 1985 Supp. 75-3307b, as amended by L. 1986, Ch. 324, Sec. 2; effective May 1, 1982; amended May 1, 1984; amended May 1, 1986; amended May 1, 1987; revoked July 1, 1996.)

30-41-6e. This regulation shall be revoked on and after July 1, 1996. (Authorized by and implementing K.S.A. 1985 Supp. 75-3307b; effective May 1, 1982; amended May 1, 1984; amended May 1, 1986; revoked July 1, 1996.)

30-41-6f. This regulation shall be revoked on and after July 1, 1996. (Authorized by and implementing K.S.A. 75-3307b; effective May 1, 1984; amended May 1, 1985; revoked July 1, 1996.)

30-41-6g. This regulation shall be revoked on and after July 1, 1996. (Authorized by and implementing K.S.A. 75-3307b; effective May 1, 1984; amended May 1, 1985; revoked July 1, 1996.)

30-41-6h. This regulation shall be revoked on and after July 1, 1996. (Authorized by K.S.A. 1985 Supp. 75-3307b, as amended by L. 1986, Ch. 324, Sec. 2; effective May 1, 1985; amended May 1, 1986; amended May 1, 1987; revoked July 1, 1996.)

30-41-7a. This regulation shall be revoked on and after July 1, 1996. (Authorized by and implementing K.S.A. 1990 Supp. 75-3307b; effective May 1, 1982; amended July 1, 1991; revoked July 1, 1996.)

30-41-7b. This regulation shall be revoked on and after July 1, 1996. (Authorized by and implementing K.S.A. 1985 Supp. 75-3307b, as amended by L. 1986, Ch. 324, Sec. 2; effective May 1, 1982; amended May 1, 1984; amended May 1, 1986; amended May 1, 1987; revoked July 1, 1996.)

30-41-7c. This regulation shall be revoked on and after July 1, 1996. (Authorized by and implementing K.S.A. 1981 Supp. 75-3307b; effective May 1, 1982; revoked July 1, 1996.)

30-41-7d. This regulation shall be revoked on and after July 1, 1996. (Authorized by and implementing K.S.A. 1985 Supp. 75-3307b, as amended by L. 1986, Ch. 324, Sec. 2; effective May 1, 1982; amended May 1, 1987; revoked July 1, 1996.)

30-41-7e. This regulation shall be revoked on and after July 1, 1996. (Authorized by and implementing K.S.A. 1983 Supp. 75-3307b; effective May 1, 1982; amended May 1, 1984; revoked July 1, 1996.)

30-41-7f. This regulation shall be revoked on and after July 1, 1996. (Authorized by and implementing K.S.A. 1983 Supp. 75-3307b; effective May 1, 1982; amended May 1, 1984; revoked July 1, 1996.)

30-41-7g. This regulation shall be revoked on and after July 1, 1996. (Authorized by and implementing K.S.A. 1985 Supp. 75-3307b, as amended by L. 1986, Ch. 324, Sec. 2; effective May 1, 1982; amended May 1, 1984; amended May 1, 1987; revoked July 1, 1996.)

30-41-7h. This regulation shall be revoked on and after July 1, 1996. (Authorized by and implementing K.S.A. 1985 Supp. 75-3307b; effective May 1, 1982; amended May 1, 1986; revoked July 1, 1996.)

30-41-7i. This regulation shall be revoked on and after July 1, 1996. (Authorized by and implementing K.S.A. 1990 Supp. 75-3307b; effective July 1, 1991; revoked July 1, 1996.)

30-41-8. This regulation shall be revoked on and after July 1, 1996. (Authorized by K.S.A. 75-3307b; effective May 1, 1979; amended, E-80-13, Aug. 8, 1979; amended May 1, 1980; revoked July 1, 1996.)

30-41-10 to 30-41-19. (Authorized by K.S.A. 75-3307b; effective May 1, 1985; revoked June 28, 1996.)

30-41-20. This regulation shall be revoked on and after July 1, 1996. (Authorized by and implementing K.S.A. 1990 Supp. 75-3307b; effective July 1, 1991; revoked July 1, 1996.)

Article 63.—DEVELOPMENTAL DISABILITIES— LICENSING PROVIDERS OF COMMUNITY SERVICES

30-63-1. Definitions. (a) Words and phrases used in this article shall have the same meanings as set forth in K.S.A. 39-1803. In addition, the following terms shall have the meaning ascribed to them in this regulation:

(1) "agent" means any individual utilized by a provider to carry out any activity done by that provider, whether being paid or serving as a volunteer;

(2) "commissioner" means the commissioner of mental health and developmental disabilities;

(3) "commission" means the division of mental health and developmental disabilities within the department of social and rehabilitation services;

(4) "department" means the department of social and rehabilitation services;

(5) "person" means an individual with a developmental disability;

(6) "provider" means a community services provider or any other entity required to be licensed pursuant to this article;

(7) "provider-controlled site" means any building or structure, or any portion of any building or structure where services are provided, which is to any extent:

(A) owned, leased, or made available by contract to be operated by:

(i) a provider;

(ii) any individual who is employed by a provider; or

(iii) any individual who serves as a board member for a provider; or

(B) owned, leased or made available by contract to be operated by any corporation which is in any way owned or controlled:

(i) by any individual who is employed by a provider; or

(ii) any individual who serves as a board member for a provider;

(8) "services" means community services;

(9) "support network" means the one or more individuals selected by a person or by the person and the person's guardian, if one has been appointed, to provide assistance and guidance to that person in understanding issues, making plans for the future, or making complex decisions.

(b) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 75-3307b and K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-63-10. License required; exceptions. (a) Any individual, group, association, corporation, local quasi-government agency providing services to persons 18 years of age or older in need of services greater than those provided in a boarding care home as defined in K.S.A.

(continued)

39-923(a)(8), shall be licensed in accordance with the provisions of this article, except where those services are provided:

- (1) in a medical care facility, as defined and required to be licensed in K.S.A. 65-425, et seq.;
- (2) in a nursing facility, nursing facility for mental health, intermediate care facility for the mentally retarded, assisted living facility, residential health care facility or in a home plus setting, as defined and required to be licensed in K.S.A. 39-923, et seq.;
- (3) by a home health agency, as defined and provided for the licensing of in K.S.A. 65-5101, et seq.; or
- (4) in a manner such that the services constitute attendant care services, as defined in K.S.A. 65-6201, and are provided to a person in the person's own home and as directed by that person.

(b) Any license issued pursuant to this article shall be valid only for the provider named on the license. Any substantial change of control or ownership of a corporation previously licensed pursuant to this article shall void that license and require a reapplication for licensure.

(c) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 75-3307b and K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-63-11. One type of license; display. (a) The only type of license issued by the secretary pursuant to this article shall be a license to operate as a provider of community services.

(b) A license issued pursuant to this article shall be prepared by the commission. The holder of the license shall prominently display the license in the holder's principle place of business.

(c) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 75-3307b and K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-63-12. Licensing procedure; provisional license; duration of license. (a) Any provider required to be licensed shall submit an application for a license to the commissioner, in the manner and format prescribed by the commission.

(b) Upon receipt of any application, the commission shall make findings as to whether the applicant is in compliance with the requirements of this article.

(c) The provider shall be notified in writing if the commission finds that the applicant is not in compliance with the requirements of this article.

(d) The commissioner may issue a provisional license to begin or continue the operations of a provider. A provisional license shall be contingent upon the provider developing and implementing an acceptable course of corrective action intended to bring the provider into continuing compliance with the requirements of this article.

(1) Findings made by the commission with regard to the implementation of a course of corrective action shall be given to the provider in writing.

(2) Failure of a provider to implement an acceptable course of corrective action may be grounds for denial of a license whether or not a provisional license has been issued.

(e) Based upon findings made by the commission regarding compliance or the implementation of an acceptable course of corrective action, the commissioner may determine whether to issue or deny the license applied for. The applicant shall be notified in writing of any decision to deny a license. The notice shall clearly state the reasons for denial. The applicant may appeal this denial to the administrative appeals section pursuant to article seven of these regulations.

(f) Except for a provisional license, any license issued pursuant to this article shall remain in effect for one year from the date of issuance, unless:

- (1) revoked for cause;
- (2) voided; or
- (3) voluntarily surrendered by the provider.

(g) Each provisional license shall specify the length of time for which it shall be valid. Successive provisional licenses may be issued by the commissioner.

(h) In order to renew a license, any applicant shall reapply for a license in accordance with this regulation.

(i) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 75-3307b and K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-63-13. Compliance reviews; mediation; enforcement actions; emergency orders. (a) At any time deemed necessary by the commissioner, a licensed provider may be reviewed by the commission to ensure continuing compliance with the requirements of this article.

(b) Any time a finding indicates that the licensed provider is not in compliance, the commissioner shall give to the provider a written copy of the finding setting out each specific deficiency.

(c) If the provider disagrees with any finding made by the commission, the provider may request mediation, in writing, within 14 days of receipt of the finding. The commission and the provider shall select an independent entity to serve as the mediator, unless the parties are not able to agree upon a mediator, in which case the secretary shall designate an independent mediator. The mediator shall assist the parties in attempting to come to an agreement on:

- (1) the nature and extent of any non-compliance;
- (2) any course of corrective actions necessary to bring the provider into compliance; and
- (3) a time limit within which the provider shall have to come into compliance.

(d) (1) The commissioner may issue written notice to the provider of a determination of non-compliance under any of the following circumstances:

- (A) the provider does not request mediation;
- (B) mediation does not resolve the issues; or
- (C) the commission finds that the provider has not complied with the requirements of this article by the deadline established in a mediated agreement or a deadline which has been extended by the commissioner for good cause.

(2) If the commissioner issues written notice to the provider of a determination of non-compliance in accordance with subsection (d)(1), any or all of the following enforcement actions may be imposed;

(A) civil penalties in an amount not to exceed \$125.00 per day for each violation from the date specified by the

commissioner within the notice forward until the provider comes into compliance. The date specified by the commissioner may be any date from or after the date of the violation;

(B) an order that the provider shall cease providing specified services and shall make all necessary arrangements to have any person or persons then receiving services transferred to another provider. The order may include provisions requiring the provider to continue the provision of those or other services until the transfer can be accomplished. The order shall remain in effect until the provider comes into compliance;

(C) suspension or revocation of the provider's license as provided for in K.A.R. 30-63-14.

(e) A provider may appeal any enforcement action taken to the administrative appeals section pursuant to article seven of these regulations.

(f) If the commission additionally finds that the provider's non-compliance creates a situation of imminent danger to the health, safety or welfare of any person or persons, the commissioner may issue an emergency order making any provisions the commissioner deems necessary for the immediate protection of the health, safety or welfare of the person or persons. Written notice of any emergency order shall be given to the provider, which shall specify the following:

- (1) the actions that the provider shall take;
- (2) the reason the commissioner has determined an emergency order is needed; and
- (3) that the provider will be given an emergency hearing regarding the emergency order by the administrative appeals section pursuant to article seven of these regulations if the provider makes a written request for a hearing within 15 days after receiving the order.

(g) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 75-3307b and K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-63-14. Revocation of a license; suspension. (a) Any license issued pursuant to this article may be suspended or revoked before the expiration date for failure of the provider to comply with the requirements of this article.

(b) A provider's license may be suspended during the revocation proceedings only upon a determination by the commissioner that the continued operation of the provider during the revocation proceedings would constitute an imminent danger to the health, safety or welfare of any person or persons who would be receiving services from the provider during the revocation proceedings. This determination shall be made in writing and clearly state the reasons for it.

(c) Before revocation of a provider's license, a written notice of the intent to revoke shall be sent to the provider by registered mail, along with a copy of the commissioner's determination to suspend the license during the revocation proceedings, if applicable. The notice shall:

- (1) specify the date the license shall be revoked if an appeal is not timely taken;
- (2) clearly state the reasons for the revocation of the license;
- (3) instruct the provider to immediately cease providing services if the commissioner has determined to suspend the license during the revocation proceedings; and

(4) advise the provider that the revocation may be appealed to the administrative appeals section pursuant to article seven of these regulations, and that an appeal shall stay the revocation, but shall not stay any suspension of the license during the pendency of the appeal, except as may be provided for in any order issued after an emergency hearing held as a result of a request made under K.A.R. 30-63-13(f)(3).

(d) If at any time during the pendency of an appeal the commissioner finds that the provider now complies with all of the requirements of this article, and that it is in the best interests of the public that the revocation be withdrawn, the commissioner shall notify all parties to the revocation proceedings that the revocation action has been withdrawn and the appeal proceedings shall be terminated.

(e) If, after notice to the provider of the commissioner's intent to revoke, the provider does not timely appeal, the license shall be revoked by the commission effective on the date stated within the notice.

(f) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 75-3307b and K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-63-20. Mandated requirements. (a) In order to be eligible to be licensed as a provider, an applicant shall demonstrate that the applicant either complies or can and will comply with all of the requirements of this article.

(b) For good cause shown by an applicant, or by any person being served or proposed to be served by that applicant, the commissioner may waive one or more of the specific requirements of this article, and may substitute some other requirement or requirements as may be proposed by the applicant or person, as long as the waiver or substitution would not jeopardize the health, safety or well being of any person or persons served or proposed to be served by the applicant, nor substantially deviate from meeting the intent or purpose of the requirement or requirements being waived.

(c) Attainment of national accreditation by an applicant may be considered by the commissioner in determining compliance by the applicant with any one or more of the requirements of this article.

(d) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 75-3307b and K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-63-21. Person centered support planning; implementation. (a) The provider shall prepare a written person-centered support plan for each person served which shall:

- (1) be developed only after consultation with:
 - (A) the person;
 - (B) the person's legal guardian, if one has been appointed; and
 - (C) other individuals from the person's support network as the person or the person's guardian chooses;
- (2) contain a description of the person's preferred life-style, including describing:
 - (A) in what type of setting the person wants to live;
 - (B) with whom the person wants to live;

(continued)

(C) what work or other valued activity the person wants to do;

(D) with whom the person wants to socialize; and

(E) in what social, leisure, religious or other activities the person wants to participate;

(3) list and describe the necessary activities, training, materials, equipment, assistive technology, and services which are needed to assist the person to achieve the person's preferred lifestyle;

(4) describe how opportunities of choice will be provided, including specifying means for:

(A) permitting the person to indicate the person's preferences among options presented to the person, by whatever communication methods that person may possess;

(B) providing the necessary support and training to allow the person to be able to indicate the person's preferences; and

(C) assisting the person or the person's guardian to understand the negative consequences of choices the provider knows the person might make and which may involve risk to that person.

(5) describe when it is necessary to do so, to the person and their support network, how the preferred lifestyle might be limited because of imminent significant danger to the person's health, safety or welfare based on an assessment of:

(A) the person's history of decision-making, including any previous experience or practice the person has in exercising autonomy, and the person's ability to learn from the natural negative consequences of poor decision-making;

(B) the possible long and short term consequences which might result to the person if the person makes a poor decision;

(C) the possible long and short term effects which might result to the person if the provider limits or prohibits the person from making a choice; and

(D) the safeguards which are available to protect the person's safety and rights in each context of choices;

(6) prioritize and structure the delivery of services toward the goal of achieving the person's preferred lifestyle;

(7) state methodology by which the responsiveness of services provided can be measured against whether those services contribute to the continuous movement of the person towards the achievement of the person's preferred lifestyle. This methodology:

(A) may include assessments made by professionals;

(B) shall include consideration of the expressed opinions of the person, the person's legal guardian, if one has been appointed, and other individuals from the person's support network;

(C) shall account for:

(i) the financial limitations of the person and the provider;

(ii) the supports and training needed, offered and accepted by the person; and

(iii) matters identified in subparagraph (a)(5). Next best options may be considered as responsive if the person cannot specifically have what the person prefers due to limitations identified by this methodology; and

(8) be approved, in writing, by the person or the person's guardian, if one has been appointed.

(b) Whenever two or more providers provide services to the same person, the providers shall work together to prepare a single person-centered support plan.

(c) The provider shall regularly review and revise the plan, by following the same procedures as set out above, whenever necessary to reflect:

(1) changes in the person's preferred lifestyle;

(2) achievement of goals or skills outlined within the plan; or

(3) any determination made according to the methodology provided for in paragraph (a)(7) above that any service being provided is unresponsive.

(d) The provider shall deliver services to the person only in accordance with the person's person-centered support plan.

(e) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 75-3307b and K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-63-22. Individual rights and responsibilities. (a)

A provider shall at all times encourage and assist each person served to understand and exercise the person's individual rights and to assume the responsibilities which accompany these rights.

(b) Each person served shall be guaranteed the same rights afforded to non-disabled individuals unless otherwise limited by provisions of law or court order. These rights shall include the following:

(1) being free from physical or psychological abuse or neglect, and from financial exploitation;

(2) having control over the person's own financial resources;

(3) being able to receive, purchase, have and use the person's personal property;

(4) actively and meaningfully participating in decisions affecting the person's life;

(5) privacy;

(6) being able to receive any visitors and to communicate, associate and meet privately with family and friends of the person's own choice.

(7) being able to practice the religion or faith of the person's choice;

(8) being free from chemical restraint and from having restrictive procedures utilized without the person's informed consent;

(9) not being required to work without compensation, except where the person is living and being provided services outside of the home of a member of the person's family, and then only for the purposes of the upkeep of the person's own living space and of common living areas and grounds that the person shares with others;

(10) being treated with dignity and respect; and

(11) receiving due process.

(c) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 75-3307b and K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-63-24. Individual health. (a) A provider shall assist each person served, as necessary, in obtaining the medical and dental services to which the person has ac-

cess and which may be required to meet the person's specific health care needs, including:

(1) scheduling and receiving preventative examinations and physicals;

(2) practicing for obtaining emergency services;

(3) developing of individualized procedures for the administration of medications and other treatments, including training for self-medication or administration; and

(4) obtaining necessary supports, such as adaptive equipment, and speech, hearing, physical or occupational therapies, as appropriate.

(b) Non-licensed personnel shall administer medications and perform nursing tasks or activities in conformance with the provisions of K.S.A. 65-1124.

(c) A provider shall train staff who shall be responsible to implement the service provider's written policies and procedures for carrying out medication administration, including:

(1) self-administration by any person;

(2) medication checks and reviews;

(3) emergency medical procedures; and

(4) any other health care task.

(d) Whenever two or more providers provide services to the same person, the providers shall work together to meet the health care needs of the person.

(e) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 75-3307b and K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-63-25. Nutrition assistance. (a) Except where a provider is providing services to a person living in the home of a member of that person's family, the provider shall assist each person served in obtaining daily access to a well-balanced, nutritious diet consistent with the provisions of K.A.R. 30-633-21 regarding opportunities of choice. If a person being served lives in the home of a family member, a provider shall assist that person similarly with any meals provided outside of that home setting.

(b) A provider which serves a provider meals shall serve each modified or special diet meal in a form consistent with both the person's needs and desires and in accordance with any medical directions with regard thereto.

(c) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 75-3307b and K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-63-26. Staffing; abilities; staff health. (a) A provider shall provide professional and direct service staff in numbers sufficient to meet the support and service needs of each person being served.

(b) Each employee shall be able to perform the employee's job duties before working without oversight by another trained staff person.

(c) Each employee shall consistently satisfactorily perform the employee's assigned job duties throughout the term of the employee's employment.

(d) Staff who have been certified by a recognized training agency to give CPR and first aid shall be available in sufficient numbers whenever persons being provided services are present.

(e) All staff or consultants representing themselves as professionals subject to national, state, or local licensing, certification or accreditation standards shall be in compliance and maintain compliance with those standards.

(f) Each staff member shall monitor the member's personal health and avoid circumstances in which the member risks exposing a person to whom the member is providing services to contagious disease or other health endangerment.

(g) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 75-3307b and K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-63-27. Emergency preparedness. (a) Each agent of each provider shall be:

(1) trained in general fire, safety and emergency procedures;

(2) trained and able to effectively and efficiently evacuate any building within which the agent is providing services, including knowing:

(A) alternative exit routes;

(B) methods of accounting for persons who might be present in the building at any time; and

(C) a designated meeting place outside the building to which all persons will go in the event of an evacuation;

(3) trained and able to effectively and efficiently seek shelter in any building within which the agent is providing services, in the event of a tornado or other dangerous storm; and

(4) trained and able to respond effectively and efficiently to other emergency conditions, including power outages or flooding.

(b) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 75-3307b and K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-63-28. Abuse; neglect; exploitation. (a) Whenever any agent of a provider suspects that abuse, neglect, or exploitation is or has taken place, that agent shall immediately take appropriate action to ensure that any specifically involved person or persons and all others are protected while an investigation is conducted.

(b) Each agent shall exercise any authority the agent has for the purpose of the prevention of abuse, neglect, or exploitation of each person served.

(c) A provider shall regularly conduct training and take other steps to ensure that any agent, person, parent, guardian and any other individual from each person's support network is advised about how to contact the appropriate state agency charged with providing adult protective services whenever abuse, neglect, or exploitation is suspected or witnessed.

(d) The provider shall immediately report any incident of suspected abuse, neglect, or exploitation of which the provider has become aware to the appropriate state agency charged with providing adult protective services. Any agent shall immediately report any incident of suspected abuse, neglect or exploitation:

(1) directly to the appropriate state agency; or

(2) in accordance with the provider's written policy for reporting such. A provider shall not prohibit an agent

(continued)

from reporting any incident of suspected abuse, neglect or exploitation directly to the appropriate state agency.

(e) Each agent shall fully cooperate with any state agency conducting an investigation resulting from a report of abuse, neglect or exploitation.

(f) A provider shall not employ any individual who is known by a provider to have had a conviction for or a prior employment history of abuse, neglect, or exploitation of children or vulnerable adults.

(g) A provider shall adhere to all laws, regulations and procedures related to the reporting of or protecting from abuse, neglect, or exploitation.

(h) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 75-3307b and K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-63-29. Records. (a) A provider shall maintain records for each person served. These records shall include the following:

- (1) any application or agreement for services;
 - (2) any financial agreement made between the provider and the person;
 - (3) any incident or accident reports;
 - (4) a health profile, which shall be reviewed for accuracy by a licensed medical practitioner at least every two years, and shall include the following:
 - (A) notations regarding the person's health status;
 - (B) any medications the person takes; and
 - (C) any other special medical or health considerations which might exist for that person;
 - (5) basic assessment and service information system (BASIS) documents and other evaluation materials;
 - (6) the person's person-centered support plan;
 - (7) the plan of care for recipients of the home and community based services for persons who are mentally retarded or developmentally disabled program (HCBS/MR);
 - (8) releases of information, authorizations for publication, and consents for emergency and other medical treatment; as applicable; and
 - (9) a discharge summary, if applicable.
- (b) A provider shall maintain each record confidentially and shall not release any record except:
- (1) as authorized in writing by the person or the person's legal guardian, if one has been appointed;
 - (2) as otherwise authorized by law; or
 - (3) as necessary to comply with the requirements of this article.
- (c) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 75-3307b and K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-63-30. Physical facilities. (a) A provider shall maintain each provider-controlled site in compliance with all applicable health, sanitation, occupancy, fire and life safety codes and shall be able at all times to show:

- (1) evidence of annual inspection of the premises by the state fire marshall or a designee; and
 - (2) certificates of compliance, whenever certificates are issued by an inspecting agency.
- (b) A provider shall maintain each provider-controlled site in which services are provided to any person so that the site shall:

- (1) have appropriate fire and safety equipment which is in good repair and is kept on site and readily accessible;
 - (2) not have any combustible or flammable materials kept in an unsafe location;
 - (3) be kept clean and well maintained;
 - (4) be kept safe and secure;
 - (5) have furniture and equipment in good repair and working order;
 - (6) be capable of maintaining a comfortable temperature and with adequate ventilation;
 - (7) have adequate lighting;
 - (8) be free of insect and rodent infestation;
 - (9) have main routes of travel which are kept free of obstacles and stored materials;
 - (10) have appropriate assistive devices and any necessary structural modifications so that the facility meets the needs of persons with physical disabilities;
 - (11) be sufficiently sized to meet the living space needs of the person or persons residing there as well as the additional space needs of staff working within the premises, specifically including appropriate space or spaces for:
 - (A) meal preparation;
 - (B) dining;
 - (C) sleeping
 - (D) bathing, toileting and hand washing;
 - (E) recreation and day living; and
 - (F) storage of personal items; and
 - (12) meet the needs of each person being served consistent with the preferred lifestyle of the person or persons.
- (c)(1) A provider shall monitor each facility in which services are provided, but which is not a provider-controlled site, to determine whether the facility:
- (A) is maintained in compliance with all applicable fire and life safety, health, sanitation, and occupancy codes; and
 - (B) is of sufficient size, and equipped and stocked to permit the provider to provide the necessary services, activities, and training required by the person-centered support plan of any person being served at that site.
- (2) If the provider is made aware of circumstances which create a violation of any fire and life safety, health, sanitation or occupancy code, or which place a person's health, safety or welfare in imminent danger, or if the provider determines that the facility fails to meet any required standard as specified by any person's person-centered support plan, the provider shall:
- (A) notify the person's support network of the nature of the deficiency; and
 - (B) implement any necessary corrective action by appropriate means, including any appropriate revisions to the person's person-centered support plan.
- (d) Each facility intended to accommodate eight or more persons or in which eight or more persons are living shall be licensed by the Kansas department of health and environment as a lodging establishment pursuant to K.S.A. 36-501, et seq.
- (e) A provider shall maintain each facility used for job training or production work in compliance with any applicable occupational health or safety code or regulation, including any provisions applicable to any equipment or machinery located or used within that facility.

(f) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 75-3307b and K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-63-31. Registration with the community developmental disability organizations (CDDOs). (a) Anytime a provider does not have an affiliation agreement in force with the CDDO for that service area, the provider shall:

(1) register with the CDDO, listing the types of services that the provider provides; and

(2) periodically give notice to the CDDO of the provider's current availability to offer services.

(b) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 75-3307b and K.S.A. 39-1801, et seq.; effective July 1, 1996.)

**ARTICLE 64.—DEVELOPMENTAL DISABILITIES—
COMMUNITY DEVELOPMENTAL DISABILITY
ORGANIZATIONS (CDDOs)**

30-64-1. Definitions. (a) Words and phrases used in this article shall have the same meanings as those set forth in K.S.A. 39-1803 or as defined in article 63. In addition, the following terms shall have the meaning ascribed to them in this regulation:

(1) "home county" means, as determined by the CDDO in accordance with the following listed order of priority:

(A) the county of residence of a family member of the person with a development disability;

(B) the county of residence of the person's guardian; or

(C) the county in which the person is living; and

(2) "service area" means the counties from which a CDDO receives funding pursuant to K.S.A. 19-4001, et seq.

(b) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-64-10. Currently established and recognized community mental retardation centers now recognized as community developmental disability organizations (CDDOs). (a) Each community mental retardation center organized pursuant to the provisions of K.S.A. 19-4001, et seq., currently established and operating as of the effective date of this regulation, shall be recognized as a CDDO. The CDDO shall have the same service area that the community mental retardation center was previously recognized for.

(b) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 19-4001 and K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-64-11. Establishment of new community developmental disability organizations (CDDOs). (a) Except in compliance with this article, a new CDDO shall not be established if the proposed service area is already being served by one or more existing CDDOs.

(b) Except in compliance with this article, an existing CDDO shall not alter its existing service area to include an area already being served by one or more existing CDDOs.

(c) Along with the proposal to establish a new CDDO, anyone proposing the establishment of a new CDDO shall submit an application for a license for the CDDO to operate as a provider of community services in compliance with article 63, unless the organization, corporation or agency proposed as the new CDDO is already licensed, or unless the proposed CDDO does not intend to provide community services itself.

(d) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 19-4001 and K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-64-12. Application for approval of a proposal to establish a new community developmental disability organization or to re-align the service area of one or more existing CDDOs; requirements. (a) Anyone proposing the establishment of a new CDDO, or the re-alignment of the service area of any existing CDDO, shall apply for approval of the proposal to the commissioner in writing. The application shall include the following:

(1) a description of the service area or areas to be created;

(2) a copy of the establishing resolution or resolutions adopted pursuant to K.S.A. 19-4001 by the affected board or boards of county commissioners;

(3) a statement of the problems thought to exist with the current structure of community services for persons with developmental disabilities within that service area or areas and how the new or re-aligned CDDO or CDDOs will address those problems;

(4) a description of what specific services the new or re-aligned CDDO or CDDOs will provide;

(5) a plan for how any other services needs of the proposed service area will be met;

(6) a description of the planned structure of governance, organization, staffing and fiscal management procedures which will be used by the new or re-aligned CDDO;

(7) a long range financial plan detailing how the new or re-aligned CDDO proposes to finance itself during the initial five-year period;

(8) a statement of the anticipated fiscal and service impacts that this new or re-aligned CDDO will have on all other affected service areas of the state;

(9) an endorsement of the proposal by the governing board or boards and chief executive officer or officers of any affected existing CDDOs, or an explanation of why an endorsement has not or cannot be obtained; and

(10) written comments received from the public and a summary of public comments made at a public hearing held for the purpose of receiving comments concerning the proposal. The commission shall have been consulted in advance of this public hearing and shall have given approval of the process to be used for obtaining public comments.

(b) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 19-4001 and K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-64-13. Approval or disapproval of a proposal to establish a new community developmental disability organization or to re-align the service area of one or

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more existing CDDOs. (a) Before the approval or disapproval of a proposal to establish a new CDDO, or to re-align the service area of one or more existing CDDOs, the materials submitted as required by K.A.R. 30-64-12 shall be reviewed by the commission. Additional comments from any of the following may be received or sought out as the commission deems appropriate:

- (1) consumer and advocacy organizations or representatives;
- (2) other interested individuals and agencies; and
- (3) licensed providers in and near the proposed new or re-aligned service area or areas.

(b) The proposal shall be approved or disapproved by the commissioner and the applicant shall be notified of that determination in writing. The notice shall clearly state the reasons why the proposal is disapproved.

(c) An applicant may appeal any decision to disapprove a proposal to establish a new CDDO or to re-align the service area of one or more existing CDDOs to the administrative appeals section pursuant to the provisions of article seven of these regulations.

(d) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 19-4001 and K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-64-20. Contracting community developmental disability organizations; requirements; enforcement actions. (a) Each CDDO established pursuant to this article desiring to contract with the secretary pursuant to the provisions of the developmental disabilities reform act, K.S.A. 39-1801, et seq., shall comply with the provisions of this article.

(b) Any CDDO having entered into a contract with the secretary, but failing to maintain compliance with the provisions of this article, may be subject to one or more of the following enforcement actions:

- (1) suspension of part or all of the payments provided for in the contract until the violation is corrected;
- (2) civil penalties in an amount not to exceed \$125.00 per day for each violation from a specified date forward until the CDDO complies; or
- (3) cancellation of the contract. The contract may specifically provide for any or all of the above penalties.

(c) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-64-21. Procedures applicable to the service area; development by the CDDO. (a) The governing board of each CDDO desiring to contract with the secretary shall develop written procedures, subject to approval by the commissioner, which shall specify how the requirements of this article will be met within that service area by the CDDO, and if applicable, by affiliating providers. These procedures shall include provisions which allow any affiliating provider which employs 20 or more direct care employees to contract with the department for direct payment in lieu of receiving payments from the CDDO.

(b) At least 30 days before final adoption, the governing board shall present these procedures to the service area's council of community members organized pursuant to K.A.R. 30-64-22(a)(3), who may provide written comment upon them to the board. The board shall in-

clude any comments by the council with the procedures when the procedures are submitted to the commissioner.

(c)(1)(A) At least 30 days before final adoption, the governing board shall present these procedures to interested parties and the public at a public hearing held for the purposes of receiving comments upon these procedures; or

(B) other means may be used to solicit and receive comments about these procedures from interested parties and the public at least 30 days before final adoption.

(2) The commission shall have been consulted in advance of this public hearing or the board's decision to use any other means to obtain public comments, and the commission shall have given approval of the process to be used. The board shall summarize any comments received and include them with the procedures when the procedures are submitted to the commissioner.

(d) The governing board shall obtain approval of these procedures by the commissioner before the CDDO may be awarded a contract by the secretary. The CDDO shall not make any changes to these procedures after their approval except in compliance with the procedures set forth in subsections (b) and (c) above. The CDDO shall obtain approval of these changes by the commissioner, in writing, before those changes may become effective.

(e) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-64-22. Implementation responsibilities of CDDOs.

(a) Each contracting CDDO shall:

(1) implement the approved service area procedures provided for in K.A.R. 30-64-21;

(2) collect and report to the secretary, in a manner specified by the commission, all information requested by the commission including:

(A) information required by the basic assessment and services information system (BASIS);

(B) copies of the plans of care detailing home- and community-based services to be provided to persons served by that program;

(C) copies of independent financial audits obtained by the CDDO, as well as any management letters generated as a result of the audits; and

(D) any other information or records the CDDO has which the commission needs in order to monitor how services are provided in the CDDO's service area;

(3) organize a council of community members as provided for in K.A.R. 30-64-31;

(4) organize a local committee on quality assurance as provided for in K.A.R. 30-64-27;

(5) ensure that all services are provided in a manner which:

(A) provides to all persons equal access to services, including to persons currently residing in any ICF/MR or institution but referred to the CDDO for possible services;

(B) enables a person or the person's guardian, if one has been appointed, to choose the person's provider; and

(C) promotes the efficient delivery of services within the service area; and

(6) ensure that each provider entering into an affiliating agreement with the CDDO and operating within the

CDDO's service area abides by the procedures applicable to that service area as established by the CDDO pursuant to K.A.R. 30-64-21. In meeting this requirement, the CDDO may establish a procedure which would allow the CDDO to refuse to enter into an affiliation agreement with any provider:

(A) which refuses to accept a reimbursement rate for services to be provided which is at least equal to that established by the secretary to apply to the CDDO;

(B) has established a pattern of failing or refusing to abide by the service area procedures established by the CDDO pursuant to K.A.R. 30-64-21; or

(C) if the CDDO demonstrates to the satisfaction of the secretary that being required to enter into such an affiliating agreement would seriously jeopardize the CDDO's ability to fulfill its responsibilities either under these regulations or pursuant to its contract with the secretary.

(b) The effective date of this regulation shall be on and after July 1, 1996. (Authorized by and implementing K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-64-23. Single point of application, determination and referral. (a) Each contracting CDDO shall develop and implement a means by which the CDDO shall become the single point of application, eligibility determination and referral for persons desiring to receive community services within the service area of that CDDO. Procedures shall be established for:

(1) distributing, completing, accepting and processing the uniform statewide application for community services, as published by the commission;

(2) determining if the applicant meets the definitional criteria to be considered a person with a developmental disability as defined in K.S.A. 39-1803;

(3) informing a person of the types and availability of community services provided within the service area and of the licensed providers existing within the service area and how the licensed providers may be contacted;

(4) assisting a person in deciding which community services the person may wish to obtain or would accept within the next year from the date of the person's application;

(5) assisting a person in accessing the community services of the person's choice; and

(6) maintaining a list of persons who have made application to the CDDO for community services and have been determined eligible, and allowing access to this list by the licensed providers in the service area who have entered into affiliation agreements with the CDDO.

(b) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-64-24. Case management. (a) Each contracting CDDO shall develop and implement a means by which case management shall be provided to each person receiving services and requesting case management. Case management shall assist the person and the person's support network to identify, select, obtain, coordinate, and use both paid services and natural supports as may be available to enhance the person's independence, integration, and productivity consistent with the person's capabilities and preferences as outlined in the person's per-

son-centered support plan. Case management shall include the following:

(1) assessment, including an ongoing process for the determination of a person's preferred lifestyle, the person's current and potential strengths, and the resources which are available to the person, through both formal and informal evaluation methods;

(2) support planning, with the participation of the person's support network, including the development, updating and reviewing of the person's person-centered support plan, based upon assessment information;

(3) support coordination, including arranging for and securing supports outlined in the person's person-centered support plan, and the development of natural community support systems;

(4) advocacy, including pursuing means for gaining access to needed services and entitlements, and seeking modification of service systems when necessary to increase the accessibility to those systems by the person; and

(5) assisting transition and portability, including the planning of and arranging for services to follow the person when the person:

(A) moves from school to the adult world;

(B) moves from an institution to community alternatives;

(C) moves from one kind of service setting to another kind of service setting;

(D) moves from one provider to another provider; or

(E) moves from one service area to another service area.

(b) Case management shall be provided by case managers who shall:

(1) be selected to provide case management by the person being served, or by the person's guardian, if one has been appointed;

(2) not provide any other direct service to any person except case management;

(3) not be supervised by anyone responsible for the provision or supervision of direct services to any person;

(4) have the following:

(A) a minimum of six months experience in the field of developmental disabilities services; and

(B) a bachelor's degree or additional experience in the field which may be substituted for the degree at the rate of six months of experience for each semester;

(5) complete the following:

(A) at least 78 clock hours of training in topics specified by the commission within the first year of serving as a case manager; and

(B) at least 38 clock hours of additional training each following year;

(6) receive credit for comparable training completed before implementation of these regulations;

(7) have the opportunity to demonstrate to the satisfaction of the commission specific knowledge and performance competencies which may be substituted for training in those areas; and

(8) carry a caseload of not more than 25 persons. If a provider hires more than one case manager, then the total number of the cases carried by all of the provider's case

(continued)

managers shall average to not more than 25 persons per case manager.

(c) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-64-25. Uniform access to services. (a) Each contracting CDDO shall ensure that no provider otherwise qualified and available to provide services to a person discriminates in the selection for, or delivery of, services to that person because of the severity of the person's disability, except if the secretary determines that the person is inappropriate for community services because the person presents a clear and present danger to self or to the community.

(b) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-64-26. Quality enhancement. (a) Each contracting CDDO shall ensure that each service provided by the CDDO or by any affiliate shall be:

(1) provided as specified within, and in a manner that is responsive to, the person-centered support plan under which that service is being provided;

(2) provided in a manner that offers opportunities of choice to the person being served; and

(3) performed in a manner that ensures that all of the person's rights are observed and protected.

(b) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-64-27. Quality assurance. (a) Each contracting CDDO shall ensure the quality of the services being provided to persons being served by the CDDO or by an affiliate. Ensuring quality shall include providing for on-site monitoring by a local committee made up of persons served, their families, guardians, interested citizens, and providers. The type and intensity of on-site review shall be determined by the local committee and shall include at least a determination that:

(1) services which are paid for are delivered;

(2) services which are delivered are paid for in accordance with the terms of any agreement or contract in force, including any payment requirement that the person being served or a third party acting on behalf of the person being served has the responsibility to meet;

(3) services are being provided in a manner which meets the requirements provided for in article 63;

(4) the provider is affording the person being served all of the person's legally protected rights; and

(5) the provider is:

(A) reporting any suspicions of abuse, neglect, or exploitation to the appropriate state agency; and

(B) has corrected or is actively in the process of correcting the cause of any confirmed violation.

(b) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-64-28. Continuity and portability of services. (a) Each contracting CDDO shall ensure that:

(1) each person who has applied for, accepted and begun receiving community services continues to receive services consistent with the person's person-centered support plan, as long as funding support for those services continues, or until the person or the person's legal guardian, if one has been appointed, requests that services be discontinued; and

(2) if the person moves from one service area to another, that the tiered rate of reimbursement established for that person is transferred to the person's new service area.

(b) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-64-29. Gatekeeping. (a) Each CDDO shall provide to each person who has been proposed for admission to any privately operated ICF/MR or to any state institution a means for the CDDO to:

(1) determine whether the person proposed for admission has a developmental disability and is eligible for ICF/MR services, and if so, if the person would prefer to accept community services in lieu of admission to a ICF/MR or state institution;

(2) determine whether the proposed admission to an ICF/MR is appropriate by:

(A) determining if ICF/MR placement is consistent with the person's preferred lifestyle as identified in the person's person-centered support plan;

(B) ensuring that the person and key individuals from the person's support network are fully apprised regarding all available community services which might meet the needs identified in the person-centered support plan;

(C) offering the person appropriate available community services; and

(D) providing to the department or other appropriate state agency the information which is developed in response to the requirements of paragraphs (A) through (C) above and which may be needed by an agency in order to make the appropriate determinations required by any pre-screening or reimbursement rules of any applicable public sources funding program;

(3) annually assist each person supported by public funds and living in private ICFs/MR located in the CDDO's service area to review the appropriateness of the person's placement by:

(A) completing a screening and submitting the data specified by the secretary to be collected during this screening to the secretary upon forms published by the commission;

(B) determining if community services are available which might meet the preferred lifestyle needs of the person as identified in the person's person-centered support plan;

(C) explaining and offering available community services which might meet the person's preferred lifestyle and person-centered support plan needs; and

(D) forwarding information about the person to the CDDO for each county which is considered a home county of that person for the purposes of allowing those CDDOs to determine if services might be obtained there;

(4) review the application for placement in a state mental retardation institution of each person from the service area of that CDDO for the purposes of:

(A) determining if currently available community services might meet the preferred lifestyle and person-centered support plan needs of the person;

(B) fully apprising the person and the person's support network of all available community services;

(C) offering the person appropriate available community services; and

(D) forwarding the results of these findings and actions to the commission and the institution to which admission is being sought;

(5) bring to the attention of the secretary any person who would present a clear and present danger to self or to others by remaining in the community.

(b) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-64-30. Statewide waiting list. (a) Each contracting CDDO shall ensure that each person who has applied for services, been determined eligible for services, and agreed to accept services within the next year following the date of the person's application, but who cannot now be provided those services by either the CDDO, or any affiliate, because the maximum number of persons to be served established in the contract with the secretary are already being served, or because supporting funding is not available, will be:

(1) assisted in the person's current setting by any means the CDDO can provide within existing resources in order to avoid as much as possible a crisis from developing until services can be arranged to be provided by the CDDO or an affiliate;

(2) referred to other community agencies which may be able to provide any type of support or assistance appropriate to the needs of that person until services can be arranged to be provided by the CDDO or an affiliate;

(3) reported to the secretary as waiting for services; and

(4) contacted at least annually from the initial application date to determine the continued need for services.

(b) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-64-31. Council of community members. (a) A council of community members organized pursuant to K.A.R. 30-64-22(a)(3) shall:

(1) consist of a selected number of individuals, a majority of whom shall:

(A) be persons with a developmental disability; or

(B) be family members or guardians of a person with a developmental disability;

(2) include representatives from:

(A) the CDDO; and

(B) affiliates of the CDDO;

(3) not have served more than two consecutive three-year terms as members of the council;

(4) have the right to express opinions and make suggestions and recommendations to the governing board of the CDDO concerning any services issue, including:

(A) the types of services being offered by the various providers within the service area; and

(B) the manner in which those services are being provided;

(5) be responsible for the development and implementation of the dispute resolution procedures required by the provisions of K.A.R. 30-64-32; and

(6) meet at least quarterly and at such other times as necessary to fulfill the council's responsibilities for dispute resolution pursuant to the provisions of K.A.R. 30-64-32.

(b) For purposes of initial organization of the council, the CDDO shall appoint each member to the council. Thereafter, the selection of successor members of the council shall be determined pursuant to the bylaws or procedures agreed to and adopted by the council.

(c) In order for a quorum to exist at any meeting of the council, at least 51 percent of those council members present and qualified to vote shall:

(1) be:

(A) persons being served;

(B) family members of persons being served; or

(C) legal guardians of persons being served; and

(2) not also be:

(A) an employee or paid consultant to any provider or CDDO; or

(B) a member of the board of directors of any provider or CDDO.

(d) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-64-32. Dispute resolution. (a) Each contracting CDDO shall implement the dispute resolution procedures as developed by the council of community members pursuant to the provisions of K.A.R. 30-64-31(a)(3) and this regulation.

(b) The procedures shall allow for persons being served by the CDDO, or by an affiliate of the CDDO, a means for resolving disputes which may arise between:

(1)(A) the person;

(B) the person's legal guardian, if one has been appointed; or

(C) other individuals from the person's support network; and

(2)(A) the CDDO;

(B) an affiliate; or

(C) any other component of the community services system.

(c) The procedures shall provide for:

(1)(A) opportunity for the intervention into the dispute by a mediator who has no decision-making authority and is impartial to the issues being discussed; and

(B) a mechanism whereby any fees charged by the mediator can be shared equally between the parties to the mediation, but with a provision that a person shall not be denied mediation services solely because of an inability to pay the applicable fee; or

(2) a process that affords a person an avenue of appeal:

(A) initially internally to the provider; and

(B) subsequently external to the provider.

(d) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 39-1801, et seq.; effective July 1, 1996.)

(continued)

30-64-33. Fiscal management. (a) Each contracting CDDO shall expend the funds received pursuant to its contract with the secretary only in accordance with the terms of that contract and this article.

(b) A contracting CDDO shall not use funds received through this contract to supplant funds previously received from local tax levies made pursuant to K.S.A. 19-4004, and amendments thereto.

(c) A contracting CDDO shall not transfer funds received through this contract from the CDDO to any other entity, except as authorized by that contract, or as otherwise expressly authorized in advance, in writing, by the department.

(d) All funds received by a contracting CDDO shall be subject to audit and review by the department.

(e) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 39-1801, et seq.; effective July 1, 1996.)

30-64-34. Annual budget planning report. (a) Each contracting CDDO shall annually, on or before April 1, submit to the commissioner a budget report, in a format specified by the commissioner, for the fiscal year following the next state fiscal year, which shall specify the following:

(1)(A) the number of persons who have applied for and been found eligible to receive community services;

(B) the types of services those persons would need to be provided; and

(C) the expected costs of providing those services during the applicable fiscal year based upon the average reimbursement rate established by the secretary to apply to the next fiscal year; and

(2) the number of persons from the service area of that CDDO who are residing in institutions and who are not accounted for in paragraph (1)(A).

(b) The CDDO may request, in writing, an extension of the deadline to submit the budget report. The request shall include justification of the need for an extension and shall be received by the commissioner on or before April 1.

(c) If the CDDO fails to submit the budget report by the deadline established, the secretary may refuse to contract with that CDDO in the next fiscal year or may withhold contract payments until the secretary receives the report.

(d) This regulation shall take effect on and after July 1, 1996. (Authorized by and implementing K.S.A. 39-1801, et seq.; effective July 1, 1996.)

Rochelle Chronister
Secretary of Social and
Rehabilitation Services

Doc. No. 017741

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 1995 Supplement to the *Kansas Administrative Regulations*.

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1-2-8	New	V. 14, p. 1441	1-2-54	New	V. 14, p. 1442	1-5-24	Amended	V. 15, p. 706
1-2-9	Amended	V. 14, p. 1441	1-2-55	Revoked	V. 14, p. 1442	1-5-26	Amended	V. 15, p. 707
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26-8-8	Amended	V. 14, p. 991
26-9-1	New	V. 14, p. 884, 970

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28-21-93a	Revoked	V. 15, p. 552
28-21-94a	Revoked	V. 15, p. 552
28-21-96a	Revoked	V. 15, p. 552
28-21-98a	Revoked	V. 15, p. 552
28-21-99a	Revoked	V. 15, p. 552
28-21-102 through 28-21-112	Revoked	V. 15, p. 552
28-23-5	Revoked	V. 15, p. 552
28-23-8	Revoked	V. 15, p. 552
28-23-14	Revoked	V. 15, p. 552
28-23-15	Revoked	V. 15, p. 552
28-23-25	Revoked	V. 15, p. 552
28-23-33	Revoked	V. 15, p. 552
28-23-60 through 28-23-66	Revoked	V. 15, p. 552
28-23-69	Revoked	V. 15, p. 552
28-23-72	Revoked	V. 15, p. 553
28-23-74	Revoked	V. 15, p. 553
28-23-76	Revoked	V. 15, p. 553
28-23-77	Revoked	V. 15, p. 553
28-26-80 through 28-26-87	Revoked	V. 15, p. 553
28-26-90a	Revoked	V. 15, p. 553
28-28-1	Revoked	V. 15, p. 553
28-28-2	Revoked	V. 15, p. 553
28-29-1	Revoked	V. 15, p. 553
28-29-83	Revoked	V. 15, p. 553
28-29-84	Amended	V. 14, p. 992
28-29-85	Amended	V. 14, p. 992
28-29-98	Amended	V. 14, p. 91
28-31-4	Amended	V. 15, p. 297
28-31-10	Amended	V. 15, p. 301
28-33-1	Revoked	V. 15, p. 495
28-33-11	Revoked	V. 15, p. 495
28-33-12	Amended	V. 15, p. 495
28-34-11	Amended	V. 15, p. 497
28-34-62a	Amended	V. 14, p. 1659
28-37-10 through 28-37-14	Revoked	V. 15, p. 553
28-41-1	Revoked	V. 15, p. 553
28-42-1	Revoked	V. 15, p. 553
28-42-3 through 28-42-7	Revoked	V. 15, p. 553
28-42-9 through 28-42-16	Revoked	V. 15, p. 553
28-49-1 through 28-49-8	Revoked	V. 15, p. 553

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-34	Amended	V. 14, p. 826
30-4-63	Amended	V. 14, p. 826
30-4-63w	Amended	V. 14, p. 827
30-4-64	Amended	V. 14, p. 828
30-4-64w	Amended	V. 14, p. 829
30-4-65w	New	V. 14, p. 830
30-4-85a	Amended	V. 15, p. 15
30-4-101	Amended	V. 14, p. 1327
30-4-120	Amended	V. 14, p. 831

(continued)

30-4-120w	Amended	V. 14, p. 832
30-4-140w	Amended	V. 14, p. 833
30-5-58	Amended	V. 15, p. 188
30-5-59	Amended	V. 14, p. 168
30-5-64	Amended	V. 15, p. 194
30-5-71	Amended	V. 14, p. 988, 1017
30-5-80	Amended	V. 14, p. 1660
30-5-81u	Amended	V. 14, p. 1661
30-5-82	Amended	V. 14, p. 1661
30-5-86	Amended	V. 14, p. 1662
30-5-94	Amended	V. 14, p. 1662
30-5-95	Amended	V. 14, p. 1663
30-5-106	Amended	V. 14, p. 169
30-5-107	Amended	V. 14, p. 169
30-5-110	Amended	V. 14, p. 1663
30-5-116	Amended	V. 14, p. 920
30-5-153	New	V. 14, p. 1663
30-5-153a	New	V. 14, p. 1663
30-5-174	New	V. 14, p. 920
30-6-103	Amended	V. 14, p. 1663
30-6-103w	Amended	V. 14, p. 1664
30-6-106	Amended	V. 14, p. 1665
30-6-106w	Amended	V. 14, p. 1666
30-6-111	Amended	V. 14, p. 833
30-6-111w	Amended	V. 14, p. 834
30-10-1a	Amended	V. 14, p. 1668
30-10-1b	Amended	V. 14, p. 1671
30-10-2	Amended	V. 14, p. 1671
30-10-15a	Amended	V. 14, p. 1672
30-10-17	Amended	V. 14, p. 1673
30-10-18	Amended	V. 14, p. 1675
30-10-19	Amended	V. 14, p. 1677
30-10-20	Amended	V. 14, p. 169
30-10-23a	Amended	V. 14, p. 1677
30-10-23b	Amended	V. 14, p. 1678
30-10-24	Amended	V. 14, p. 1678
30-10-25	Amended	V. 14, p. 1680
30-10-27	Amended	V. 14, p. 1680
30-10-29	Amended	V. 14, p. 1681
30-10-218	Amended	V. 15, p. 550
30-23-1	Revoked	V. 14, p. 1682
30-23-3	Revoked	V. 14, p. 1682
30-23-6	through	
30-23-15	Revoked	V. 14, p. 1682
30-23-17	Revoked	V. 14, p. 1682
30-26-5	Revoked	V. 14, p. 1682
30-26-6	Revoked	V. 14, p. 1682
30-44-4	New	V. 14, p. 921

AGENCY 37: KANSAS HIGHWAY PATROL

Reg. No.	Action	Register
37-1-1		
through		
37-1-5	Revoked	V. 14, p. 1633
37-1-5a	Revoked	V. 14, p. 1633
37-1-6		
through		
37-1-12	Revoked	V. 14, p. 1633

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-4-17	Amended	V. 15, p. 77
40-4-35	Amended	V. 15, p. 622
40-4-37	Amended	V. 15, p. 77
40-4-37d	Amended	V. 15, p. 78
40-4-41	New	V. 14, p. 583, 624
40-4-41a		
through		
40-4-41g	New	V. 14, p. 584-587, 625-628
40-5-109	Amended	V. 15, p. 78

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-9-7	Amended	V. 15, p. 345

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-11-108	Amended	V. 15, p. 115
60-11-109	Revoked	V. 15, p. 115
60-11-112	Revoked	V. 15, p. 115

60-11-114	Revoked	V. 15, p. 115
60-11-117	Revoked	V. 15, p. 115
60-12-106	Amended	V. 15, p. 115
60-12-109	Revoked	V. 15, p. 116
60-13-112	Amended	V. 15, p. 116
60-13-115	Revoked	V. 15, p. 116

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-2	Revoked	V. 14, p. 1439
63-1-3	Amended	V. 14, p. 202
63-2-2	Revoked	V. 14, p. 1439
63-2-3	Amended	V. 14, p. 202
63-2-10	Amended	V. 14, p. 1439
63-2-12	Amended	V. 14, p. 203
63-2-13	Amended	V. 14, p. 1439
63-3-9	Amended	V. 14, p. 1439
63-3-12	Amended	V. 14, p. 1439
63-3-13	Amended	V. 14, p. 1439
63-3-14	Revoked	V. 14, p. 1439
63-3-15	Amended	V. 14, p. 1439
63-3-16	Amended	V. 14, p. 1439
63-3-19	Amended	V. 14, p. 1439
63-4-1	Amended	V. 14, p. 1440
63-5-1	Amended	V. 14, p. 1440
63-5-2	Revoked	V. 14, p. 1440
63-6-1	Amended	V. 14, p. 203
63-6-2	Amended	V. 14, p. 203
63-6-3	Amended	V. 14, p. 204
63-6-4	Revoked	V. 14, p. 1440
63-6-5	Amended	V. 14, p. 1440

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 15, p. 184
66-6-6	Amended	V. 15, p. 185
66-7-3	Amended	V. 15, p. 185
66-8-1	Amended	V. 15, p. 185
66-10-1	Amended	V. 15, p. 185
66-12-1	Amended	V. 15, p. 185
66-14-1		
through		
66-14-12	New	V. 15, p. 186, 187

AGENCY 67: BOARD OF HEARING AID EXAMINERS

Reg. No.	Action	Register
67-2-4	Amended	V. 14, p. 66

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1a	Amended	V. 14, p. 124
68-1-1f	Amended	V. 14, p. 125
68-2-12a	Amended	V. 14, p. 125
68-2-20	Amended	V. 14, p. 125
68-7-12a	Amended	V. 14, p. 125
68-7-14	Amended	V. 14, p. 126
68-14-1	Amended	V. 14, p. 126
68-20-15a	Amended	V. 14, p. 126
68-20-18	Amended	V. 14, p. 127
68-20-19	Amended	V. 14, p. 128

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-1-1	Amended	V. 15, p. 292
69-1-2	Amended	V. 15, p. 292
69-1-3	Revoked	V. 15, p. 292
69-1-4	Amended	V. 15, p. 292
69-1-7	Revoked	V. 15, p. 293
69-1-8	Amended	V. 15, p. 293
69-1-8	Revoked	V. 15, p. 293
69-2-1	Amended	V. 15, p. 293
69-3-1	Amended	V. 15, p. 293
69-3-2	Revoked	V. 15, p. 293
69-3-3	Amended	V. 15, p. 293
69-3-4	Amended	V. 15, p. 294
69-3-5	Revoked	V. 15, p. 294
69-3-6	Amended	V. 15, p. 294
69-3-7	Amended	V. 15, p. 294
69-3-8	Amended	V. 15, p. 742
69-3-9	Amended	V. 15, p. 294
69-3-10	Revoked	V. 15, p. 294
69-3-11	Revoked	V. 15, p. 294
69-3-17	Revoked	V. 15, p. 294
69-3-19	Revoked	V. 15, p. 294

69-3-22	through	
69-3-25	Revoked	V. 15, p. 294
69-3-26	New	V. 15, p. 294
69-3-27	New	V. 15, p. 294
69-3-28	New	V. 15, p. 294
69-4-2	Amended	V. 15, p. 294
69-4-6	Revoked	V. 15, p. 295
69-4-9	Amended	V. 15, p. 295
69-4-11	Revoked	V. 15, p. 295
69-4-12	Amended	V. 15, p. 295
69-5-2	Revoked	V. 15, p. 295
69-5-6	Amended	V. 15, p. 295
69-5-10	Revoked	V. 15, p. 295
69-5-13	Revoked	V. 15, p. 295
69-5-14	New	V. 15, p. 295
69-5-15	New	V. 15, p. 295
69-5-16	New	V. 15, p. 295
69-6-1	Revoked	V. 15, p. 295
69-6-2	Amended	V. 15, p. 295
69-6-5	Amended	V. 15, p. 295
69-6-6	Revoked	V. 15, p. 296
69-6-7	Amended	V. 15, p. 296
69-8-2	Revoked	V. 15, p. 296
69-8-3	Revoked	V. 15, p. 296
69-8-4	Revoked	V. 15, p. 296
69-8-6	Revoked	V. 15, p. 296
69-11-1	Amended	V. 15, p. 296
69-11-2	Amended	V. 15, p. 296
69-13-1	Amended	V. 15, p. 296
69-13-2	Amended	V. 15, p. 296

AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS

Reg. No.	Action	Register
70-3-1	Amended	V. 14, p. 90
70-3-2	Amended	V. 14, p. 90
70-3-4	Revoked	V. 14, p. 90

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-13	Revoked	V. 14, p. 68
71-5-1		
through		
71-5-6	New	V. 14, p. 1533, 1534

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-1-3	Amended	V. 14, p. 1736
74-1-4	Amended	V. 14, p. 1736
74-4-4	Amended	V. 14, p. 1736
74-4-5	Revoked	V. 14, p. 1736
74-4-6	Revoked	V. 14, p. 1736
74-5-2	Amended	V. 14, p. 1736
74-5-103	Amended	V. 14, p. 1737
74-5-202	Amended	V. 14, p. 1738
74-5-203	Amended	V. 14, p. 1738
74-5-406	Amended	V. 14, p. 1738
74-6-1	Amended	V. 14, p. 1739
74-6-2	Amended	V. 14, p. 1739
74-7-2	Amended	V. 14, p. 1739
74-8-2	Revoked	V. 14, p. 1739
74-8-5	Revoked	V. 14, p. 1739
74-13-1	Revoked	V. 14, p. 1739
74-13-2	Revoked	V. 14, p. 1739
74-14-1	Revoked	V. 14, p. 1739
74-14-2	Revoked	V. 14, p. 1739

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-1-1	Amended	V. 15, p. 697
81-2-1	Amended	V. 15, p. 698
81-3-1	Amended	V. 15, p. 698
81-3-4	Revoked	V. 15, p. 700
81-4-1	Amended	V. 15, p. 700
81-5-1	Revoked	V. 15, p. 701
81-5-2	Revoked	V. 15, p. 701
81-5-3	Amended	V. 15, p. 701
81-5-4	Amended	V. 15, p. 701
81-5-7	Amended	V. 15, p. 701
81-5-9	Amended	V. 15, p. 702
81-5-12	New	V. 14, p. 287
81-6-1	Amended	V. 15, p. 702
81-7-2	Amended	V. 15, p. 703

81-8-1	Revoked	V. 15, p. 703
81-9-1	Revoked	V. 15, p. 703
81-13-1	Revoked	V. 15, p. 703

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-101	Amended	V. 14, p. 129
82-3-103	Amended	V. 14, p. 132
82-3-106	Amended	V. 14, p. 133
82-3-115	Amended	V. 14, p. 134
82-3-115a	New	V. 14, p. 135
82-3-115b	New	V. 14, p. 135
82-3-116	Amended	V. 14, p. 136
82-3-120	Amended	V. 14, p. 136
82-3-300	Amended	V. 14, p. 137
82-5-13	Amended	V. 14, p. 1047
82-8-100 through 82-8-108	Revoked	V. 14, p. 1047
82-12-1 through 82-12-9	New	V. 14, p. 1048, 1049

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-5	Amended	V. 15, p. 598
86-1-10	Amended	V. 14, p. 1495
86-1-11	Amended	V. 14, p. 1660
86-1-12	Amended	V. 14, p. 1496
86-1-13	Amended	V. 14, p. 1497
86-1-15	Amended	V. 14, p. 1497
86-1-17	New	V. 14, p. 1497
86-1-18	New	V. 14, p. 1498
86-2-4	Revoked	V. 14, p. 1660
86-2-6	Revoked	V. 14, p. 1660
86-3-25	New	V. 14, p. 1498

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-30	Amended	V. 14, p. 1704
91-1-34	Amended	V. 14, p. 1705
91-1-35	Amended	V. 14, p. 1705
91-1-36	Revoked	V. 14, p. 1706
91-1-44	Amended	V. 14, p. 1706
91-1-45	Amended	V. 14, p. 1706
91-1-46	Amended	V. 14, p. 1706
91-1-48	Amended	V. 14, p. 1706
91-1-68a through 91-1-68d	Amended	V. 14, p. 677-680
91-1-68e	New	V. 14, p. 681
91-1-70a	New	V. 14, p. 682
91-1-70b	New	V. 14, p. 682
91-1-103	Revoked	V. 14, p. 1707
91-1-113b	Amended	V. 14, p. 1707
91-1-114a	Amended	V. 14, p. 1707
91-1-115a	Amended	V. 14, p. 1707
91-1-117a	Amended	V. 14, p. 1708
91-1-118a	Amended	V. 14, p. 1708
91-1-123	Revoked	V. 14, p. 1708
91-1-127a	Amended	V. 14, p. 1708
91-1-128a	Revoked	V. 14, p. 1708
91-1-145	Amended	V. 14, p. 1709
91-1-146d	Amended	V. 14, p. 1709
91-12-22	Amended	V. 15, p. 226
91-12-23	Amended	V. 14, p. 91
91-12-25	Amended	V. 14, p. 91
91-12-29	Revoked	V. 14, p. 92
91-12-34	Revoked	V. 14, p. 92
91-12-35	Amended	V. 14, p. 92
91-12-41	Amended	V. 14, p. 92
91-12-42	Amended	V. 14, p. 93
91-12-51	Amended	V. 14, p. 94
91-12-54	Amended	V. 14, p. 94
91-12-55	Amended	V. 15, p. 230
91-12-56	Amended	V. 14, p. 94
91-12-60	Amended	V. 14, p. 95
91-12-61	Amended	V. 15, p. 230
91-12-74	New	V. 14, p. 95

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-38-1	Amended	V. 14, p. 676

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-1	Amended	V. 14, p. 1014
102-1-4	Amended	V. 14, p. 488
102-1-5	Amended	V. 14, p. 488
102-1-10	Amended	V. 14, p. 1015
102-1-13	Amended	V. 14, p. 1016
102-2-3	Amended	V. 14, p. 1016
102-3-2	Amended	V. 14, p. 1016
102-4-1	Amended	V. 14, p. 489
102-4-2	Amended	V. 14, p. 1016
102-4-4	Amended	V. 14, p. 490
102-4-5	Amended	V. 14, p. 490
102-4-6	Amended	V. 14, p. 491
102-4-7	Revoked	V. 14, p. 492
102-4-10	Amended	V. 14, p. 492
102-5-2	Amended	V. 14, p. 1016
102-6-1	New	V. 14, p. 796
102-6-2	New	V. 14, p. 797
102-6-4	New	V. 14, p. 797
102-6-5	New	V. 14, p. 797
102-6-8	New	V. 14, p. 798
102-6-9	New	V. 14, p. 798
102-6-10	New	V. 14, p. 798
102-6-11	New	V. 14, p. 799
102-6-12	New	V. 14, p. 799

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-8-1	Amended	V. 14, p. 1710
109-10-1	Amended	V. 14, p. 1242

AGENCY 111: KANSAS LOTTERY

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 13, p. 1045
111-2-1	Amended	V. 15, p. 881
111-2-2	Amended	V. 12, p. 1261
111-2-2a through 111-2-2e	New	V. 14, p. 1633, 1634
111-2-6	Revoked	V. 13, p. 149
111-2-7	Revoked	V. 10, p. 1210
111-2-13	Revoked	V. 10, p. 881
111-2-14	Amended	V. 14, p. 1634
111-2-15	Revoked	V. 10, p. 881
111-2-16	Revoked	V. 10, p. 1210
111-2-17	Revoked	V. 10, p. 1210
111-2-18	Revoked	V. 11, p. 413
111-2-19	Revoked	V. 11, p. 413
111-2-20 through 111-2-26	Revoked	V. 13, p. 1401
111-2-27	Revoked	V. 14, p. 972
111-2-28	New	V. 12, p. 1844
111-2-29	Revoked	V. 14, p. 972
111-2-30	Amended	V. 15, p. 881
111-2-31	New	V. 14, p. 170
111-2-32	New	V. 14, p. 311
111-2-33	Amended	V. 14, p. 1741
111-2-34	Amended	V. 14, p. 722
111-2-35	New	V. 14, p. 796
111-2-36	New	V. 14, p. 908
111-2-37	New	V. 14, p. 1094
111-2-38	New	V. 14, p. 1741
111-2-39	New	V. 14, p. 1502
111-2-40	New	V. 14, p. 1502
111-2-41	New	V. 14, p. 1742
111-2-42	New	V. 14, p. 1742
111-2-43	New	V. 15, p. 287
111-2-44	New	V. 15, p. 288
111-2-45	New	V. 15, p. 288
111-2-46	New	V. 15, p. 624
111-2-47	New	V. 15, p. 882
111-3-1	Amended	V. 14, p. 908
111-3-6	Amended	V. 12, p. 677
111-3-9	Revoked	V. 11, p. 1793
111-3-10 through 111-3-31	New	V. 7, p. 201-206
111-3-11	Amended	V. 13, p. 35
111-3-12	Amended	V. 13, p. 1826
111-3-13	Amended	V. 11, p. 1148

111-3-14	Amended	V. 13, p. 1826
111-3-16	Amended	V. 9, p. 1566
111-3-19 through 111-3-22	Amended	V. 9, p. 30
111-3-19	Revoked	V. 13, p. 1827
111-3-20	Amended	V. 11, p. 1148
111-3-21	Amended	V. 11, p. 1148
111-3-22	Amended	V. 11, p. 1148
111-3-23	Revoked	V. 10, p. 883
111-3-25	Amended	V. 13, p. 1827
111-3-26	Amended	V. 11, p. 1149
111-3-27	Amended	V. 11, p. 1149
111-3-29	Revoked	V. 11, p. 1149
111-3-31	Amended	V. 8, p. 209
111-3-32	Amended	V. 10, p. 883
111-3-33	New	V. 7, p. 1434
111-3-34	New	V. 13, p. 149
111-3-35	Amended	V. 14, p. 909
111-3-36	New	V. 13, p. 877
111-3-37	New	V. 13, p. 877
111-4-1 through 111-4-5	Revoked	V. 12, p. 113
111-4-5a	Revoked	V. 12, p. 113
111-4-6 through 111-4-15	Revoked	V. 12, p. 113
111-4-66 through 111-4-77	New	V. 7, p. 207-209
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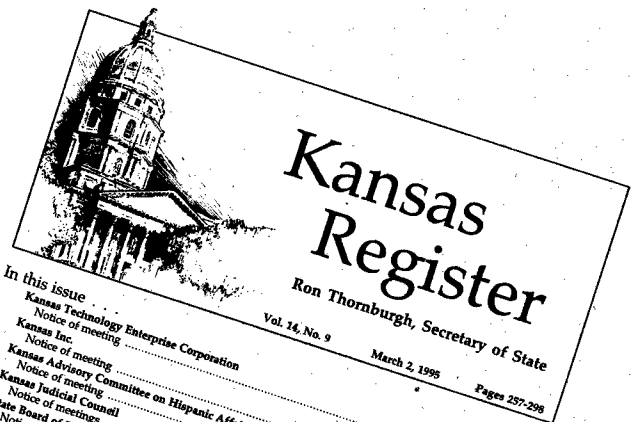
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